

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 296

Representatives Lepore-Hagan, Liston

**Cosponsors: Representatives Galonski, Smith, K., Robinson, Brown, Lightbody,
Boyd, Skindell, Smith, M., Miller, J., Weinstein, Sobecki, Jarrells, Crossman,
Boggs, Leland, Miranda, O'Brien, Kelly, Brent, Sheehy, Russo, West, Crawley**

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
3501.22, 3501.221, 3501.27, 3501.28, 3501.29, 5
3501.30, 3501.31, 3501.32, 3501.33, 3501.34, 6
3501.35, 3501.36, 3501.37, 3501.38, 3501.382, 7
3501.90, 3503.01, 3503.02, 3503.09, 3503.10, 8
3503.11, 3503.12, 3503.13, 3503.14, 3503.15, 9
3503.16, 3503.19, 3503.20, 3503.21, 3503.23, 10
3503.24, 3503.26, 3503.28, 3503.30, 3503.33, 11
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

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| 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:

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

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

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

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

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

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

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| section 3506.01 of the Revised Code. | 171 |
| (2) "Equipment" has the same meaning as in section 3506.05 of the Revised Code. | 172 173 |
| Sec. 111.44. (A) A program participant who is eligible to vote may apply to the board of elections of the county in which the program participant resides to request that the program participant's voter registration record be kept confidential. The program participant shall submit an application to the director of the board of elections, on a form prescribed by the secretary of state, that includes all of the following: | 174 175 176 177 178 179 180 |
| (1) The information required under section 3503.14 of the Revised Code to register to vote; | 181 182 |
| (2) The program participant's program participant identification number; | 183 184 |
| (3) If the program participant is currently registered to vote at another address, the address at which the program participant is registered to vote and a statement that, if the program participant is registered in another county or state, the program participant authorizes the director to instruct the appropriate authority to cancel the program participant's existing voter registration; | 185 186 187 188 189 190 191 |
| (4) A statement that the program participant understands all of the following: | 192 193 |
| (a) That during the time the program participant chooses to have a confidential voter registration record, the program participant may vote only by absent voter's mail ballots; | 194 195 196 |
| (b) That the program participant may provide the program participant's program participant identification number instead | 197 198 |

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

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| (b) The procedure for the program participant to cast | 286 |
| absent voter's <u>mail ballots</u> ; | 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, <u>or change of political party affiliation</u> 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, <u>or change of political</u> | 299 |
| <u>party affiliation</u> . | 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

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| 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 |

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| (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 |

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| section; | 458 |
| (u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer; | 459 460 461 462 463 464 |
| (v) Records the release of which is prohibited by state or federal law; | 465 466 |
| (w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code; | 467 468 469 |
| (x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency; | 470 471 472 473 474 475 |
| (y) Records listed in section 5101.29 of the Revised Code; | 476 |
| (z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section; | 477 478 479 |
| (aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility; | 480 481 482 |
| (bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division; | 483 484 485 |

(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

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| an occupant at the time of the accident; | 516 |
| (hh) Protected health information, as defined in 45 C.F.R. 160.103, that is in a claim for payment for a health care product, service, or procedure, as well as any other health claims data in another document that reveals the identity of an individual who is the subject of the data or could be used to reveal that individual's identity; | 517 518 519 520 521 522 |
| (ii) Any depiction by photograph, film, videotape, or printed or digital image under either of the following circumstances: | 523 524 525 |
| (i) The depiction is that of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity. | 526 527 528 529 |
| (ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense. | 530 531 532 |
| (jj) Restricted portions of a body-worn camera or dashboard camera recording; | 533 534 |
| (kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code. | 535 536 537 538 539 540 541 542 543 |
| (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, other than when requested by an 555
insurer or insurance agent investigating an insurance claim 556
resulting from a motor vehicle accident. 557

A record that is not a public record under division (A) (1) 558
of this section and that, under law, is permanently retained 559
becomes a public record on the day that is seventy-five years 560
after the day on which the record was created, except for any 561
record protected by the attorney-client privilege, a trial 562
preparation record as defined in this section, a statement 563
prohibiting the release of identifying information signed under 564
section 3107.083 of the Revised Code, a denial of release form 565
filed pursuant to section 3107.46 of the Revised Code, or any 566
record that is exempt from release or disclosure under section 567
149.433 of the Revised Code. If the record is a birth 568
certificate and a biological parent's name redaction request 569
form has been accepted under section 3107.391 of the Revised 570
Code, the name of that parent shall be redacted from the birth 571
certificate before it is released under this paragraph. If any 572
other section of the Revised Code establishes a time period for 573
disclosure of a record that conflicts with the time period 574
specified in this section, the time period in the other section 575

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| prevails. | 576 |
| (2) "Confidential law enforcement investigatory record" | 577 |
| means any record that pertains to a law enforcement matter of a | 578 |
| criminal, quasi-criminal, civil, or administrative nature, but | 579 |
| only to the extent that the release of the record would create a | 580 |
| high probability of disclosure of any of the following: | 581 |
| (a) The identity of a suspect who has not been charged | 582 |
| with the offense to which the record pertains, or of an | 583 |
| information source or witness to whom confidentiality has been | 584 |
| reasonably promised; | 585 |
| (b) Information provided by an information source or | 586 |
| witness to whom confidentiality has been reasonably promised, | 587 |
| which information would reasonably tend to disclose the source's | 588 |
| or witness's identity; | 589 |
| (c) Specific confidential investigatory techniques or | 590 |
| procedures or specific investigatory work product; | 591 |
| (d) Information that would endanger the life or physical | 592 |
| safety of law enforcement personnel, a crime victim, a witness, | 593 |
| or a confidential information source. | 594 |
| (3) "Medical record" means any document or combination of | 595 |
| documents, except births, deaths, and the fact of admission to | 596 |
| or discharge from a hospital, that pertains to the medical | 597 |
| history, diagnosis, prognosis, or medical condition of a patient | 598 |
| and that is generated and maintained in the process of medical | 599 |
| treatment. | 600 |
| (4) "Trial preparation record" means any record that | 601 |
| contains information that is specifically compiled in reasonable | 602 |
| anticipation of, or in defense of, a civil or criminal action or | 603 |
| proceeding, including the independent thought processes and | 604 |

personal trial preparation of an attorney. 605

(5) "Intellectual property record" means a record, other 606
than a financial or administrative record, that is produced or 607
collected by or for faculty or staff of a state institution of 608
higher learning in the conduct of or as a result of study or 609
research on an educational, commercial, scientific, artistic, 610
technical, or scholarly issue, regardless of whether the study 611
or research was sponsored by the institution alone or in 612
conjunction with a governmental body or private concern, and 613
that has not been publicly released, published, or patented. 614

(6) "Donor profile record" means all records about donors 615
or potential donors to a public institution of higher education 616
except the names and reported addresses of the actual donors and 617
the date, amount, and conditions of the actual donation. 618

(7) "Designated public service worker" means a peace 619
officer, parole officer, probation officer, bailiff, prosecuting 620
attorney, assistant prosecuting attorney, correctional employee, 621
county or multicounty corrections officer, community-based 622
correctional facility employee, youth services employee, 623
firefighter, EMT, medical director or member of a cooperating 624
physician advisory board of an emergency medical service 625
organization, state board of pharmacy employee, investigator of 626
the bureau of criminal identification and investigation, judge, 627
magistrate, or federal law enforcement officer. 628

(8) "Designated public service worker residential and 629
familial information" means any information that discloses any 630
of the following about a designated public service worker: 631

(a) The address of the actual personal residence of a 632
designated public service worker, except for the following 633

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| information: | 634 |
| (i) The address of the actual personal residence of a prosecuting attorney or judge; and | 635 636 |
| (ii) The state or political subdivision in which a designated public service worker resides. | 637 638 |
| (b) Information compiled from referral to or participation in an employee assistance program; | 639 640 |
| (c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker; | 641 642 643 644 645 |
| (d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer; | 646 647 648 649 |
| (e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law; | 650 651 652 653 654 |
| (f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker; | 655 656 657 658 659 660 |
| (g) A photograph of a peace officer who holds a position | 661 |

or has an assignment that may include undercover or plain 662
clothes positions or assignments as determined by the peace 663
officer's appointing authority. 664

(9) As used in divisions (A) (7) and (15) to (17) of this 665
section: 666

"Peace officer" has the meaning defined in section 109.71 667
of the Revised Code and also includes the superintendent and 668
troopers of the state highway patrol; it does not include the 669
sheriff of a county or a supervisory employee who, in the 670
absence of the sheriff, is authorized to stand in for, exercise 671
the authority of, and perform the duties of the sheriff. 672

"Correctional employee" means any employee of the 673
department of rehabilitation and correction who in the course of 674
performing the employee's job duties has or has had contact with 675
inmates and persons under supervision. 676

"County or multicounty corrections officer" means any 677
corrections officer employed by any county or multicounty 678
correctional facility. 679

"Youth services employee" means any employee of the 680
department of youth services who in the course of performing the 681
employee's job duties has or has had contact with children 682
committed to the custody of the department of youth services. 683

"Firefighter" means any regular, paid or volunteer, member 684
of a lawfully constituted fire department of a municipal 685
corporation, township, fire district, or village. 686

"EMT" means EMTs-basic, EMTs-I, and paramedics that 687
provide emergency medical services for a public emergency 688
medical service organization. "Emergency medical service 689
organization," "EMT-basic," "EMT-I," and "paramedic" have the 690

meanings defined in section 4765.01 of the Revised Code. 691

"Investigator of the bureau of criminal identification and 692
investigation" has the meaning defined in section 2903.11 of the 693
Revised Code. 694

"Federal law enforcement officer" has the meaning defined 695
in section 9.88 of the Revised Code. 696

(10) "Information pertaining to the recreational 697
activities of a person under the age of eighteen" means 698
information that is kept in the ordinary course of business by a 699
public office, that pertains to the recreational activities of a 700
person under the age of eighteen years, and that discloses any 701
of the following: 702

(a) The address or telephone number of a person under the 703
age of eighteen or the address or telephone number of that 704
person's parent, guardian, custodian, or emergency contact 705
person; 706

(b) The social security number, birth date, or 707
photographic image of a person under the age of eighteen; 708

(c) Any medical record, history, or information pertaining 709
to a person under the age of eighteen; 710

(d) Any additional information sought or required about a 711
person under the age of eighteen for the purpose of allowing 712
that person to participate in any recreational activity 713
conducted or sponsored by a public office or to use or obtain 714
admission privileges to any recreational facility owned or 715
operated by a public office. 716

(11) "Community control sanction" has the meaning defined 717
in section 2929.01 of the Revised Code. 718

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| (12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code. | 719 720 |
| (13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code. | 721 722 723 724 |
| (14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code. | 725 726 |
| (15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties. | 727 728 729 730 |
| (16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties. | 731 732 733 734 |
| (17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following: | 735 736 737 738 |
| (a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording; | 739 740 741 742 743 |
| (b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained; | 744 745 746 747 |

- (c) The death of a peace officer, firefighter, paramedic, 748
or other first responder, occurring while the decedent was 749
engaged in the performance of official duties, unless, subject 750
to division (H) (1) of this section, the consent of the 751
decedent's executor or administrator has been obtained; 752
- (d) Grievous bodily harm, unless the injury was effected 753
by a peace officer or, subject to division (H) (1) of this 754
section, the consent of the injured person or the injured 755
person's guardian has been obtained; 756
- (e) An act of severe violence against a person that 757
results in serious physical harm to the person, unless the act 758
and injury was effected by a peace officer or, subject to 759
division (H) (1) of this section, the consent of the injured 760
person or the injured person's guardian has been obtained; 761
- (f) Grievous bodily harm to a peace officer, firefighter, 762
paramedic, or other first responder, occurring while the injured 763
person was engaged in the performance of official duties, 764
unless, subject to division (H) (1) of this section, the consent 765
of the injured person or the injured person's guardian has been 766
obtained; 767
- (g) An act of severe violence resulting in serious 768
physical harm against a peace officer, firefighter, paramedic, 769
or other first responder, occurring while the injured person was 770
engaged in the performance of official duties, unless, subject 771
to division (H) (1) of this section, the consent of the injured 772
person or the injured person's guardian has been obtained; 773
- (h) A person's nude body, unless, subject to division (H) 774
(1) of this section, the person's consent has been obtained; 775
- (i) Protected health information, the identity of a person 776

in a health care facility who is not the subject of a law 777
enforcement encounter, or any other information in a health care 778
facility that could identify a person who is not the subject of 779
a law enforcement encounter; 780

(j) Information that could identify the alleged victim of 781
a sex offense, menacing by stalking, or domestic violence; 782

(k) Information, that does not constitute a confidential 783
law enforcement investigatory record, that could identify a 784
person who provides sensitive or confidential information to a 785
law enforcement agency when the disclosure of the person's 786
identity or the information provided could reasonably be 787
expected to threaten or endanger the safety or property of the 788
person or another person; 789

(l) Personal information of a person who is not arrested, 790
cited, charged, or issued a written warning by a peace officer; 791

(m) Proprietary police contingency plans or tactics that 792
are intended to prevent crime and maintain public order and 793
safety; 794

(n) A personal conversation unrelated to work between 795
peace officers or between a peace officer and an employee of a 796
law enforcement agency; 797

(o) A conversation between a peace officer and a member of 798
the public that does not concern law enforcement activities; 799

(p) The interior of a residence, unless the interior of a 800
residence is the location of an adversarial encounter with, or a 801
use of force by, a peace officer; 802

(q) Any portion of the interior of a private business that 803
is not open to the public, unless an adversarial encounter with, 804

or a use of force by, a peace officer occurs in that location. 805

As used in division (A) (17) of this section: 806

"Grievous bodily harm" has the same meaning as in section 807
5924.120 of the Revised Code. 808

"Health care facility" has the same meaning as in section 809
1337.11 of the Revised Code. 810

"Protected health information" has the same meaning as in 811
45 C.F.R. 160.103. 812

"Law enforcement agency" has the same meaning as in 813
section 2925.61 of the Revised Code. 814

"Personal information" means any government-issued 815
identification number, date of birth, address, financial 816
information, or criminal justice information from the law 817
enforcement automated data system or similar databases. 818

"Sex offense" has the same meaning as in section 2907.10 819
of the Revised Code. 820

"Firefighter," "paramedic," and "first responder" have the 821
same meanings as in section 4765.01 of the Revised Code. 822

(18) "Insurer" and "insurance agent" have the same 823
meanings as in section 3905.01 of the Revised Code. 824

(B) (1) Upon request and subject to division (B) (8) of this 825
section, all public records responsive to the request shall be 826
promptly prepared and made available for inspection to any 827
person at all reasonable times during regular business hours. 828
Subject to division (B) (8) of this section, upon request by any 829
person, a public office or person responsible for public records 830
shall make copies of the requested public record available to 831

the requester at cost and within a reasonable period of time. If 832
a public record contains information that is exempt from the 833
duty to permit public inspection or to copy the public record, 834
the public office or the person responsible for the public 835
record shall make available all of the information within the 836
public record that is not exempt. When making that public record 837
available for public inspection or copying that public record, 838
the public office or the person responsible for the public 839
record shall notify the requester of any redaction or make the 840
redaction plainly visible. A redaction shall be deemed a denial 841
of a request to inspect or copy the redacted information, except 842
if federal or state law authorizes or requires a public office 843
to make the redaction. 844

(2) To facilitate broader access to public records, a 845
public office or the person responsible for public records shall 846
organize and maintain public records in a manner that they can 847
be made available for inspection or copying in accordance with 848
division (B) of this section. A public office also shall have 849
available a copy of its current records retention schedule at a 850
location readily available to the public. If a requester makes 851
an ambiguous or overly broad request or has difficulty in making 852
a request for copies or inspection of public records under this 853
section such that the public office or the person responsible 854
for the requested public record cannot reasonably identify what 855
public records are being requested, the public office or the 856
person responsible for the requested public record may deny the 857
request but shall provide the requester with an opportunity to 858
revise the request by informing the requester of the manner in 859
which records are maintained by the public office and accessed 860
in the ordinary course of the public office's or person's 861
duties. 862

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

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

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

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person requesting the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person requesting the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by that person. Nothing in this section requires a public office or person responsible for the public record to allow the person requesting a copy of the public record to make the copies of the public record.

(7) (a) Upon a request made in accordance with division (B) of this section and subject to division (B) (6) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is

transmitted other than by United States mail, and to pay in 924
advance the costs incurred for other supplies used in the 925
mailing, delivery, or transmission. 926

(b) Any public office may adopt a policy and procedures 927
that it will follow in transmitting, within a reasonable period 928
of time after receiving a request, copies of public records by 929
United States mail or by any other means of delivery or 930
transmission pursuant to division (B) (7) of this section. A 931
public office that adopts a policy and procedures under division 932
(B) (7) of this section shall comply with them in performing its 933
duties under that division. 934

(c) In any policy and procedures adopted under division 935
(B) (7) of this section: 936

(i) A public office may limit the number of records 937
requested by a person that the office will physically deliver by 938
United States mail or by another delivery service to ten per 939
month, unless the person certifies to the office in writing that 940
the person does not intend to use or forward the requested 941
records, or the information contained in them, for commercial 942
purposes; 943

(ii) A public office that chooses to provide some or all 944
of its public records on a web site that is fully accessible to 945
and searchable by members of the public at all times, other than 946
during acts of God outside the public office's control or 947
maintenance, and that charges no fee to search, access, 948
download, or otherwise receive records provided on the web site, 949
may limit to ten per month the number of records requested by a 950
person that the office will deliver in a digital format, unless 951
the requested records are not provided on the web site and 952
unless the person certifies to the office in writing that the 953

person does not intend to use or forward the requested records, 954
or the information contained in them, for commercial purposes. 955

(iii) For purposes of division (B) (7) of this section, 956
"commercial" shall be narrowly construed and does not include 957
reporting or gathering news, reporting or gathering information 958
to assist citizen oversight or understanding of the operation or 959
activities of government, or nonprofit educational research. 960

(8) A public office or person responsible for public 961
records is not required to permit a person who is incarcerated 962
pursuant to a criminal conviction or a juvenile adjudication to 963
inspect or to obtain a copy of any public record concerning a 964
criminal investigation or prosecution or concerning what would 965
be a criminal investigation or prosecution if the subject of the 966
investigation or prosecution were an adult, unless the request 967
to inspect or to obtain a copy of the record is for the purpose 968
of acquiring information that is subject to release as a public 969
record under this section and the judge who imposed the sentence 970
or made the adjudication with respect to the person, or the 971
judge's successor in office, finds that the information sought 972
in the public record is necessary to support what appears to be 973
a justiciable claim of the person. 974

(9) (a) Upon written request made and signed by a 975
journalist, a public office, or person responsible for public 976
records, having custody of the records of the agency employing a 977
specified designated public service worker shall disclose to the 978
journalist the address of the actual personal residence of the 979
designated public service worker and, if the designated public 980
service worker's spouse, former spouse, or child is employed by 981
a public office, the name and address of the employer of the 982
designated public service worker's spouse, former spouse, or 983

child. The request shall include the journalist's name and title 984
and the name and address of the journalist's employer and shall 985
state that disclosure of the information sought would be in the 986
public interest. 987

(b) Division (B) (9) (a) of this section also applies to 988
journalist requests for: 989

(i) Customer information maintained by a municipally owned 990
or operated public utility, other than social security numbers 991
and any private financial information such as credit reports, 992
payment methods, credit card numbers, and bank account 993
information; 994

(ii) Information about minors involved in a school vehicle 995
accident as provided in division (A) (1) (gg) of this section, 996
other than personal information as defined in section 149.45 of 997
the Revised Code. 998

(c) As used in division (B) (9) of this section, 999
"journalist" means a person engaged in, connected with, or 1000
employed by any news medium, including a newspaper, magazine, 1001
press association, news agency, or wire service, a radio or 1002
television station, or a similar medium, for the purpose of 1003
gathering, processing, transmitting, compiling, editing, or 1004
disseminating information for the general public. 1005

(10) Upon a request made by a victim, victim's attorney, 1006
or victim's representative, as that term is used in section 1007
2930.02 of the Revised Code, a public office or person 1008
responsible for public records shall transmit a copy of a 1009
depiction of the victim as described in division (A) (1) (ii) of 1010
this section to the victim, victim's attorney, or victim's 1011
representative. 1012

(C) (1) If a person allegedly is aggrieved by the failure 1013
of a public office or the person responsible for public records 1014
to promptly prepare a public record and to make it available to 1015
the person for inspection in accordance with division (B) of 1016
this section or by any other failure of a public office or the 1017
person responsible for public records to comply with an 1018
obligation in accordance with division (B) of this section, the 1019
person allegedly aggrieved may do only one of the following, and 1020
not both: 1021

(a) File a complaint with the clerk of the court of claims 1022
or the clerk of the court of common pleas under section 2743.75 1023
of the Revised Code; 1024

(b) Commence a mandamus action to obtain a judgment that 1025
orders the public office or the person responsible for the 1026
public record to comply with division (B) of this section, that 1027
awards court costs and reasonable attorney's fees to the person 1028
that instituted the mandamus action, and, if applicable, that 1029
includes an order fixing statutory damages under division (C) (2) 1030
of this section. The mandamus action may be commenced in the 1031
court of common pleas of the county in which division (B) of 1032
this section allegedly was not complied with, in the supreme 1033
court pursuant to its original jurisdiction under Section 2 of 1034
Article IV, Ohio Constitution, or in the court of appeals for 1035
the appellate district in which division (B) of this section 1036
allegedly was not complied with pursuant to its original 1037
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1038

(2) If a requester transmits a written request by hand 1039
delivery, electronic submission, or certified mail to inspect or 1040
receive copies of any public record in a manner that fairly 1041
describes the public record or class of public records to the 1042

public office or person responsible for the requested public 1043
records, except as otherwise provided in this section, the 1044
requester shall be entitled to recover the amount of statutory 1045
damages set forth in this division if a court determines that 1046
the public office or the person responsible for public records 1047
failed to comply with an obligation in accordance with division 1048
(B) of this section. 1049

The amount of statutory damages shall be fixed at one 1050
hundred dollars for each business day during which the public 1051
office or person responsible for the requested public records 1052
failed to comply with an obligation in accordance with division 1053
(B) of this section, beginning with the day on which the 1054
requester files a mandamus action to recover statutory damages, 1055
up to a maximum of one thousand dollars. The award of statutory 1056
damages shall not be construed as a penalty, but as compensation 1057
for injury arising from lost use of the requested information. 1058
The existence of this injury shall be conclusively presumed. The 1059
award of statutory damages shall be in addition to all other 1060
remedies authorized by this section. 1061

The court may reduce an award of statutory damages or not 1062
award statutory damages if the court determines both of the 1063
following: 1064

(a) That, based on the ordinary application of statutory 1065
law and case law as it existed at the time of the conduct or 1066
threatened conduct of the public office or person responsible 1067
for the requested public records that allegedly constitutes a 1068
failure to comply with an obligation in accordance with division 1069
(B) of this section and that was the basis of the mandamus 1070
action, a well-informed public office or person responsible for 1071
the requested public records reasonably would believe that the 1072

conduct or threatened conduct of the public office or person 1073
responsible for the requested public records did not constitute 1074
a failure to comply with an obligation in accordance with 1075
division (B) of this section; 1076

(b) That a well-informed public office or person 1077
responsible for the requested public records reasonably would 1078
believe that the conduct or threatened conduct of the public 1079
office or person responsible for the requested public records 1080
would serve the public policy that underlies the authority that 1081
is asserted as permitting that conduct or threatened conduct. 1082

(3) In a mandamus action filed under division (C) (1) of 1083
this section, the following apply: 1084

(a) (i) If the court orders the public office or the person 1085
responsible for the public record to comply with division (B) of 1086
this section, the court shall determine and award to the relator 1087
all court costs, which shall be construed as remedial and not 1088
punitive. 1089

(ii) If the court makes a determination described in 1090
division (C) (3) (b) (iii) of this section, the court shall 1091
determine and award to the relator all court costs, which shall 1092
be construed as remedial and not punitive. 1093

(b) If the court renders a judgment that orders the public 1094
office or the person responsible for the public record to comply 1095
with division (B) of this section or if the court determines any 1096
of the following, the court may award reasonable attorney's fees 1097
to the relator, subject to division (C) (4) of this section: 1098

(i) The public office or the person responsible for the 1099
public records failed to respond affirmatively or negatively to 1100
the public records request in accordance with the time allowed 1101

under division (B) of this section. 1102

(ii) The public office or the person responsible for the 1103
public records promised to permit the relator to inspect or 1104
receive copies of the public records requested within a 1105
specified period of time but failed to fulfill that promise 1106
within that specified period of time. 1107

(iii) The public office or the person responsible for the 1108
public records acted in bad faith when the office or person 1109
voluntarily made the public records available to the relator for 1110
the first time after the relator commenced the mandamus action, 1111
but before the court issued any order concluding whether or not 1112
the public office or person was required to comply with division 1113
(B) of this section. No discovery may be conducted on the issue 1114
of the alleged bad faith of the public office or person 1115
responsible for the public records. This division shall not be 1116
construed as creating a presumption that the public office or 1117
the person responsible for the public records acted in bad faith 1118
when the office or person voluntarily made the public records 1119
available to the relator for the first time after the relator 1120
commenced the mandamus action, but before the court issued any 1121
order described in this division. 1122

(c) The court shall not award attorney's fees to the 1123
relator if the court determines both of the following: 1124

(i) That, based on the ordinary application of statutory 1125
law and case law as it existed at the time of the conduct or 1126
threatened conduct of the public office or person responsible 1127
for the requested public records that allegedly constitutes a 1128
failure to comply with an obligation in accordance with division 1129
(B) of this section and that was the basis of the mandamus 1130
action, a well-informed public office or person responsible for 1131

the requested public records reasonably would believe that the 1132
conduct or threatened conduct of the public office or person 1133
responsible for the requested public records did not constitute 1134
a failure to comply with an obligation in accordance with 1135
division (B) of this section; 1136

(ii) That a well-informed public office or person 1137
responsible for the requested public records reasonably would 1138
believe that the conduct or threatened conduct of the public 1139
office or person responsible for the requested public records 1140
would serve the public policy that underlies the authority that 1141
is asserted as permitting that conduct or threatened conduct. 1142

(4) All of the following apply to any award of reasonable 1143
attorney's fees awarded under division (C) (3) (b) of this 1144
section: 1145

(a) The fees shall be construed as remedial and not 1146
punitive. 1147

(b) The fees awarded shall not exceed the total of the 1148
reasonable attorney's fees incurred before the public record was 1149
made available to the relator and the fees described in division 1150
(C) (4) (c) of this section. 1151

(c) Reasonable attorney's fees shall include reasonable 1152
fees incurred to produce proof of the reasonableness and amount 1153
of the fees and to otherwise litigate entitlement to the fees. 1154

(d) The court may reduce the amount of fees awarded if the 1155
court determines that, given the factual circumstances involved 1156
with the specific public records request, an alternative means 1157
should have been pursued to more effectively and efficiently 1158
resolve the dispute that was subject to the mandamus action 1159
filed under division (C) (1) of this section. 1160

(5) If the court does not issue a writ of mandamus under 1161
division (C) of this section and the court determines at that 1162
time that the bringing of the mandamus action was frivolous 1163
conduct as defined in division (A) of section 2323.51 of the 1164
Revised Code, the court may award to the public office all court 1165
costs, expenses, and reasonable attorney's fees, as determined 1166
by the court. 1167

(D) Chapter 1347. of the Revised Code does not limit the 1168
provisions of this section. 1169

(E) (1) To ensure that all employees of public offices are 1170
appropriately educated about a public office's obligations under 1171
division (B) of this section, all elected officials or their 1172
appropriate designees shall attend training approved by the 1173
attorney general as provided in section 109.43 of the Revised 1174
Code. A future official may satisfy the requirements of this 1175
division by attending the training before taking office, 1176
provided that the future official may not send a designee in the 1177
future official's place. 1178

(2) All public offices shall adopt a public records policy 1179
in compliance with this section for responding to public records 1180
requests. In adopting a public records policy under this 1181
division, a public office may obtain guidance from the model 1182
public records policy developed and provided to the public 1183
office by the attorney general under section 109.43 of the 1184
Revised Code. Except as otherwise provided in this section, the 1185
policy may not limit the number of public records that the 1186
public office will make available to a single person, may not 1187
limit the number of public records that it will make available 1188
during a fixed period of time, and may not establish a fixed 1189
period of time before it will respond to a request for 1190

inspection or copying of public records, unless that period is 1191
less than eight hours. 1192

The public office shall distribute the public records 1193
policy adopted by the public office under this division to the 1194
employee of the public office who is the records custodian or 1195
records manager or otherwise has custody of the records of that 1196
office. The public office shall require that employee to 1197
acknowledge receipt of the copy of the public records policy. 1198
The public office shall create a poster that describes its 1199
public records policy and shall post the poster in a conspicuous 1200
place in the public office and in all locations where the public 1201
office has branch offices. The public office may post its public 1202
records policy on the internet web site of the public office if 1203
the public office maintains an internet web site. A public 1204
office that has established a manual or handbook of its general 1205
policies and procedures for all employees of the public office 1206
shall include the public records policy of the public office in 1207
the manual or handbook. 1208

(F) (1) The bureau of motor vehicles may adopt rules 1209
pursuant to Chapter 119. of the Revised Code to reasonably limit 1210
the number of bulk commercial special extraction requests made 1211
by a person for the same records or for updated records during a 1212
calendar year. The rules may include provisions for charges to 1213
be made for bulk commercial special extraction requests for the 1214
actual cost of the bureau, plus special extraction costs, plus 1215
ten per cent. The bureau may charge for expenses for redacting 1216
information, the release of which is prohibited by law. 1217

(2) As used in division (F) (1) of this section: 1218

(a) "Actual cost" means the cost of depleted supplies, 1219
records storage media costs, actual mailing and alternative 1220

delivery costs, or other transmitting costs, and any direct 1221
equipment operating and maintenance costs, including actual 1222
costs paid to private contractors for copying services. 1223

(b) "Bulk commercial special extraction request" means a 1224
request for copies of a record for information in a format other 1225
than the format already available, or information that cannot be 1226
extracted without examination of all items in a records series, 1227
class of records, or database by a person who intends to use or 1228
forward the copies for surveys, marketing, solicitation, or 1229
resale for commercial purposes. "Bulk commercial special 1230
extraction request" does not include a request by a person who 1231
gives assurance to the bureau that the person making the request 1232
does not intend to use or forward the requested copies for 1233
surveys, marketing, solicitation, or resale for commercial 1234
purposes. 1235

(c) "Commercial" means profit-seeking production, buying, 1236
or selling of any good, service, or other product. 1237

(d) "Special extraction costs" means the cost of the time 1238
spent by the lowest paid employee competent to perform the task, 1239
the actual amount paid to outside private contractors employed 1240
by the bureau, or the actual cost incurred to create computer 1241
programs to make the special extraction. "Special extraction 1242
costs" include any charges paid to a public agency for computer 1243
or records services. 1244

(3) For purposes of divisions (F) (1) and (2) of this 1245
section, "surveys, marketing, solicitation, or resale for 1246
commercial purposes" shall be narrowly construed and does not 1247
include reporting or gathering news, reporting or gathering 1248
information to assist citizen oversight or understanding of the 1249
operation or activities of government, or nonprofit educational 1250

research. 1251

(G) A request by a defendant, counsel of a defendant, or 1252
any agent of a defendant in a criminal action that public 1253
records related to that action be made available under this 1254
section shall be considered a demand for discovery pursuant to 1255
the Criminal Rules, except to the extent that the Criminal Rules 1256
plainly indicate a contrary intent. The defendant, counsel of 1257
the defendant, or agent of the defendant making a request under 1258
this division shall serve a copy of the request on the 1259
prosecuting attorney, director of law, or other chief legal 1260
officer responsible for prosecuting the action. 1261

(H) (1) Any portion of a body-worn camera or dashboard 1262
camera recording described in divisions (A) (17) (b) to (h) of 1263
this section may be released by consent of the subject of the 1264
recording or a representative of that person, as specified in 1265
those divisions, only if either of the following applies: 1266

(a) The recording will not be used in connection with any 1267
probable or pending criminal proceedings; 1268

(b) The recording has been used in connection with a 1269
criminal proceeding that was dismissed or for which a judgment 1270
has been entered pursuant to Rule 32 of the Rules of Criminal 1271
Procedure, and will not be used again in connection with any 1272
probable or pending criminal proceedings. 1273

(2) If a public office denies a request to release a 1274
restricted portion of a body-worn camera or dashboard camera 1275
recording, as defined in division (A) (17) of this section, any 1276
person may file a mandamus action pursuant to this section or a 1277
complaint with the clerk of the court of claims pursuant to 1278
section 2743.75 of the Revised Code, requesting the court to 1279

order the release of all or portions of the recording. If the 1280
court considering the request determines that the filing 1281
articulates by clear and convincing evidence that the public 1282
interest in the recording substantially outweighs privacy 1283
interests and other interests asserted to deny release, the 1284
court shall order the public office to release the recording. 1285

Sec. 302.041. In submitting to the electors of any county 1286
the question of adopting an alternative form of county 1287
government whereby any members of the board of county 1288
commissioners are elected by district, the board of elections 1289
shall submit the question in language substantially as follows: 1290

"Shall the county of _____ adopt the form 1291
of county government known as the county (name of plan) plan 1292
with a board of (number) county commissioners, of which (number) 1293
shall be elected at large and (number) shall be elected by 1294
districts, as provided for in sections 302.01 to 302.24, 1295
inclusive, of the Revised Code, under which form each county 1296
commissioner shall receive annual compensation equal to (number) 1297
per cent of that provided in section 325.10 of the Revised Code? 1298

() For adoption of the county (name of plan) plan. 1299

() Against adoption of the county (name of plan) plan." 1300

The proposition for such alternative form shall establish 1301
the percentage of the annual compensation provided in section 1302
325.10 of the Revised Code which each county commissioner shall 1303
receive as annual compensation in lieu of the amount provided in 1304
section 325.10 of the Revised Code. 1305

If the proposition for the alternative form fails to 1306
divide the county into county commissioner districts, the board 1307
of elections shall divide the county into such districts in the 1308

manner provided in section 302.082 of the Revised Code, within 1309
forty-five days prior to the election on the question of 1310
adopting an alternative form. 1311

At least forty-five days prior to the election thereon the 1312
board of county commissioners shall cause a copy of the 1313
alternative form to be distributed to each elector of the county 1314
so far as may be reasonably possible. The board of elections 1315
shall display a map indicating the boundaries of each county 1316
commissioner district, in a conspicuous place at each ~~polling-~~ 1317
~~place at such~~ location where ballots may be cast in person for 1318
the election. Immediately following such election the board of 1319
elections shall file a certificate of the results thereof with 1320
the secretary of state. 1321

Sec. 303.12. (A) (1) Amendments to the zoning resolution 1322
may be initiated by motion of the county rural zoning 1323
commission, by the passage of a resolution by the board of 1324
county commissioners, or by the filing of an application by one 1325
or more of the owners or lessees of property within the area 1326
proposed to be changed or affected by the proposed amendment 1327
with the county rural zoning commission. The board of county 1328
commissioners may require that the owner or lessee of property 1329
filing an application to amend the zoning resolution pay a fee 1330
to defray the cost of advertising, mailing, filing with the 1331
county recorder, and other expenses. If the board of county 1332
commissioners requires such a fee, it shall be required 1333
generally, for each application. The board of county 1334
commissioners, upon the passage of such a resolution, shall 1335
certify it to the county rural zoning commission. 1336

(2) Upon the adoption of a motion by the county rural 1337
zoning commission, the certification of a resolution by the 1338

board of county commissioners to the commission, or the filing 1339
of an application by property owners or lessees as described in 1340
division (A)(1) of this section with the commission, the 1341
commission shall set a date for a public hearing, which date 1342
shall not be less than twenty nor more than forty days from the 1343
date of adoption of such a motion, the date of the certification 1344
of such a resolution, or the date of the filing of such an 1345
application. Notice of the hearing shall be given by the 1346
commission by one publication in one or more newspapers of 1347
general circulation in each township affected by the proposed 1348
amendment at least ten days before the date of the hearing. 1349

(B) If the proposed amendment intends to rezone or 1350
redistrict ten or fewer parcels of land, as listed on the county 1351
auditor's current tax list, written notice of the hearing shall 1352
be mailed by the county rural zoning commission, by first class 1353
mail, at least ten days before the date of the public hearing to 1354
all owners of property within and contiguous to and directly 1355
across the street from the area proposed to be rezoned or 1356
redistricted to the addresses of those owners appearing on the 1357
county auditor's current tax list. The failure of delivery of 1358
that notice shall not invalidate any such amendment. 1359

(C) If the proposed amendment intends to rezone or 1360
redistrict ten or fewer parcels of land as listed on the county 1361
auditor's current tax list, the published and mailed notices 1362
shall set forth the time, date, and place of the public hearing 1363
and include all of the following: 1364

(1) The name of the county rural zoning commission that 1365
will be conducting the hearing; 1366

(2) A statement indicating that the motion, resolution, or 1367
application is an amendment to the zoning resolution; 1368

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

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

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

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

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

(8) Any other information requested by the commission.

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

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

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

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

proposed amendment will be available for examination for a 1397
period of at least ten days prior to the hearing; 1398

(4) The name of the person responsible for giving notice 1399
of the hearing by publication; 1400

(5) A statement that, after the conclusion of the hearing, 1401
the matter will be submitted to the board of county 1402
commissioners for its action; 1403

(6) Any other information requested by the commission. 1404

Hearings shall be held in the county court house or in a 1405
public place designated by the commission. 1406

(E) Within five days after the adoption of the motion 1407
described in division (A) of this section, the certification of 1408
the resolution described in division (A) of this section, or the 1409
filing of the application described in division (A) of this 1410
section, the county rural zoning commission shall transmit a 1411
copy of it together with text and map pertaining to it to the 1412
county or regional planning commission, if there is such a 1413
commission. 1414

The county or regional planning commission shall recommend 1415
the approval or denial of the proposed amendment or the approval 1416
of some modification of it and shall submit its recommendation 1417
to the county rural zoning commission. The recommendation shall 1418
be considered at the public hearing held by the county rural 1419
zoning commission on the proposed amendment. 1420

The county rural zoning commission, within thirty days 1421
after the hearing, shall recommend the approval or denial of the 1422
proposed amendment, or the approval of some modification of it, 1423
and shall submit that recommendation together with the motion, 1424
application, or resolution involved, the text and map pertaining 1425

to the proposed amendment, and the recommendation of the county 1426
or regional planning commission on it to the board of county 1427
commissioners. 1428

The board of county commissioners, upon receipt of that 1429
recommendation, shall set a time for a public hearing on the 1430
proposed amendment, which date shall be not more than thirty 1431
days from the date of the receipt of that recommendation. Notice 1432
of the hearing shall be given by the board by one publication in 1433
one or more newspapers of general circulation in the county, at 1434
least ten days before the date of the hearing. 1435

(F) If the proposed amendment intends to rezone or 1436
redistrict ten or fewer parcels of land as listed on the county 1437
auditor's current tax list, the published notice shall set forth 1438
the time, date, and place of the public hearing and include all 1439
of the following: 1440

(1) The name of the board of county commissioners that 1441
will be conducting the hearing; 1442

(2) A statement indicating that the motion, application, 1443
or resolution is an amendment to the zoning resolution; 1444

(3) A list of the addresses of all properties to be 1445
rezoned or redistricted by the proposed amendment and of the 1446
names of owners of those properties, as they appear on the 1447
county auditor's current tax list; 1448

(4) The present zoning classification of property named in 1449
the proposed amendment and the proposed zoning classification of 1450
that property; 1451

(5) The time and place where the motion, application, or 1452
resolution proposing to amend the zoning resolution will be 1453
available for examination for a period of at least ten days 1454

prior to the hearing; 1455

(6) The name of the person responsible for giving notice 1456
of the hearing by publication, by mail, or by both publication 1457
and mail; 1458

(7) Any other information requested by the board. 1459

(G) If the proposed amendment alters the text of the 1460
zoning resolution, or rezones or redistricts more than ten 1461
parcels of land as listed on the county auditor's current tax 1462
list, the published notice shall set forth the time, date, and 1463
place of the public hearing and include all of the following: 1464

(1) The name of the board of county commissioners that 1465
will be conducting the hearing on the proposed amendment; 1466

(2) A statement indicating that the motion, application, 1467
or resolution is an amendment to the zoning resolution; 1468

(3) The time and place where the text and maps of the 1469
proposed amendment will be available for examination for a 1470
period of at least ten days prior to the hearing; 1471

(4) The name of the person responsible for giving notice 1472
of the hearing by publication; 1473

(5) Any other information requested by the board. 1474

(H) Within twenty days after its public hearing, the board 1475
of county commissioners shall either adopt or deny the 1476
recommendation of the county rural zoning commission or adopt 1477
some modification of it. If the board denies or modifies the 1478
commission's recommendation, a majority vote of the board shall 1479
be required. 1480

The proposed amendment, if adopted by the board, shall 1481

become effective in thirty days after the date of its adoption, 1482
unless, within thirty days after the adoption, there is 1483
presented to the board of county commissioners a petition, 1484
signed by a number of qualified voters residing in the 1485
unincorporated area of the township or part of that 1486
unincorporated area included in the zoning plan equal to not 1487
less than eight per cent of the total vote cast for all 1488
candidates for governor in that area at the most recent general 1489
election at which a governor was elected, requesting the board 1490
to submit the amendment to the electors of that area for 1491
approval or rejection at a special election to be held on the 1492
day of the next primary or general election occurring at least 1493
ninety days after the petition is submitted. Each part of this 1494
petition shall contain the number and the full and correct 1495
title, if any, of the zoning amendment resolution, motion, or 1496
application, furnishing the name by which the amendment is known 1497
and a brief summary of its contents. In addition to meeting the 1498
requirements of this section, each petition shall be governed by 1499
the rules specified in section 3501.38 of the Revised Code. 1500

The form of a petition calling for a zoning referendum and 1501
the statement of the circulator shall be substantially as 1502
follows: 1503

"PETITION FOR ZONING REFERENDUM 1504

(if the proposal is identified by a particular name or number, 1505
or both, these should be inserted here) _____ 1506

A proposal to amend the zoning map of the unincorporated 1507
area of _____ Township, _____ County, 1508
Ohio, adopted _____ (date) _____ (followed by brief 1509
summary of the proposal). 1510

To the Board of County Commissioners of _____ 1511
County, Ohio: 1512

We, the undersigned, being electors residing in the 1513
unincorporated area of _____ Township, included within 1514
the _____ County Zoning Plan, equal to not less than 1515
eight per cent of the total vote cast for all candidates for 1516
governor in the area at the preceding general election at which 1517
a governor was elected, request the Board of County 1518
Commissioners to submit this amendment of the zoning resolution 1519
to the electors of _____ Township residing within the 1520
unincorporated area of the township included in the 1521
_____ County Zoning Resolution, for approval or 1522
rejection at a special election to be held on the day of the 1523
next primary or general election to be held on 1524
_____ (date) _____, pursuant to section 303.12 of the Revised 1525
Code. 1526

Street Address Date of 1527
Signature or R.F.D. Township Precinct County Signing 1528

_____ 1529
_____ 1530

STATEMENT OF CIRCULATOR 1531

I, _____ (name of circulator) _____, 1532
declare under penalty of election falsification that I am an 1533
elector of the state of Ohio and reside at the address appearing 1534
below my signature; that I am the circulator of the foregoing 1535
part petition containing _____ (number) _____ signatures; that I 1536
have witnessed the affixing of every signature; that all signers 1537
were to the best of my knowledge and belief qualified to sign; 1538
and that every signature is to the best of my knowledge and 1539

belief the signature of the person whose signature it purports 1540
to be or of an attorney in fact acting pursuant to section 1541
3501.382 of the Revised Code. 1542

(Signature of circulator) 1544

(Address of circulator's 1545
permanent residence in this 1546
state) 1547
1548

(City, village, or township, 1549
and zip code) 1550
1551

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 1552
FELONY OF THE ~~FIFTH~~ FOURTH DEGREE." 1553

No amendment for which such a referendum vote has been 1554
requested shall be put into effect unless a majority of the vote 1555
cast on the issue is in favor of the amendment. Upon 1556
certification by the board of elections that the amendment has 1557
been approved by the voters, it shall take immediate effect. 1558

Within five working days after an amendment's effective 1559
date, the board of county commissioners shall file the text and 1560
maps of the amendment in the office of the county recorder and 1561
with the regional or county planning commission, if one exists. 1562

The failure to file any amendment, or any text and maps, 1563
or duplicates of any of these documents, with the office of the 1564
county recorder or the county or regional planning commission as 1565
required by this section does not invalidate the amendment and 1566
is not grounds for an appeal of any decision of the board of 1567

zoning appeals. 1568

Sec. 307.96. Except as provided by Section 3 of Article X, 1569
Ohio Constitution, a county charter or amendment shall become 1570
effective if it has been approved by the majority of the 1571
electors voting thereon. The charter or amendment shall take 1572
effect on the thirtieth day after approval unless another date 1573
is fixed in the charter or amendment. 1574

No charter or amendment adopted by the electors of any 1575
county shall be held ineffective or void on account of the 1576
insufficiency of the petitions by which such submission of the 1577
resolution was procured, nor shall the rejection of any charter 1578
or amendment submitted to the electors of such county, be held 1579
invalid for such insufficiency. 1580

Any charter or charter amendment proposal that is 1581
submitted to the electors of the county shall be posted in each 1582
~~polling place~~ location where ballots may be cast in person for 1583
the election in some location that is easily accessible to the 1584
electors. 1585

Sec. 519.12. (A) (1) Amendments to the zoning resolution 1586
may be initiated by motion of the township zoning commission, by 1587
the passage of a resolution by the board of township trustees, 1588
or by the filing of an application by one or more of the owners 1589
or lessees of property within the area proposed to be changed or 1590
affected by the proposed amendment with the township zoning 1591
commission. The board of township trustees may require that the 1592
owner or lessee of property filing an application to amend the 1593
zoning resolution pay a fee to defray the cost of advertising, 1594
mailing, filing with the county recorder, and other expenses. If 1595
the board of township trustees requires such a fee, it shall be 1596
required generally, for each application. The board of township 1597

trustees, upon the passage of such a resolution, shall certify 1598
it to the township zoning commission. 1599

(2) Upon the adoption of a motion by the township zoning 1600
commission, the certification of a resolution by the board of 1601
township trustees to the commission, or the filing of an 1602
application by property owners or lessees as described in 1603
division (A)(1) of this section with the commission, the 1604
commission shall set a date for a public hearing, which date 1605
shall not be less than twenty nor more than forty days from the 1606
date of the certification of such a resolution, the date of 1607
adoption of such a motion, or the date of the filing of such an 1608
application. Notice of the hearing shall be given by the 1609
commission by one publication in one or more newspapers of 1610
general circulation in the township at least ten days before the 1611
date of the hearing. 1612

(B) If the proposed amendment intends to rezone or 1613
redistrict ten or fewer parcels of land, as listed on the county 1614
auditor's current tax list, written notice of the hearing shall 1615
be mailed by the township zoning commission, by first class 1616
mail, at least ten days before the date of the public hearing to 1617
all owners of property within and contiguous to and directly 1618
across the street from the area proposed to be rezoned or 1619
redistricted to the addresses of those owners appearing on the 1620
county auditor's current tax list. The failure of delivery of 1621
that notice shall not invalidate any such amendment. 1622

(C) If the proposed amendment intends to rezone or 1623
redistrict ten or fewer parcels of land as listed on the county 1624
auditor's current tax list, the published and mailed notices 1625
shall set forth the time, date, and place of the public hearing 1626
and include all of the following: 1627

- (1) The name of the township zoning commission that will
be conducting the hearing; 1628
1629
- (2) A statement indicating that the motion, resolution, or
application is an amendment to the zoning resolution; 1630
1631
- (3) A list of the addresses of all properties to be
rezoned or redistricted by the proposed amendment and of the 1632
names of owners of those properties, as they appear on the 1633
county auditor's current tax list; 1634
1635
- (4) The present zoning classification of property named in 1636
the proposed amendment and the proposed zoning classification of 1637
that property; 1638
- (5) The time and place where the motion, resolution, or 1639
application proposing to amend the zoning resolution will be 1640
available for examination for a period of at least ten days 1641
prior to the hearing; 1642
- (6) The name of the person responsible for giving notice 1643
of the hearing by publication, by mail, or by both publication 1644
and mail; 1645
- (7) A statement that, after the conclusion of the hearing, 1646
the matter will be submitted to the board of township trustees 1647
for its action; 1648
- (8) Any other information requested by the commission. 1649
- (D) If the proposed amendment alters the text of the 1650
zoning resolution, or rezones or redistricts more than ten 1651
parcels of land as listed on the county auditor's current tax 1652
list, the published notice shall set forth the time, date, and 1653
place of the public hearing and include all of the following: 1654
- (1) The name of the township zoning commission that will 1655

be conducting the hearing on the proposed amendment; 1656

(2) A statement indicating that the motion, application, 1657
or resolution is an amendment to the zoning resolution; 1658

(3) The time and place where the text and maps of the 1659
proposed amendment will be available for examination for a 1660
period of at least ten days prior to the hearing; 1661

(4) The name of the person responsible for giving notice 1662
of the hearing by publication; 1663

(5) A statement that, after the conclusion of the hearing, 1664
the matter will be submitted to the board of township trustees 1665
for its action; 1666

(6) Any other information requested by the commission. 1667

(E) (1) (a) Except as provided in division (E) (1) (b) of this 1668
section, within five days after the adoption of the motion 1669
described in division (A) of this section, the certification of 1670
the resolution described in division (A) of this section, or the 1671
filing of the application described in division (A) of this 1672
section, the township zoning commission shall transmit a copy of 1673
it together with text and map pertaining to it to the county or 1674
regional planning commission, if there is such a commission, for 1675
approval, disapproval, or suggestions. 1676

The county or regional planning commission shall recommend 1677
the approval or denial of the proposed amendment or the approval 1678
of some modification of it and shall submit its recommendation 1679
to the township zoning commission. The recommendation shall be 1680
considered at the public hearing held by the township zoning 1681
commission on the proposed amendment. 1682

(b) The township zoning commission of a township that has 1683

adopted a limited home rule government under Chapter 504. of the 1684
Revised Code is not subject to division (E) (1) (a) of this 1685
section but may choose to comply with division (E) (1) (a) of this 1686
section. 1687

(2) The township zoning commission, within thirty days 1688
after the hearing, shall recommend the approval or denial of the 1689
proposed amendment, or the approval of some modification of it, 1690
and submit that recommendation together with the motion, 1691
application, or resolution involved, the text and map pertaining 1692
to the proposed amendment, and the recommendation of the county 1693
or regional planning commission on it to the board of township 1694
trustees. 1695

(3) The board of township trustees, upon receipt of that 1696
recommendation, shall set a time for a public hearing on the 1697
proposed amendment, which date shall not be more than thirty 1698
days from the date of the receipt of that recommendation. Notice 1699
of the hearing shall be given by the board by one publication in 1700
one or more newspapers of general circulation in the township, 1701
at least ten days before the date of the hearing. 1702

(F) If the proposed amendment intends to rezone or 1703
redistrict ten or fewer parcels of land as listed on the county 1704
auditor's current tax list, the published notice shall set forth 1705
the time, date, and place of the public hearing and include all 1706
of the following: 1707

(1) The name of the board of township trustees that will 1708
be conducting the hearing; 1709

(2) A statement indicating that the motion, application, 1710
or resolution is an amendment to the zoning resolution; 1711

(3) A list of the addresses of all properties to be 1712

rezoned or redistricted by the proposed amendment and of the 1713
names of owners of those properties, as they appear on the 1714
county auditor's current tax list; 1715

(4) The present zoning classification of property named in 1716
the proposed amendment and the proposed zoning classification of 1717
that property; 1718

(5) The time and place where the motion, application, or 1719
resolution proposing to amend the zoning resolution will be 1720
available for examination for a period of at least ten days 1721
prior to the hearing; 1722

(6) The name of the person responsible for giving notice 1723
of the hearing by publication, by mail, or by both publication 1724
and mail; 1725

(7) Any other information requested by the board. 1726

(G) If the proposed amendment alters the text of the 1727
zoning resolution, or rezones or redistricts more than ten 1728
parcels of land as listed on the county auditor's current tax 1729
list, the published notice shall set forth the time, date, and 1730
place of the public hearing and include all of the following: 1731

(1) The name of the board of township trustees that will 1732
be conducting the hearing on the proposed amendment; 1733

(2) A statement indicating that the motion, application, 1734
or resolution is an amendment to the zoning resolution; 1735

(3) The time and place where the text and maps of the 1736
proposed amendment will be available for examination for a 1737
period of at least ten days prior to the hearing; 1738

(4) The name of the person responsible for giving notice 1739
of the hearing by publication; 1740

(5) Any other information requested by the board. 1741

(H) Within twenty days after its public hearing, the board 1742
of township trustees shall either adopt or deny the 1743
recommendations of the township zoning commission or adopt some 1744
modification of them. If the board denies or modifies the 1745
commission's recommendations, a majority vote of the board shall 1746
be required. 1747

The proposed amendment, if adopted by the board, shall 1748
become effective in thirty days after the date of its adoption, 1749
unless, within thirty days after the adoption, there is 1750
presented to the board of township trustees a petition, signed 1751
by a number of registered electors residing in the 1752
unincorporated area of the township or part of that 1753
unincorporated area included in the zoning plan equal to not 1754
less than eight per cent of the total vote cast for all 1755
candidates for governor in that area at the most recent general 1756
election at which a governor was elected, requesting the board 1757
of township trustees to submit the amendment to the electors of 1758
that area for approval or rejection at a special election to be 1759
held on the day of the next primary or general election that 1760
occurs at least ninety days after the petition is filed. Each 1761
part of this petition shall contain the number and the full and 1762
correct title, if any, of the zoning amendment resolution, 1763
motion, or application, furnishing the name by which the 1764
amendment is known and a brief summary of its contents. In 1765
addition to meeting the requirements of this section, each 1766
petition shall be governed by the rules specified in section 1767
3501.38 of the Revised Code. 1768

The form of a petition calling for a zoning referendum and 1769
the statement of the circulator shall be substantially as 1770

follows: 1771

"PETITION FOR ZONING REFERENDUM 1772

(if the proposal is identified by a particular name or number, 1773

or both, these should be inserted here) _____ 1774

A proposal to amend the zoning map of the unincorporated 1775

area of _____ Township, _____ County, Ohio, 1776

adopted _____ (date) _____ (followed by brief summary of the 1777

proposal). 1778

To the Board of Township Trustees of _____ 1779

Township, _____ County, Ohio: 1780

We, the undersigned, being electors residing in the 1781

unincorporated area of _____ Township, 1782

included within the _____ Township Zoning Plan, equal to 1783

not less than eight per cent of the total vote cast for all 1784

candidates for governor in the area at the preceding general 1785

election at which a governor was elected, request the Board of 1786

Township Trustees to submit this amendment of the zoning 1787

resolution to the electors of _____ Township 1788

residing within the unincorporated area of the township included 1789

in the _____ Township Zoning Resolution, for 1790

approval or rejection at a special election to be held on the 1791

day of the primary or general election to be held on 1792

_____ (date) _____, pursuant to section 519.12 of the Revised 1793

Code. 1794

Street Address Date of 1795

Signature or R.F.D. Township Precinct County Signing 1796

_____ 1797

_____ 1798

| | |
|--|------|
| _____ | 1799 |
| STATEMENT OF CIRCULATOR | 1800 |
| I, _____ (name of circulator) _____, declare under | 1801 |
| penalty of election falsification that I am an elector of the | 1802 |
| state of Ohio and reside at the address appearing below my | 1803 |
| signature; that I am the circulator of the foregoing part | 1804 |
| petition containing _____ (number) _____ signatures; that I | 1805 |
| have witnessed the affixing of every signature; that all signers | 1806 |
| were to the best of my knowledge and belief qualified to sign; | 1807 |
| and that every signature is to the best of my knowledge and | 1808 |
| belief the signature of the person whose signature it purports | 1809 |
| to be or of an attorney in fact acting pursuant to section | 1810 |
| 3501.382 of the Revised Code. | 1811 |
| _____ | 1812 |
| (Signature of circulator) | 1813 |
| _____ | 1814 |
| (Address of circulator's permanent | 1815 |
| residence in this state) | 1816 |
| _____ | 1817 |
| (City, village, or township, | 1818 |
| and zip code) | 1819 |
| WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A | 1820 |
| FELONY OF THE FIFTH - <u>FOURTH</u> DEGREE." | 1821 |
| The petition shall be filed with the board of township | 1822 |
| trustees and shall be accompanied by an appropriate map of the | 1823 |
| area affected by the zoning proposal. Within two weeks after | 1824 |
| receiving a petition filed under this section, the board of | 1825 |

township trustees shall certify the petition to the board of 1826
elections. A petition filed under this section shall be 1827
certified to the board of elections not less than ninety days 1828
prior to the election at which the question is to be voted upon. 1829

The board of elections shall determine the sufficiency and 1830
validity of each petition certified to it by a board of township 1831
trustees under this section. If the board of elections 1832
determines that a petition is sufficient and valid, the question 1833
shall be voted upon at a special election to be held on the day 1834
of the next primary or general election that occurs at least 1835
ninety days after the date the petition is filed with the board 1836
of township trustees, regardless of whether any election will be 1837
held to nominate or elect candidates on that day. 1838

No amendment for which such a referendum vote has been 1839
requested shall be put into effect unless a majority of the vote 1840
cast on the issue is in favor of the amendment. Upon 1841
certification by the board of elections that the amendment has 1842
been approved by the voters, it shall take immediate effect. 1843

Within five working days after an amendment's effective 1844
date, the board of township trustees shall file the text and 1845
maps of the amendment in the office of the county recorder and 1846
with the county or regional planning commission, if one exists. 1847

The failure to file any amendment, or any text and maps, 1848
or duplicates of any of these documents, with the office of the 1849
county recorder or the county or regional planning commission as 1850
required by this section does not invalidate the amendment and 1851
is not grounds for an appeal of any decision of the board of 1852
zoning appeals. 1853

Sec. 718.01. Any term used in this chapter that is not 1854

otherwise defined in this chapter has the same meaning as when 1855
used in a comparable context in laws of the United States 1856
relating to federal income taxation or in Title LVII of the 1857
Revised Code, unless a different meaning is clearly required. 1858
Except as provided in section 718.81 of the Revised Code, if a 1859
term used in this chapter that is not otherwise defined in this 1860
chapter is used in a comparable context in both the laws of the 1861
United States relating to federal income tax and in Title LVII 1862
of the Revised Code and the use is not consistent, then the use 1863
of the term in the laws of the United States relating to federal 1864
income tax shall control over the use of the term in Title LVII 1865
of the Revised Code. 1866

Except as otherwise provided in section 718.81 of the 1867
Revised Code, as used in this chapter: 1868

(A) (1) "Municipal taxable income" means the following: 1869

(a) For a person other than an individual, income 1870
apportioned or situated to the municipal corporation under 1871
section 718.02 of the Revised Code, as applicable, reduced by 1872
any pre-2017 net operating loss carryforward available to the 1873
person for the municipal corporation. 1874

(b) (i) For an individual who is a resident of a municipal 1875
corporation other than a qualified municipal corporation, income 1876
reduced by exempt income to the extent otherwise included in 1877
income, then reduced as provided in division (A) (2) of this 1878
section, and further reduced by any pre-2017 net operating loss 1879
carryforward available to the individual for the municipal 1880
corporation. 1881

(ii) For an individual who is a resident of a qualified 1882
municipal corporation, Ohio adjusted gross income reduced by 1883

income exempted, and increased by deductions excluded, by the 1884
qualified municipal corporation from the qualified municipal 1885
corporation's tax. If a qualified municipal corporation, on or 1886
before December 31, 2013, exempts income earned by individuals 1887
who are not residents of the qualified municipal corporation and 1888
net profit of persons that are not wholly located within the 1889
qualified municipal corporation, such individual or person shall 1890
have no municipal taxable income for the purposes of the tax 1891
levied by the qualified municipal corporation and may be 1892
exempted by the qualified municipal corporation from the 1893
requirements of section 718.03 of the Revised Code. 1894

(c) For an individual who is a nonresident of a municipal 1895
corporation, income reduced by exempt income to the extent 1896
otherwise included in income and then, as applicable, 1897
apportioned or situated to the municipal corporation under 1898
section 718.02 of the Revised Code, then reduced as provided in 1899
division (A)(2) of this section, and further reduced by any pre- 1900
2017 net operating loss carryforward available to the individual 1901
for the municipal corporation. 1902

(2) In computing the municipal taxable income of a 1903
taxpayer who is an individual, the taxpayer may subtract, as 1904
provided in division (A)(1)(b)(i) or (c) of this section, the 1905
amount of the individual's employee business expenses reported 1906
on the individual's form 2106 that the individual deducted for 1907
federal income tax purposes for the taxable year, subject to the 1908
limitation imposed by section 67 of the Internal Revenue Code. 1909
For the municipal corporation in which the taxpayer is a 1910
resident, the taxpayer may deduct all such expenses allowed for 1911
federal income tax purposes. For a municipal corporation in 1912
which the taxpayer is not a resident, the taxpayer may deduct 1913
such expenses only to the extent the expenses are related to the 1914

taxpayer's performance of personal services in that nonresident
municipal corporation. 1915
1916

(B) "Income" means the following: 1917

(1) (a) For residents, all income, salaries, qualifying 1918
wages, commissions, and other compensation from whatever source 1919
earned or received by the resident, including the resident's 1920
distributive share of the net profit of pass-through entities 1921
owned directly or indirectly by the resident and any net profit 1922
of the resident, except as provided in division (D) (5) of this 1923
section. 1924

(b) For the purposes of division (B) (1) (a) of this 1925
section: 1926

(i) Any net operating loss of the resident incurred in the 1927
taxable year and the resident's distributive share of any net 1928
operating loss generated in the same taxable year and 1929
attributable to the resident's ownership interest in a pass- 1930
through entity shall be allowed as a deduction, for that taxable 1931
year and the following five taxable years, against any other net 1932
profit of the resident or the resident's distributive share of 1933
any net profit attributable to the resident's ownership interest 1934
in a pass-through entity until fully utilized, subject to 1935
division (B) (1) (d) of this section; 1936

(ii) The resident's distributive share of the net profit 1937
of each pass-through entity owned directly or indirectly by the 1938
resident shall be calculated without regard to any net operating 1939
loss that is carried forward by that entity from a prior taxable 1940
year and applied to reduce the entity's net profit for the 1941
current taxable year. 1942

(c) Division (B) (1) (b) of this section does not apply with 1943

respect to any net profit or net operating loss attributable to 1944
an ownership interest in an S corporation unless shareholders' 1945
distributive shares of net profits from S corporations are 1946
subject to tax in the municipal corporation as provided in 1947
division (C) (14) (b) or (c) of this section. 1948

(d) Any amount of a net operating loss used to reduce a 1949
taxpayer's net profit for a taxable year shall reduce the amount 1950
of net operating loss that may be carried forward to any 1951
subsequent year for use by that taxpayer. In no event shall the 1952
cumulative deductions for all taxable years with respect to a 1953
taxpayer's net operating loss exceed the original amount of that 1954
net operating loss available to that taxpayer. 1955

(2) In the case of nonresidents, all income, salaries, 1956
qualifying wages, commissions, and other compensation from 1957
whatever source earned or received by the nonresident for work 1958
done, services performed or rendered, or activities conducted in 1959
the municipal corporation, including any net profit of the 1960
nonresident, but excluding the nonresident's distributive share 1961
of the net profit or loss of only pass-through entities owned 1962
directly or indirectly by the nonresident. 1963

(3) For taxpayers that are not individuals, net profit of 1964
the taxpayer; 1965

(4) Lottery, sweepstakes, gambling and sports winnings, 1966
winnings from games of chance, and prizes and awards. If the 1967
taxpayer is a professional gambler for federal income tax 1968
purposes, the taxpayer may deduct related wagering losses and 1969
expenses to the extent authorized under the Internal Revenue 1970
Code and claimed against such winnings. 1971

(C) "Exempt income" means all of the following: 1972

| | |
|--|--|
| (1) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state; | 1973 1974 1975 |
| (2) (a) Except as provided in division (C) (2) (b) of this section, intangible income; | 1976 1977 |
| (b) A municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988. | 1978 1979 1980 1981 1982 1983 1984 |
| (3) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (C) (3) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in section 3402(o) (2) of the Internal Revenue Code. | 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 |
| (4) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities. | 1997 1998 1999 2000 |
| (5) Compensation paid under section 3501.28 or 3501.36 of | 2001 |

the Revised Code to a person serving as a ~~precinct~~ an election official to the extent that such compensation does not exceed one thousand dollars for the taxable year. Such compensation in excess of one thousand dollars for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.

(6) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;

(7) Alimony and child support received;

(8) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages;

(9) Income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code. Division (C) (9) of this section does not apply for purposes of Chapter 5745. of the Revised Code.

(10) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;

(11) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code;

(12) Employee compensation that is not qualifying wages as defined in division (R) of this section;

(13) Compensation paid to a person employed within the 2031
boundaries of a United States air force base under the 2032
jurisdiction of the United States air force that is used for the 2033
housing of members of the United States air force and is a 2034
center for air force operations, unless the person is subject to 2035
taxation because of residence or domicile. If the compensation 2036
is subject to taxation because of residence or domicile, tax on 2037
such income shall be payable only to the municipal corporation 2038
of residence or domicile. 2039

(14) (a) Except as provided in division (C) (14) (b) or (c) 2040
of this section, an S corporation shareholder's distributive 2041
share of net profits of the S corporation, other than any part 2042
of the distributive share of net profits that represents wages 2043
as defined in section 3121(a) of the Internal Revenue Code or 2044
net earnings from self-employment as defined in section 1402(a) 2045
of the Internal Revenue Code. 2046

(b) If, pursuant to division (H) of former section 718.01 2047
of the Revised Code as it existed before March 11, 2004, a 2048
majority of the electors of a municipal corporation voted in 2049
favor of the question at an election held on November 4, 2003, 2050
the municipal corporation may continue after 2002 to tax an S 2051
corporation shareholder's distributive share of net profits of 2052
an S corporation. 2053

(c) If, on December 6, 2002, a municipal corporation was 2054
imposing, assessing, and collecting a tax on an S corporation 2055
shareholder's distributive share of net profits of the S 2056
corporation to the extent the distributive share would be 2057
allocated or apportioned to this state under divisions (B) (1) 2058
and (2) of section 5733.05 of the Revised Code if the S 2059
corporation were a corporation subject to taxes imposed under 2060

Chapter 5733. of the Revised Code, the municipal corporation may 2061
continue to impose the tax on such distributive shares to the 2062
extent such shares would be so allocated or apportioned to this 2063
state only until December 31, 2004, unless a majority of the 2064
electors of the municipal corporation voting on the question of 2065
continuing to tax such shares after that date voted in favor of 2066
that question at an election held November 2, 2004. If a 2067
majority of those electors voted in favor of the question, the 2068
municipal corporation may continue after December 31, 2004, to 2069
impose the tax on such distributive shares only to the extent 2070
such shares would be so allocated or apportioned to this state. 2071

(d) A municipal corporation shall be deemed to have 2072
elected to tax S corporation shareholders' distributive shares 2073
of net profits of the S corporation in the hands of the 2074
shareholders if a majority of the electors of a municipal 2075
corporation voted in favor of a question at an election held 2076
under division (C) (14) (b) or (c) of this section. The municipal 2077
corporation shall specify by resolution or ordinance that the 2078
tax applies to the distributive share of a shareholder of an S 2079
corporation in the hands of the shareholder of the S 2080
corporation. 2081

(15) To the extent authorized under a resolution or 2082
ordinance adopted by a municipal corporation before January 1, 2083
2016, all or a portion of the income of individuals or a class 2084
of individuals under eighteen years of age. 2085

(16) (a) Except as provided in divisions (C) (16) (b), (c), 2086
and (d) of this section, qualifying wages described in division 2087
(B) (1) or (E) of section 718.011 of the Revised Code to the 2088
extent the qualifying wages are not subject to withholding for 2089
the municipal corporation under either of those divisions. 2090

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

(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 2120
circumstances: 2121

(i) The individual's base of operation is located in the 2122
municipal corporation. 2123

(ii) The individual is a professional athlete, 2124
professional entertainer, or public figure, and the compensation 2125
is paid for the performance of services in the individual's 2126
capacity as a professional athlete, professional entertainer, or 2127
public figure. For purposes of division (C) (17) (b) (ii) of this 2128
section, "professional athlete," "professional entertainer," and 2129
"public figure" have the same meanings as in section 718.011 of 2130
the Revised Code. 2131

(c) Compensation to which division (C) (17) of this section 2132
applies shall be treated as earned or received at the 2133
individual's base of operation. If the individual does not have 2134
a base of operation, the compensation shall be treated as earned 2135
or received where the individual is domiciled. 2136

(d) For purposes of division (C) (17) of this section, 2137
"base of operation" means the location where an individual owns 2138
or rents an office, storefront, or similar facility to which the 2139
individual regularly reports and at which the individual 2140
regularly performs personal services for compensation. 2141

(18) Compensation paid to a person for personal services 2142
performed for a political subdivision on property owned by the 2143
political subdivision, regardless of whether the compensation is 2144
received by an employee of the subdivision or another person 2145
performing services for the subdivision under a contract with 2146
the subdivision, if the property on which services are performed 2147
is annexed to a municipal corporation pursuant to section 2148

709.023 of the Revised Code on or after March 27, 2013, unless 2149
the person is subject to such taxation because of residence. If 2150
the compensation is subject to taxation because of residence, 2151
municipal income tax shall be payable only to the municipal 2152
corporation of residence. 2153

(19) In the case of a tax administered, collected, and 2154
enforced by a municipal corporation pursuant to an agreement 2155
with the board of directors of a joint economic development 2156
district under section 715.72 of the Revised Code, the net 2157
profits of a business, and the income of the employees of that 2158
business, exempted from the tax under division (Q) of that 2159
section. 2160

(20) All of the following: 2161

(a) Income derived from disaster work conducted in this 2162
state by an out-of-state disaster business during a disaster 2163
response period pursuant to a qualifying solicitation received 2164
by the business; 2165

(b) Income of a qualifying employee described in division 2166
(A) (14) (a) of section 5703.94 of the Revised Code, to the extent 2167
such income is derived from disaster work conducted in this 2168
state by the employee during a disaster response period pursuant 2169
to a qualifying solicitation received by the employee's 2170
employer; 2171

(c) Income of a qualifying employee described in division 2172
(A) (14) (b) of section 5703.94 of the Revised Code, to the extent 2173
such income is derived from disaster work conducted in this 2174
state by the employee during a disaster response period on 2175
critical infrastructure owned or used by the employee's 2176
employer. 2177

(21) Income the taxation of which is prohibited by the 2178
constitution or laws of the United States. 2179

Any item of income that is exempt income of a pass-through 2180
entity under division (C) of this section is exempt income of 2181
each owner of the pass-through entity to the extent of that 2182
owner's distributive or proportionate share of that item of the 2183
entity's income. 2184

(D) (1) "Net profit" for a person who is an individual 2185
means the individual's net profit required to be reported on 2186
schedule C, schedule E, or schedule F reduced by any net 2187
operating loss carried forward. For the purposes of division (D) 2188
(1) of this section, the net operating loss carried forward 2189
shall be calculated and deducted in the same manner as provided 2190
in division (D) (3) of this section. 2191

(2) "Net profit" for a person other than an individual 2192
means adjusted federal taxable income reduced by any net 2193
operating loss incurred by the person in a taxable year 2194
beginning on or after January 1, 2017, subject to the 2195
limitations of division (D) (3) of this section. 2196

(3) (a) The amount of such net operating loss shall be 2197
deducted from net profit to the extent necessary to reduce 2198
municipal taxable income to zero, with any remaining unused 2199
portion of the net operating loss carried forward to not more 2200
than five consecutive taxable years following the taxable year 2201
in which the loss was incurred, but in no case for more years 2202
than necessary for the deduction to be fully utilized. 2203

(b) No person shall use the deduction allowed by division 2204
(D) (3) of this section to offset qualifying wages. 2205

(c) (i) For taxable years beginning in 2018, 2019, 2020, 2206

2021, or 2022, a person may not deduct, for purposes of an 2207
income tax levied by a municipal corporation that levies an 2208
income tax before January 1, 2016, more than fifty per cent of 2209
the amount of the deduction otherwise allowed by division (D) (3) 2210
of this section. 2211

(ii) For taxable years beginning in 2023 or thereafter, a 2212
person may deduct, for purposes of an income tax levied by a 2213
municipal corporation that levies an income tax before January 2214
1, 2016, the full amount allowed by division (D) (3) of this 2215
section without regard to the limitation of division (D) (3) (b) 2216
(i) of this section. 2217

(d) Any pre-2017 net operating loss carryforward deduction 2218
that is available may be utilized before a taxpayer may deduct 2219
any amount pursuant to division (D) (3) of this section. 2220

(e) Nothing in division (D) (3) (c) (i) of this section 2221
precludes a person from carrying forward, for use with respect 2222
to any return filed for a taxable year beginning after 2018, any 2223
amount of net operating loss that was not fully utilized by 2224
operation of division (D) (3) (c) (i) of this section. To the 2225
extent that an amount of net operating loss that was not fully 2226
utilized in one or more taxable years by operation of division 2227
(D) (3) (c) (i) of this section is carried forward for use with 2228
respect to a return filed for a taxable year beginning in 2019, 2229
2020, 2021, or 2022, the limitation described in division (D) (3) 2230
(c) (i) of this section shall apply to the amount carried 2231
forward. 2232

(4) For the purposes of this chapter, and notwithstanding 2233
division (D) (2) of this section, net profit of a disregarded 2234
entity shall not be taxable as against that disregarded entity, 2235
but shall instead be included in the net profit of the owner of 2236

the disregarded entity. 2237

(5) For the purposes of this chapter, and notwithstanding 2238
any other provision of this chapter, the net profit of a 2239
publicly traded partnership that makes the election described in 2240
division (D) (5) of this section shall be taxed as if the 2241
partnership were a C corporation, and shall not be treated as 2242
the net profit or income of any owner of the partnership. 2243

A publicly traded partnership that is treated as a 2244
partnership for federal income tax purposes and that is subject 2245
to tax on its net profits in one or more municipal corporations 2246
in this state may elect to be treated as a C corporation for 2247
municipal income tax purposes. The publicly traded partnership 2248
shall make the election in every municipal corporation in which 2249
the partnership is subject to taxation on its net profits. The 2250
election shall be made on the annual tax return filed in each 2251
such municipal corporation. The publicly traded partnership 2252
shall not be required to file the election with any municipal 2253
corporation in which the partnership is not subject to taxation 2254
on its net profits, but division (D) (5) of this section applies 2255
to all municipal corporations in which an individual owner of 2256
the partnership resides. 2257

(E) "Adjusted federal taxable income," for a person 2258
required to file as a C corporation, or for a person that has 2259
elected to be taxed as a C corporation under division (D) (5) of 2260
this section, means a C corporation's federal taxable income 2261
before net operating losses and special deductions as determined 2262
under the Internal Revenue Code, adjusted as follows: 2263

(1) Deduct intangible income to the extent included in 2264
federal taxable income. The deduction shall be allowed 2265
regardless of whether the intangible income relates to assets 2266

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| used in a trade or business or assets held for the production of | 2267 |
| income. | 2268 |
| (2) Add an amount equal to five per cent of intangible | 2269 |
| income deducted under division (E) (1) of this section, but | 2270 |
| excluding that portion of intangible income directly related to | 2271 |
| the sale, exchange, or other disposition of property described | 2272 |
| in section 1221 of the Internal Revenue Code; | 2273 |
| (3) Add any losses allowed as a deduction in the | 2274 |
| computation of federal taxable income if the losses directly | 2275 |
| relate to the sale, exchange, or other disposition of an asset | 2276 |
| described in section 1221 or 1231 of the Internal Revenue Code; | 2277 |
| (4) (a) Except as provided in division (E) (4) (b) of this | 2278 |
| section, deduct income and gain included in federal taxable | 2279 |
| income to the extent the income and gain directly relate to the | 2280 |
| sale, exchange, or other disposition of an asset described in | 2281 |
| section 1221 or 1231 of the Internal Revenue Code; | 2282 |
| (b) Division (E) (4) (a) of this section does not apply to | 2283 |
| the extent the income or gain is income or gain described in | 2284 |
| section 1245 or 1250 of the Internal Revenue Code. | 2285 |
| (5) Add taxes on or measured by net income allowed as a | 2286 |
| deduction in the computation of federal taxable income; | 2287 |
| (6) In the case of a real estate investment trust or | 2288 |
| regulated investment company, add all amounts with respect to | 2289 |
| dividends to, distributions to, or amounts set aside for or | 2290 |
| credited to the benefit of investors and allowed as a deduction | 2291 |
| in the computation of federal taxable income; | 2292 |
| (7) Deduct, to the extent not otherwise deducted or | 2293 |
| excluded in computing federal taxable income, any income derived | 2294 |
| from a transfer agreement or from the enterprise transferred | 2295 |

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| under that agreement under section 4313.02 of the Revised Code; | 2296 |
| (8) Deduct exempt income to the extent not otherwise | 2297 |
| deducted or excluded in computing adjusted federal taxable | 2298 |
| income. | 2299 |
| (9) Deduct any net profit of a pass-through entity owned | 2300 |
| directly or indirectly by the taxpayer and included in the | 2301 |
| taxpayer's federal taxable income unless an affiliated group of | 2302 |
| corporations includes that net profit in the group's federal | 2303 |
| taxable income in accordance with division (E) (3) (b) of section | 2304 |
| 718.06 of the Revised Code. | 2305 |
| (10) Add any loss incurred by a pass-through entity owned | 2306 |
| directly or indirectly by the taxpayer and included in the | 2307 |
| taxpayer's federal taxable income unless an affiliated group of | 2308 |
| corporations includes that loss in the group's federal taxable | 2309 |
| income in accordance with division (E) (3) (b) of section 718.06 | 2310 |
| of the Revised Code. | 2311 |
| If the taxpayer is not a C corporation, is not a | 2312 |
| disregarded entity that has made the election described in | 2313 |
| division (L) (2) of this section, is not a publicly traded | 2314 |
| partnership that has made the election described in division (D) | 2315 |
| (5) of this section, and is not an individual, the taxpayer | 2316 |
| shall compute adjusted federal taxable income under this section | 2317 |
| as if the taxpayer were a C corporation, except guaranteed | 2318 |
| payments and other similar amounts paid or accrued to a partner, | 2319 |
| former partner, shareholder, former shareholder, member, or | 2320 |
| former member shall not be allowed as a deductible expense | 2321 |
| unless such payments are in consideration for the use of capital | 2322 |
| and treated as payment of interest under section 469 of the | 2323 |
| Internal Revenue Code or United States treasury regulations. | 2324 |
| Amounts paid or accrued to a qualified self-employed retirement | 2325 |

plan with respect to a partner, former partner, shareholder, 2326
former shareholder, member, or former member of the taxpayer, 2327
amounts paid or accrued to or for health insurance for a 2328
partner, former partner, shareholder, former shareholder, 2329
member, or former member, and amounts paid or accrued to or for 2330
life insurance for a partner, former partner, shareholder, 2331
former shareholder, member, or former member shall not be 2332
allowed as a deduction. 2333

Nothing in division (E) of this section shall be construed 2334
as allowing the taxpayer to add or deduct any amount more than 2335
once or shall be construed as allowing any taxpayer to deduct 2336
any amount paid to or accrued for purposes of federal self- 2337
employment tax. 2338

(F) "Schedule C" means internal revenue service schedule C 2339
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 2340
Code. 2341

(G) "Schedule E" means internal revenue service schedule E 2342
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 2343
Code. 2344

(H) "Schedule F" means internal revenue service schedule F 2345
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 2346
Code. 2347

(I) "Internal Revenue Code" has the same meaning as in 2348
section 5747.01 of the Revised Code. 2349

(J) "Resident" means an individual who is domiciled in the 2350
municipal corporation as determined under section 718.012 of the 2351
Revised Code. 2352

(K) "Nonresident" means an individual that is not a 2353
resident. 2354

(L) (1) "Taxpayer" means a person subject to a tax levied 2355
on income by a municipal corporation in accordance with this 2356
chapter. "Taxpayer" does not include a grantor trust or, except 2357
as provided in division (L) (2) (a) of this section, a disregarded 2358
entity. 2359

(2) (a) A single member limited liability company that is a 2360
disregarded entity for federal tax purposes may be a separate 2361
taxpayer from its single member in all Ohio municipal 2362
corporations in which it either filed as a separate taxpayer or 2363
did not file for its taxable year ending in 2003, if all of the 2364
following conditions are met: 2365

(i) The limited liability company's single member is also 2366
a limited liability company. 2367

(ii) The limited liability company and its single member 2368
were formed and doing business in one or more Ohio municipal 2369
corporations for at least five years before January 1, 2004. 2370

(iii) Not later than December 31, 2004, the limited 2371
liability company and its single member each made an election to 2372
be treated as a separate taxpayer under division (L) of this 2373
section as this section existed on December 31, 2004. 2374

(iv) The limited liability company was not formed for the 2375
purpose of evading or reducing Ohio municipal corporation income 2376
tax liability of the limited liability company or its single 2377
member. 2378

(v) The Ohio municipal corporation that was the primary 2379
place of business of the sole member of the limited liability 2380
company consented to the election. 2381

(b) For purposes of division (L) (2) (a) (v) of this section, 2382
a municipal corporation was the primary place of business of a 2383

limited liability company if, for the limited liability 2384
company's taxable year ending in 2003, its income tax liability 2385
was greater in that municipal corporation than in any other 2386
municipal corporation in Ohio, and that tax liability to that 2387
municipal corporation for its taxable year ending in 2003 was at 2388
least four hundred thousand dollars. 2389

(M) "Person" includes individuals, firms, companies, joint 2390
stock companies, business trusts, estates, trusts, partnerships, 2391
limited liability partnerships, limited liability companies, 2392
associations, C corporations, S corporations, governmental 2393
entities, and any other entity. 2394

(N) "Pass-through entity" means a partnership not treated 2395
as an association taxable as a C corporation for federal income 2396
tax purposes, a limited liability company not treated as an 2397
association taxable as a C corporation for federal income tax 2398
purposes, an S corporation, or any other class of entity from 2399
which the income or profits of the entity are given pass-through 2400
treatment for federal income tax purposes. "Pass-through entity" 2401
does not include a trust, estate, grantor of a grantor trust, or 2402
disregarded entity. 2403

(O) "S corporation" means a person that has made an 2404
election under subchapter S of Chapter 1 of Subtitle A of the 2405
Internal Revenue Code for its taxable year. 2406

(P) "Single member limited liability company" means a 2407
limited liability company that has one direct member. 2408

(Q) "Limited liability company" means a limited liability 2409
company formed under Chapter 1705. or 1706. of the Revised Code 2410
or under the laws of another state. 2411

(R) "Qualifying wages" means wages, as defined in section 2412

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| 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows: | 2413 2414 |
| (1) Deduct the following amounts: | 2415 |
| (a) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code. | 2416 2417 2418 |
| (b) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer. | 2419 2420 2421 2422 |
| (c) Any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code if the compensation is included in wages and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax. | 2423 2424 2425 2426 2427 2428 |
| (d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax. | 2429 2430 2431 2432 2433 2434 2435 |
| (e) Any amount included in wages that is exempt income. | 2436 |
| (2) Add the following amounts: | 2437 |
| (a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986. | 2438 2439 |
| (b) Any amount not included in wages because the amount | 2440 |

arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax adopted before January 1, 2016. Division (R) (2) (b) of this section applies only to those amounts constituting ordinary income.

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

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

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

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

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

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

(iii) For no succeeding taxable year will the amount 2470
constitute wages; and 2471

(iv) For any taxable year the amount has not otherwise 2472
been added to wages pursuant to either division (R) (2) of this 2473
section or section 718.03 of the Revised Code, as that section 2474
existed before the effective date of H.B. 5 of the 130th general 2475
assembly, March 23, 2015. 2476

(S) "Intangible income" means income of any of the 2477
following types: income yield, interest, capital gains, 2478
dividends, or other income arising from the ownership, sale, 2479
exchange, or other disposition of intangible property including, 2480
but not limited to, investments, deposits, money, or credits as 2481
those terms are defined in Chapter 5701. of the Revised Code, 2482
and patents, copyrights, trademarks, tradenames, investments in 2483
real estate investment trusts, investments in regulated 2484
investment companies, and appreciation on deferred compensation. 2485
"Intangible income" does not include prizes, awards, or other 2486
income associated with any lottery winnings, gambling winnings, 2487
or other similar games of chance. 2488

(T) "Taxable year" means the corresponding tax reporting 2489
period as prescribed for the taxpayer under the Internal Revenue 2490
Code. 2491

(U) "Tax administrator" means the individual charged with 2492
direct responsibility for administration of an income tax levied 2493
by a municipal corporation in accordance with this chapter, and 2494
also includes the following: 2495

(1) A municipal corporation acting as the agent of another 2496
municipal corporation; 2497

(2) A person retained by a municipal corporation to 2498

administer a tax levied by the municipal corporation, but only 2499
if the municipal corporation does not compensate the person in 2500
whole or in part on a contingency basis; 2501

(3) The central collection agency or the regional income 2502
tax agency or their successors in interest, or another entity 2503
organized to perform functions similar to those performed by the 2504
central collection agency and the regional income tax agency. 2505

"Tax administrator" does not include the tax commissioner. 2506

(V) "Employer" means a person that is an employer for 2507
federal income tax purposes. 2508

(W) "Employee" means an individual who is an employee for 2509
federal income tax purposes. 2510

(X) "Other payer" means any person, other than an 2511
individual's employer or the employer's agent, that pays an 2512
individual any amount included in the federal gross income of 2513
the individual. "Other payer" includes casino operators and 2514
video lottery terminal sales agents. 2515

(Y) "Calendar quarter" means the three-month period ending 2516
on the last day of March, June, September, or December. 2517

(Z) "Form 2106" means internal revenue service form 2106 2518
filed by a taxpayer pursuant to the Internal Revenue Code. 2519

(AA) "Municipal corporation" includes a joint economic 2520
development district or joint economic development zone that 2521
levies an income tax under section 715.691, 715.70, 715.71, or 2522
715.72 of the Revised Code. 2523

(BB) "Disregarded entity" means a single member limited 2524
liability company, a qualifying subchapter S subsidiary, or 2525
another entity if the company, subsidiary, or entity is a 2526

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| disregarded entity for federal income tax purposes. | 2527 |
| (CC) "Generic form" means an electronic or paper form that | 2528 |
| is not prescribed by a particular municipal corporation and that | 2529 |
| is designed for reporting taxes withheld by an employer, agent | 2530 |
| of an employer, or other payer, estimated municipal income | 2531 |
| taxes, or annual municipal income tax liability or for filing a | 2532 |
| refund claim. | 2533 |
| (DD) "Tax return preparer" means any individual described | 2534 |
| in section 7701(a)(36) of the Internal Revenue Code and 26 | 2535 |
| C.F.R. 301.7701-15. | 2536 |
| (EE) "Ohio business gateway" means the online computer | 2537 |
| network system, created under section 125.30 of the Revised | 2538 |
| Code, that allows persons to electronically file business reply | 2539 |
| forms with state agencies and includes any successor electronic | 2540 |
| filing and payment system. | 2541 |
| (FF) "Local board of tax review" and "board of tax review" | 2542 |
| mean the entity created under section 718.11 of the Revised | 2543 |
| Code. | 2544 |
| (GG) "Net operating loss" means a loss incurred by a | 2545 |
| person in the operation of a trade or business. "Net operating | 2546 |
| loss" does not include unutilized losses resulting from basis | 2547 |
| limitations, at-risk limitations, or passive activity loss | 2548 |
| limitations. | 2549 |
| (HH) "Casino operator" and "casino facility" have the same | 2550 |
| meanings as in section 3772.01 of the Revised Code. | 2551 |
| (II) "Video lottery terminal" has the same meaning as in | 2552 |
| section 3770.21 of the Revised Code. | 2553 |
| (JJ) "Video lottery terminal sales agent" means a lottery | 2554 |

sales agent licensed under Chapter 3770. of the Revised Code to 2555
conduct video lottery terminals on behalf of the state pursuant 2556
to section 3770.21 of the Revised Code. 2557

(KK) "Postal service" means the United States postal 2558
service. 2559

(LL) "Certified mail," "express mail," "United States 2560
mail," "postal service," and similar terms include any delivery 2561
service authorized pursuant to section 5703.056 of the Revised 2562
Code. 2563

(MM) "Postmark date," "date of postmark," and similar 2564
terms include the date recorded and marked in the manner 2565
described in division (B) (3) of section 5703.056 of the Revised 2566
Code. 2567

(NN) "Related member" means a person that, with respect to 2568
the taxpayer during all or any portion of the taxable year, is 2569
either a related entity, a component member as defined in 2570
section 1563(b) of the Internal Revenue Code, or a person to or 2571
from whom there is attribution of stock ownership in accordance 2572
with section 1563(e) of the Internal Revenue Code except, for 2573
purposes of determining whether a person is a related member 2574
under this division, "twenty per cent" shall be substituted for 2575
"5 percent" wherever "5 percent" appears in section 1563(e) of 2576
the Internal Revenue Code. 2577

(OO) "Related entity" means any of the following: 2578

(1) An individual stockholder, or a member of the 2579
stockholder's family enumerated in section 318 of the Internal 2580
Revenue Code, if the stockholder and the members of the 2581
stockholder's family own directly, indirectly, beneficially, or 2582
constructively, in the aggregate, at least fifty per cent of the 2583

value of the taxpayer's outstanding stock; 2584

(2) A stockholder, or a stockholder's partnership, estate, 2585
trust, or corporation, if the stockholder and the stockholder's 2586
partnerships, estates, trusts, or corporations own directly, 2587
indirectly, beneficially, or constructively, in the aggregate, 2588
at least fifty per cent of the value of the taxpayer's 2589
outstanding stock; 2590

(3) A corporation, or a party related to the corporation 2591
in a manner that would require an attribution of stock from the 2592
corporation to the party or from the party to the corporation 2593
under division (00) (4) of this section, provided the taxpayer 2594
owns directly, indirectly, beneficially, or constructively, at 2595
least fifty per cent of the value of the corporation's 2596
outstanding stock; 2597

(4) The attribution rules described in section 318 of the 2598
Internal Revenue Code apply for the purpose of determining 2599
whether the ownership requirements in divisions (00) (1) to (3) 2600
of this section have been met. 2601

(PP) (1) "Assessment" means a written finding by the tax 2602
administrator that a person has underpaid municipal income tax, 2603
or owes penalty and interest, or any combination of tax, 2604
penalty, or interest, to the municipal corporation that 2605
commences the person's time limitation for making an appeal to 2606
the local board of tax review pursuant to section 718.11 of the 2607
Revised Code, and has "ASSESSMENT" written in all capital 2608
letters at the top of such finding. 2609

(2) "Assessment" does not include an informal notice 2610
denying a request for refund issued under division (B) (3) of 2611
section 718.19 of the Revised Code, a billing statement 2612

notifying a taxpayer of current or past-due balances owed to the 2613
municipal corporation, a tax administrator's request for 2614
additional information, a notification to the taxpayer of 2615
mathematical errors, or a tax administrator's other written 2616
correspondence to a person or taxpayer that does meet the 2617
criteria prescribed by division (PP)(1) of this section. 2618

(QQ) "Taxpayers' rights and responsibilities" means the 2619
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 2620
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 2621
Revised Code and the responsibilities of taxpayers to file, 2622
report, withhold, remit, and pay municipal income tax and 2623
otherwise comply with Chapter 718. of the Revised Code and 2624
resolutions, ordinances, and rules adopted by a municipal 2625
corporation for the imposition and administration of a municipal 2626
income tax. 2627

(RR) "Qualified municipal corporation" means a municipal 2628
corporation that, by resolution or ordinance adopted on or 2629
before December 31, 2011, adopted Ohio adjusted gross income, as 2630
defined by section 5747.01 of the Revised Code, as the income 2631
subject to tax for the purposes of imposing a municipal income 2632
tax. 2633

(SS) (1) "Pre-2017 net operating loss carryforward" means 2634
any net operating loss incurred in a taxable year beginning 2635
before January 1, 2017, to the extent such loss was permitted, 2636
by a resolution or ordinance of the municipal corporation that 2637
was adopted by the municipal corporation before January 1, 2016, 2638
to be carried forward and utilized to offset income or net 2639
profit generated in such municipal corporation in future taxable 2640
years. 2641

(2) For the purpose of calculating municipal taxable 2642

income, any pre-2017 net operating loss carryforward may be 2643
carried forward to any taxable year, including taxable years 2644
beginning in 2017 or thereafter, for the number of taxable years 2645
provided in the resolution or ordinance or until fully utilized, 2646
whichever is earlier. 2647

(TT) "Small employer" means any employer that had total 2648
revenue of less than five hundred thousand dollars during the 2649
preceding taxable year. For purposes of this division, "total 2650
revenue" means receipts of any type or kind, including, but not 2651
limited to, sales receipts; payments; rents; profits; gains, 2652
dividends, and other investment income; compensation; 2653
commissions; premiums; money; property; grants; contributions; 2654
donations; gifts; program service revenue; patient service 2655
revenue; premiums; fees, including premium fees and service 2656
fees; tuition payments; unrelated business revenue; 2657
reimbursements; any type of payment from a governmental unit, 2658
including grants and other allocations; and any other similar 2659
receipts reported for federal income tax purposes or under 2660
generally accepted accounting principles. "Small employer" does 2661
not include the federal government; any state government, 2662
including any state agency or instrumentality; any political 2663
subdivision; or any entity treated as a government for financial 2664
accounting and reporting purposes. 2665

(UU) "Audit" means the examination of a person or the 2666
inspection of the books, records, memoranda, or accounts of a 2667
person for the purpose of determining liability for a municipal 2668
income tax. 2669

(VV) "Publicly traded partnership" means any partnership, 2670
an interest in which is regularly traded on an established 2671
securities market. A "publicly traded partnership" may have any 2672

number of partners. 2673

(WW) "Tax commissioner" means the tax commissioner 2674
appointed under section 121.03 of the Revised Code. 2675

(XX) "Out-of-state disaster business," "qualifying 2676
solicitation," "qualifying employee," "disaster work," "critical 2677
infrastructure," and "disaster response period" have the same 2678
meanings as in section 5703.94 of the Revised Code. 2679

(YY) "Pension" means a retirement benefit plan, regardless 2680
of whether the plan satisfies the qualifications described under 2681
section 401(a) of the Internal Revenue Code, including amounts 2682
that are taxable under the "Federal Insurance Contributions 2683
Act," Chapter 21 of the Internal Revenue Code, excluding 2684
employee contributions and elective deferrals, and regardless of 2685
whether such amounts are paid in the same taxable year in which 2686
the amounts are included in the employee's wages, as defined by 2687
section 3121(a) of the Internal Revenue Code. 2688

(ZZ) "Retirement benefit plan" means an arrangement 2689
whereby an entity provides benefits to individuals either on or 2690
after their termination of service because of retirement or 2691
disability. "Retirement benefit plan" does not include wage 2692
continuation payments, severance payments, or payments made for 2693
accrued personal or vacation time. 2694

Sec. 3313.77. (A) For purposes of this section: 2695

(1) "General public" means members of the community, 2696
including both of the following: 2697

(a) Students during nonschool hours; 2698

(b) Employees of a school or school district when not 2699
working in the scope of their employment. 2700

| | |
|---|--|
| (2) "Nonschool hours" means both of the following: | 2701 |
| (a) Any time prior to and after regular classroom instruction on a day that school is in session; | 2702 2703 |
| (b) Any day that school is not in session, including weekends, holidays, and vacation breaks. | 2704 2705 |
| (3) "Recreational meetings and entertainments" means all indoor or outdoor games or physical activities, either organized or unorganized, that are undertaken for exercise, relaxation, diversion, sport, or pleasure. | 2706 2707 2708 2709 |
| (4) "School premises" means all indoor and outdoor structures, facilities, and land owned, rented, or leased by a school or school district. | 2710 2711 2712 |
| (B) The board of education of any city, exempted village, or local school district shall, upon request and the payment of a reasonable fee, subject to such regulation as is adopted by such board, permit the use of school premises, when not in actual use for school purposes, for any of the following purposes: | 2713 2714 2715 2716 2717 2718 |
| (1) Giving instructions in any branch of education, learning, or the arts; | 2719 2720 |
| (2) Holding educational, religious, civic, social, or recreational meetings and entertainments, and for such other purposes as promote the welfare of the community; provided such meetings and entertainments shall be nonexclusive and open to the general public; | 2721 2722 2723 2724 2725 |
| (3) Public library purposes, as a station for a public library, or as reading rooms; | 2726 2727 |
| (4) Polling <u>Precinct polling places and voter service and</u> | 2728 |

| | |
|---|------|
| <u>polling centers</u> , for holding elections and for the registration | 2729 |
| of voters, or for holding; | 2730 |
| <u>(5) Holding</u> grange or similar meetings. | 2731 |
| The board of education of each school district shall adopt | 2732 |
| a policy for the use of school premises by the general public, | 2733 |
| including a list of all fees to be paid for the use of such | 2734 |
| premises and the costs used to determine such fees. Once | 2735 |
| adopted, the policy shall remain in effect until formally | 2736 |
| amended by the board. A copy of the policy shall be made | 2737 |
| available to any resident of the district upon request. | 2738 |
| Sec. 3501.01. As used in the sections of the Revised Code | 2739 |
| relating to elections and political communications: | 2740 |
| (A) "General election" means the election held on the | 2741 |
| first Tuesday after the first Monday in each November. | 2742 |
| (B) "Regular municipal election" means the election held | 2743 |
| on the first Tuesday after the first Monday in November in each | 2744 |
| odd-numbered year. | 2745 |
| (C) "Regular state election" means the election held on | 2746 |
| the first Tuesday after the first Monday in November in each | 2747 |
| even-numbered year. | 2748 |
| (D) "Special election" means any election other than those | 2749 |
| elections defined in other divisions of this section. A special | 2750 |
| election may be held only on the first Tuesday after the first | 2751 |
| Monday in May, August, or November, or on the day authorized by | 2752 |
| a particular municipal or county charter for the holding of a | 2753 |
| primary election, except that in any year in which a | 2754 |
| presidential primary election is held, no special election shall | 2755 |
| be held in May, except as authorized by a municipal or county | 2756 |
| charter, but may be held on the third Tuesday after the first | 2757 |

Monday in March. 2758

(E) (1) "Primary" or "primary election" means an election 2759
held for the purpose of nominating persons as candidates of 2760
political parties for election to offices, and for the purpose 2761
of electing persons as members of the controlling committees of 2762
political parties and as delegates and alternates to the 2763
conventions of political parties. Primary elections shall be 2764
held on the first Tuesday after the first Monday in May of each 2765
year except in years in which a presidential primary election is 2766
held. 2767

(2) "Presidential primary election" means a primary 2768
election as defined by division (E) (1) of this section at which 2769
an election is held for the purpose of choosing delegates and 2770
alternates to the national conventions of the major political 2771
parties pursuant to section 3513.12 of the Revised Code. Unless 2772
otherwise specified, presidential primary elections are included 2773
in references to primary elections. In years in which a 2774
presidential primary election is held, all primary elections 2775
shall be held on the third Tuesday after the first Monday in 2776
March except as otherwise authorized by a municipal or county 2777
charter. 2778

(F) "Political party" means any group of voters meeting 2779
the requirements set forth in section 3517.01 of the Revised 2780
Code for the formation and existence of a political party. 2781

(1) "Major political party" means any political party 2782
organized under the laws of this state whose candidate for 2783
governor or nominees for presidential electors received not less 2784
than twenty per cent of the total vote cast for such office at 2785
the most recent regular state election. 2786

(2) "Minor political party" means any political party 2787
organized under the laws of this state that meets either of the 2788
following requirements: 2789

(a) Except as otherwise provided in this division, the 2790
political party's candidate for governor or nominees for 2791
presidential electors received less than twenty per cent but not 2792
less than three per cent of the total vote cast for such office 2793
at the most recent regular state election. A political party 2794
that meets the requirements of this division remains a political 2795
party for a period of four years after meeting those 2796
requirements. 2797

(b) The political party has filed with the secretary of 2798
state, subsequent to its failure to meet the requirements of 2799
division (F) (2) (a) of this section, a petition that meets the 2800
requirements of section 3517.01 of the Revised Code. 2801

A newly formed political party shall be known as a minor 2802
political party until the time of the first election for 2803
governor or president which occurs not less than twelve months 2804
subsequent to the formation of such party, after which election 2805
the status of such party shall be determined by the vote for the 2806
office of governor or president. 2807

~~(G) "Dominant party in a precinct" or "dominant political-~~ 2808
~~party in a precinct" means that political party whose candidate-~~ 2809
~~for election to the office of governor at the most recent-~~ 2810
~~regular state election at which a governor was elected received-~~ 2811
~~more votes than any other person received for election to that-~~ 2812
~~office in such precinct at such election.-~~ 2813

~~(H)~~ "Candidate" means any qualified person certified in 2814
accordance with the provisions of the Revised Code for placement 2815

on the official ballot of a primary, general, or special 2816
election to be held in this state, or any qualified person who 2817
claims to be a write-in candidate, or who knowingly assents to 2818
being represented as a write-in candidate by another at either a 2819
primary, general, or special election to be held in this state. 2820

~~(I)~~ (H) "Independent candidate" means any candidate who 2821
~~claims is~~ not ~~to be~~ affiliated with a political party, and whose 2822
name has been certified on the office-type ballot at a general 2823
or special election through the filing of a statement of 2824
candidacy and nominating petition, as prescribed in section 2825
3513.257 of the Revised Code. 2826

~~(J)~~ (I) "Nonpartisan candidate" means any candidate whose 2827
name is required, pursuant to section 3505.04 of the Revised 2828
Code, to be listed on the nonpartisan ballot, including all 2829
candidates for judicial office, for member of any board of 2830
education, for municipal or township offices in which primary 2831
elections are not held for nominating candidates by political 2832
parties, and for offices of municipal corporations having 2833
charters that provide for separate ballots for elections for 2834
these offices. 2835

~~(K)~~ (J) "Party candidate" means any candidate who ~~claims~~ 2836
~~to be is~~ a member of a political party and who has been 2837
certified to appear on the office-type ballot at a general or 2838
special election as the nominee of a political party because the 2839
candidate has won the primary election of the candidate's party 2840
for the public office the candidate seeks, has been nominated 2841
under section 3517.012, or is selected by party committee in 2842
accordance with section 3513.31 of the Revised Code. 2843

~~(L)~~ (K) "Officer of a political party" includes, but is 2844
not limited to, any member, elected or appointed, of a 2845

controlling committee, whether representing the territory of the 2846
state, a district therein, a county, township, a city, a ward, a 2847
precinct, or other territory, of a major or minor political 2848
party. 2849

~~(M)~~(L) "Question or issue" means any question or issue 2850
certified in accordance with the Revised Code for placement on 2851
an official ballot at a general or special election to be held 2852
in this state. 2853

~~(N)~~(M) "Elector" or "qualified elector" means a person 2854
having the qualifications provided by law to be entitled to 2855
vote. 2856

~~(O)~~(N) "Voter" means an elector who votes at an election. 2857

~~(P)~~(O) "Voting residence" means that place of residence 2858
of an elector which shall determine the precinct in candidates, 2859
questions, and issues on which the elector may vote. 2860

~~(Q)~~(P) "Precinct" means a district within a county 2861
established by the board of elections of such county within 2862
which all qualified electors having a voting residence therein 2863
may vote at on the same polling place candidates, questions, and 2864
issues. 2865

~~(R)~~(Q) (1) "Polling Precinct polling place" means that a 2866
place provided for each a precinct at which the electors having 2867
a voting residence in such the precinct may vote cast ballots in 2868
person on the day of an election. 2869

~~(S)~~(2) "Voter service and polling center" means a place 2870
other than a precinct polling place or the office of a board of 2871
elections at which the electors having a voting residence in the 2872
county may cast ballots in person, obtain mail ballots, or 2873
return voted mail ballots. 2874

(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 without the payment of postage.

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

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

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

(1) Secretary of state;

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

(3) Director of a board of elections;

(4) Deputy director of a board of elections;

(5) Member of a board of elections;

(6) Employees of a board of elections;

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

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

~~(V)~~(U) "Acknowledgment notice" means a notice sent by a

board of elections under section 3503.19 of the Revised Code, on 2902
a form prescribed by the secretary of state, informing a person 2903
who has applied to register to vote or to update the person's 2904
voter registration ~~applicant or an applicant, or who wishes to~~ 2905
~~change the applicant's residence or name~~ has had the person's 2906
registration updated under section 3503.111 of the Revised Code, 2907
~~of the~~ all of the following: 2908

(1) The status of the ~~application registration; the~~ 2909

(2) The information necessary to complete or update the 2910
application registration, if any; ~~and if~~ 2911

(3) If the ~~application registration~~ is complete, the 2912
precinct in which the applicant is registered to vote; 2913

(4) Any other information required to be included in the 2914
acknowledgment notice under section 3503.19 of the Revised Code, 2915
as applicable. 2916

~~(W)~~ (V) "Confirmation notice" means a notice sent by a 2917
board of elections, on a form prescribed by the secretary of 2918
state, by forwardable mail and with return postage prepaid, to a 2919
registered elector to confirm the registered elector's current 2920
address. The notice shall comply with all applicable 2921
requirements of the National Voter Registration Act of 1993. 2922

~~(X)~~ (W) "Designated agency" means an office or agency in 2923
the state that provides public assistance or that provides 2924
state-funded programs primarily engaged in providing services to 2925
persons with disabilities and that is required by the National 2926
Voter Registration Act of 1993 to implement a program designed 2927
and administered by the secretary of state for registering 2928
voters, or any other public or government office or agency that 2929
implements a program designed and administered by the secretary 2930

of state for registering voters, including the department of job 2931
and family services, the program administered under section 2932
3701.132 of the Revised Code by the department of health, the 2933
department of mental health and addiction services, the 2934
department of developmental disabilities, the opportunities for 2935
Ohioans with disabilities agency, and any other agency the 2936
secretary of state designates. "Designated agency" does not 2937
include public high schools and vocational schools, public 2938
libraries, or the office of a county treasurer. 2939

~~(Y)~~ (X) (1) "Help America Vote Act of 2002" means the "Help 2940
America Vote Act of 2002," 52 U.S.C. 20901, et seq. 2941

(2) "National Voter Registration Act of 1993" means the 2942
"National Voter Registration Act of 1993," 107 Stat. 77, ~~42-52~~ 2943
U.S.C.A. ~~1973gg-20501~~, et seq. 2944

~~(Z)~~ (3) "Uniformed and Overseas Citizens Absentee Voting 2945
Act" means the "Uniformed and Overseas Citizens Absentee Voting 2946
Act," 52 U.S.C. 20301, et seq. 2947

(4) "Voting Rights Act of 1965" means the "Voting Rights 2948
Act of 1965," 79 Stat. 437, ~~42-52~~ U.S.C.A. ~~1973-10301~~ et seq., 2949
as amended. 2950

~~(AA)~~ (Y) "Photo identification" means a document that 2951
meets each of the following requirements: 2952

(1) It shows the name of the individual to whom it was 2953
issued, which shall conform to the name in the ~~poll list or~~ 2954
~~signature pollbook~~ individual's voter registration record. 2955

(2) It shows the current address of the individual to whom 2956
it was issued, which shall conform to the address in the ~~poll~~ 2957
~~list or signature pollbook~~ individual's voter registration 2958
record, except for a driver's license or a state identification 2959

card issued under section 4507.50 of the Revised Code, which may 2960
show either the current or former address of the individual to 2961
whom it was issued, regardless of whether that address conforms 2962
to the address in the ~~poll list or signature pollbook~~ 2963
individual's voter registration record. 2964

(3) It shows a photograph of the individual to whom it was 2965
issued. 2966

(4) It includes an expiration date that has not passed. 2967

(5) It was issued by the government of the United States 2968
or this state. 2969

(Z) "Active elector" means any elector other than an 2970
elector who has been sent a confirmation notice and has failed 2971
to take any of the actions listed in division (A) (7) of section 2972
3503.21 of the Revised Code subsequent to the mailing of the 2973
confirmation notice. 2974

(AA) "Mail ballot" includes a mail ballot cast under 2975
Chapter 3509. of the Revised Code and a uniformed service or 2976
overseas mail ballot or a federal write-in absentee ballot cast 2977
under Chapter 3511. of the Revised Code. 2978

Sec. 3501.05. The secretary of state shall do all of the 2979
following: 2980

(A) Appoint all members of boards of elections; 2981

(B) Issue instructions by directives and advisories in 2982
accordance with section 3501.053 of the Revised Code to members 2983
of the boards as to the proper methods of conducting elections. 2984

(C) Prepare rules and instructions for the conduct of 2985
elections, including adopting rules to do all of the following: 2986

| | |
|--|------|
| <u>(1) Provide for uniformity in the conduct of state</u> | 2987 |
| <u>elections by mail;</u> | 2988 |
| <u>(2) Govern the procedures for conducting elections by</u> | 2989 |
| <u>mail.</u> | 2990 |
| (D) Publish and furnish to the boards from time to time a | 2991 |
| sufficient number of indexed copies of all election laws then in | 2992 |
| force; | 2993 |
| (E) Edit and issue all pamphlets concerning proposed laws | 2994 |
| or amendments required by law to be submitted to the voters; | 2995 |
| (F) Prescribe the form of registration cards, blanks, and | 2996 |
| records; | 2997 |
| (G) Determine and prescribe the forms of ballots and the | 2998 |
| forms of all blanks, cards of instructions, pollbooks, tally | 2999 |
| sheets, certificates of election, and forms and blanks required | 3000 |
| by law for use by candidates, committees, and boards; | 3001 |
| (H) Prepare the ballot title or statement to be placed on | 3002 |
| the ballot for any proposed law or amendment to the constitution | 3003 |
| to be submitted to the voters of the state; | 3004 |
| (I) Except as otherwise provided in section 3519.08 of the | 3005 |
| Revised Code, certify to the several boards the forms of ballots | 3006 |
| and names of candidates for state offices, and the form and | 3007 |
| wording of state referendum questions and issues, as they shall | 3008 |
| appear on the ballot; | 3009 |
| (J) Except as otherwise provided in division (I) (2) (b) of | 3010 |
| section 3501.38 of the Revised Code, give final approval to | 3011 |
| ballot language for any local question or issue approved and | 3012 |
| transmitted by boards of elections under section 3501.11 of the | 3013 |
| Revised Code; | 3014 |

(K) Receive all initiative and referendum petitions on 3015
state questions and issues and determine and certify to the 3016
sufficiency of those petitions; 3017

(L) Require such reports from the several boards as are 3018
provided by law, or as the secretary of state considers 3019
necessary; 3020

(M) Compel the observance by election officers in the 3021
several counties of the requirements of the election laws; 3022

(N) (1) Except as otherwise provided in division (N) (2) of 3023
this section, investigate the administration of election laws, 3024
frauds, and irregularities in elections in any county, and 3025
report violations of election laws to the attorney general or 3026
prosecuting attorney, or both, for prosecution; 3027

(2) On and after August 24, 1995, report a failure to 3028
comply with or a violation of a provision in sections 3517.08 to 3029
3517.13, 3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised 3030
Code, whenever the secretary of state has or should have 3031
knowledge of a failure to comply with or a violation of a 3032
provision in one of those sections, by filing a complaint with 3033
the Ohio elections commission under section 3517.153 of the 3034
Revised Code. 3035

(O) Make an annual report to the governor containing the 3036
results of elections, the cost of elections in the various 3037
counties, a tabulation of the votes in the several political 3038
subdivisions, and other information and recommendations relative 3039
to elections the secretary of state considers desirable; 3040

(P) Prescribe and distribute to boards of elections a list 3041
of instructions indicating all legal steps necessary to petition 3042
successfully for local option elections under sections 4301.32 3043

to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 3044

(Q) Adopt rules pursuant to Chapter 119. of the Revised 3045
Code for the removal by boards of elections of ineligible voters 3046
from the statewide voter registration database and, if 3047
applicable, from the poll list or signature pollbook used in 3048
each precinct, ~~which. Those rules shall provide for all of the~~ 3049
~~following:—~~ 3050

~~(1) A process for the removal of voters who have changed~~ 3051
~~residence, which shall be uniform, nondiscriminatory, and in~~ 3052
~~compliance with the Voting Rights Act of 1965 and the National~~ 3053
~~Voter Registration Act of 1993, including a program that uses~~ 3054
~~the national change of address service provided by the United~~ 3055
~~States postal system through its licensees;—~~ 3056

~~(2) A include rules governing the removal of ineligible~~ 3057
~~voters under section 3503.111 of the Revised Code, a process for~~ 3058
~~the removal of ineligible voters under section 3503.21 of the~~ 3059
~~Revised Code;—~~ 3060

~~(3) A, and a uniform system for marking or removing the~~ 3061
~~name of a voter who is ineligible to vote from the statewide~~ 3062
~~voter registration database and, if applicable, from the poll~~ 3063
~~list or signature pollbook used in each precinct and noting the~~ 3064
~~reason for that mark or removal.~~ 3065

(R) Prescribe a general program for registering voters or 3066
updating voter registration information, such as name and 3067
residence changes, by boards of elections, designated agencies, 3068
offices of deputy registrars of motor vehicles, public high 3069
schools and vocational schools, public libraries, and offices of 3070
county treasurers consistent with the requirements of section 3071
3503.09 of the Revised Code; 3072

(S) Prescribe a program of distribution of voter registration forms through boards of elections, designated agencies, offices of the registrar and deputy registrars of motor vehicles, public high schools and vocational schools, public libraries, and offices of county treasurers;

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

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

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

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

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

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

(W) Establish and maintain a computerized statewide database of all legally registered voters under section 3503.15

of the Revised Code that complies with the requirements of the 3102
"Help America Vote Act of 2002," ~~Pub. L. No. 107-252, 116 Stat.~~ 3103
~~1666~~, and provide training in the operation of that system; 3104

(X) Ensure that all directives, advisories, other 3105
instructions, or decisions issued or made during or as a result 3106
of any conference or teleconference call with a board of 3107
elections to discuss the proper methods and procedures for 3108
conducting elections, to answer questions regarding elections, 3109
or to discuss the interpretation of directives, advisories, or 3110
other instructions issued by the secretary of state are posted 3111
on a web site of the office of the secretary of state as soon as 3112
is practicable after the completion of the conference or 3113
teleconference call, but not later than the close of business on 3114
the same day as the conference or teleconference call takes 3115
place. 3116

(Y) Publish a report on a web site of the office of the 3117
secretary of state not later than one month after the completion 3118
of the canvass of the election returns for each primary and 3119
general election, identifying, by county, the number of ~~absent-~~ 3120
~~voter's-mail~~ ballots cast and the number of those ballots that 3121
were counted, and the number of provisional ballots cast and the 3122
number of those ballots that were counted, for that election. 3123
The secretary of state shall maintain the information on the web 3124
site in an archive format for each subsequent election. 3125

(Z) Conduct voter education outlining voter 3126
identification, ~~absent voters-mail~~ ballot, provisional ballot, 3127
and other voting requirements; 3128

(AA) Establish a procedure by which a registered elector 3129
may make available to a board of elections a more recent 3130
signature to be used in the ~~poll list or signature pollbook~~ 3131

~~produced by the board of elections of the county in which the~~ 3132
~~elector resides~~ elector's voter registration record; 3133

(BB) Disseminate information, which may include all or 3134
part of the official explanations and arguments, by means of 3135
direct mail or other written publication, broadcast, or other 3136
means or combination of means, as directed by the Ohio ballot 3137
board under division (F) of section 3505.062 of the Revised 3138
Code, in order to inform the voters as fully as possible 3139
concerning each proposed constitutional amendment, proposed law, 3140
or referendum; 3141

(CC) Be the single state office responsible for the 3142
implementation of the "Uniformed and Overseas Citizens Absentee 3143
Voting Act," ~~Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C.~~ 3144
~~1973ff, et seq., as amended,~~ in this state. The secretary of 3145
state may delegate to the boards of elections responsibilities 3146
for the implementation of that act, including responsibilities 3147
arising from amendments to that act made by the "Military and 3148
Overseas Voter Empowerment Act," Subtitle H of the "National 3149
Defense Authorization Act for Fiscal Year 2010," Pub. L. No. 3150
111-84, 123 Stat. 3190. 3151

(DD) Adopt rules, under Chapter 119. of the Revised Code, 3152
to establish procedures and standards for determining when a 3153
board of elections shall be placed under the official oversight 3154
of the secretary of state, placing a board of elections under 3155
the official oversight of the secretary of state, a board that 3156
is under official oversight to transition out of official 3157
oversight, and the secretary of state to supervise a board of 3158
elections that is under official oversight of the secretary of 3159
state. 3160

(EE) Perform other duties required by law. 3161

Whenever a primary election is held under section 3513.32 3162
of the Revised Code or a special election is held under section 3163
3521.03 of the Revised Code to fill a vacancy in the office of 3164
representative to congress, the secretary of state shall 3165
establish a deadline, notwithstanding any other deadline 3166
required under the Revised Code, by which any or all of the 3167
following shall occur: the filing of a declaration of candidacy 3168
and petitions or a statement of candidacy and nominating 3169
petition together with the applicable filing fee; the filing of 3170
protests against the candidacy of any person filing a 3171
declaration of candidacy or nominating petition; the filing of a 3172
declaration of intent to be a write-in candidate; the filing of 3173
campaign finance reports; the preparation of, and the making of 3174
corrections or challenges to, precinct voter registration lists; 3175
~~the sending of ballots;~~ the receipt of applications for ~~absent-~~ 3176
~~voter's ballots or uniformed services or overseas absent voter's~~ 3177
~~mail ballots;~~ the supplying of election materials ~~to precincts-~~ 3178
~~by boards of elections~~ to locations where ballots may be cast in 3179
person; the holding of hearings by boards of elections to 3180
consider challenges to the right of a person to appear on a 3181
voter registration list; and the scheduling of programs to 3182
instruct or reinstruct election officers. 3183

In the performance of the secretary of state's duties as 3184
the chief election officer, the secretary of state may 3185
administer oaths, issue subpoenas, summon witnesses, compel the 3186
production of books, papers, records, and other evidence, and 3187
fix the time and place for hearing any matters relating to the 3188
administration and enforcement of the election laws. 3189

In any controversy involving or arising out of the 3190
adoption of registration or the appropriation of funds for 3191
registration, the secretary of state may, through the attorney 3192

general, bring an action in the name of the state in the court 3193
of common pleas of the county where the cause of action arose or 3194
in an adjoining county, to adjudicate the question. 3195

In any action involving the laws in Title XXXV of the 3196
Revised Code wherein the interpretation of those laws is in 3197
issue in such a manner that the result of the action will affect 3198
the lawful duties of the secretary of state or of any board of 3199
elections, the secretary of state may, on the secretary of 3200
state's motion, be made a party. 3201

The secretary of state may apply to any court that is 3202
hearing a case in which the secretary of state is a party, for a 3203
change of venue as a substantive right, and the change of venue 3204
shall be allowed, and the case removed to the court of common 3205
pleas of an adjoining county named in the application or, if 3206
there are cases pending in more than one jurisdiction that 3207
involve the same or similar issues, the court of common pleas of 3208
Franklin county. 3209

Public high schools and vocational schools, public 3210
libraries, and the office of a county treasurer shall implement 3211
voter registration programs as directed by the secretary of 3212
state pursuant to this section. 3213

~~The secretary of state may mail unsolicited applications 3214
for absent voter's ballots to individuals only for a general 3215
election and only if the general assembly has made an 3216
appropriation for that particular mailing. Under no other 3217
circumstance shall a public office, or a public official or 3218
employee who is acting in an official capacity, mail unsolicited 3219
applications for absent voter's ballots to any individuals. 3220~~

Sec. 3501.051. (A) Notwithstanding any other section of 3221

the Revised Code, the secretary of state may authorize, ~~in one~~ 3222
~~or more precincts~~ in one or more counties, a program allowing 3223
individuals under the age of eighteen to enter ~~the polling place~~ 3224
a location where ballots may be cast in person and vote in a 3225
simulated election held at the same time as a general election. 3226
Any individual working in or supervising at a simulated election 3227
may enter the ~~polling place~~ location and remain within it during 3228
the entire period the ~~polls are~~ location is open. 3229

(B) A program established under division (A) of this 3230
section shall require all of the following: 3231

(1) That the duties imposed on ~~precinct~~ election officials 3232
and peace officers under section 3501.33 of the Revised Code be 3233
performed by those officials and officers in regard to simulated 3234
elections and all activities related to simulated elections; 3235

(2) That volunteers provide the personnel necessary to 3236
conduct the simulated election, except that employees of the 3237
secretary of state, employees or members of boards of elections, 3238
and ~~precinct~~ election officials may aid in operating the program 3239
to the extent permitted by the secretary of state; 3240

(3) That individuals under the age of fourteen be 3241
accompanied to the simulated election by an individual eighteen 3242
years of age or over; 3243

(4) Any other requirements the secretary of state 3244
considers necessary for the orderly administration of the 3245
election process. 3246

Sec. 3501.11. Each board of elections shall exercise by a 3247
majority vote all powers granted to the board by Title XXXV of 3248
the Revised Code, shall perform all the duties imposed by law, 3249
and shall do all of the following: 3250

- (A) Establish, define, provide, rearrange, and combine election precincts; 3251
3252
- (B) Fix and provide the places for registration and for ~~holding primaries and elections~~ casting ballots in person; 3253
3254
- (C) Provide for the purchase, preservation, and maintenance of booths, ballot boxes, books, maps, flags, blanks, cards of instructions, and other forms, papers, and equipment used in registration, nominations, and elections; 3255
3256
3257
3258
- (D) Appoint and remove its director, deputy director, and employees and all registrars, ~~precinct~~ and election officials, ~~and other officers of elections~~, fill vacancies, and designate the ~~ward or district and precinct~~ location in which each shall serve; 3259
3260
3261
3262
3263
- (E) Make and issue rules and instructions, not inconsistent with law or the rules, directives, or advisories issued by the secretary of state, as it considers necessary for the guidance of election officers and voters; 3264
3265
3266
3267
- (F) Advertise and contract for the printing of all ballots and other supplies used in registrations and elections; 3268
3269
- (G) Provide for the issuance of all notices, advertisements, and publications concerning elections, except as otherwise provided in division (G) of section 3501.17 and divisions (F) and (G) of section 3505.062 of the Revised Code; 3270
3271
3272
3273
- (H) Provide for the delivery of ballots, pollbooks, and other required papers and material to the ~~polling places~~ locations where ballots may be cast in person; 3274
3275
3276
- (I) Cause the ~~polling places~~ locations where ballots may be cast in person to be suitably provided with ~~voting machines~~; 3277
3278

marking devices, automatic tabulating equipment, stalls, and 3279
other required supplies. In fulfilling this duty, each board of 3280
a county that uses ~~voting machines,~~ marking devices, or 3281
automatic tabulating equipment shall conduct a full vote of the 3282
board during a public session of the board on the allocation and 3283
distribution of ~~voting machines,~~ marking devices, and automatic 3284
tabulating equipment for each ~~precinct~~ such location in the 3285
county. 3286

(J) Investigate irregularities, nonperformance of duties, 3287
or violations of Title XXXV of the Revised Code by election 3288
officers and other persons; administer oaths, issue subpoenas, 3289
summon witnesses, and compel the production of books, papers, 3290
records, and other evidence in connection with any such 3291
investigation; and report the facts to the prosecuting attorney 3292
or the secretary of state; 3293

(K) (1) Review, examine, and certify the sufficiency and 3294
validity of petitions and nomination papers, and, after 3295
certification, return to the secretary of state all petitions 3296
and nomination papers that the secretary of state forwarded to 3297
the board; 3298

(2) Examine each initiative petition, or a petition filed 3299
under section 307.94 or 307.95 of the Revised Code, received by 3300
the board to determine whether the petition falls within the 3301
scope of authority to enact via initiative and whether the 3302
petition satisfies the statutory prerequisites to place the 3303
issue on the ballot, as described in division (M) of section 3304
3501.38 of the Revised Code. The petition shall be invalid if 3305
any portion of the petition is not within the initiative power. 3306

(L) Receive the returns of elections, canvass the returns, 3307
make abstracts of them, and transmit those abstracts to the 3308

proper authorities; 3309

(M) Issue certificates of election on forms to be 3310
prescribed by the secretary of state; 3311

(N) Make an annual report to the secretary of state, on 3312
the form prescribed by the secretary of state, containing a 3313
statement of the number of voters registered, elections held, 3314
votes cast, appropriations received, expenditures made, and 3315
other data required by the secretary of state; 3316

(O) Prepare and submit to the proper appropriating officer 3317
a budget estimating the cost of elections for the ensuing fiscal 3318
year; 3319

(P) Perform other duties as prescribed by law or the 3320
rules, directives, or advisories of the secretary of state; 3321

(Q) Investigate and determine the residence qualifications 3322
of electors; 3323

(R) Administer oaths in matters pertaining to the 3324
administration of the election laws; 3325

(S) Prepare and submit to the secretary of state, whenever 3326
the secretary of state requires, a report containing the names 3327
and residence addresses of all incumbent county, municipal, 3328
township, and board of education officials serving in their 3329
respective counties; 3330

(T) Establish and maintain a voter registration database 3331
of all qualified electors in the county who offer to register; 3332

(U) Maintain voter registration records, make reports 3333
concerning voter registration as required by the secretary of 3334
state, and remove ineligible electors from voter registration 3335
lists in accordance with law and directives of the secretary of 3336

state; 3337

(V) Give approval to ballot language for any local 3338
question or issue and transmit the language to the secretary of 3339
state for the secretary of state's final approval; 3340

(W) Prepare and cause the following notice to be displayed 3341
in a prominent location in every ~~polling place~~location where 3342
ballots may be cast in person: 3343

"NOTICE 3344

Ohio law prohibits any person from voting or attempting to 3345
vote more than once at the same election. 3346

Violators are guilty of a felony of the fourth degree and 3347
shall be imprisoned and additionally may be fined in accordance 3348
with law." 3349

(X) In all cases of a tie vote or a disagreement in the 3350
board, if no decision can be arrived at, the director or 3351
chairperson shall submit the matter in controversy, not later 3352
than fourteen days after the tie vote or the disagreement, to 3353
the secretary of state, who shall summarily decide the question, 3354
and the secretary of state's decision shall be final. 3355

(Y) Assist each designated agency, deputy registrar of 3356
motor vehicles, public high school and vocational school, public 3357
library, and office of a county treasurer in the implementation 3358
of a program for registering voters at all voter registration 3359
locations as prescribed by the secretary of state. Under this 3360
program, each board of elections shall direct to the appropriate 3361
board of elections any voter registration applications for 3362
persons residing outside the county where the board is located 3363
within five days after receiving the applications. 3364

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

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

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

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

(C) The director may administer oaths to persons required by law to file certificates or other papers with the board, to ~~precinct~~ election officials, to witnesses who are called to testify before the board, and to voters filling out blanks at

the board's offices. Except as otherwise provided by state or 3395
federal law, the records of the board and papers and books filed 3396
in its office are public records and open to inspection under 3397
such reasonable regulations as shall be established by the 3398
board. The following notice shall be posted in a prominent place 3399
at each board office: 3400

"Except as otherwise provided by state or federal law, 3401
records filed in this office of the board of elections are open 3402
to public inspection during normal office hours, pursuant to the 3403
following reasonable regulations: (the board shall here list its 3404
regulations). Whoever prohibits any person from inspecting the 3405
public records of this board is subject to the penalties of 3406
section 3599.161 of the Revised Code." 3407

(D) Upon receipt of a written declaration of intent to 3408
retire as provided for in section 145.38 of the Revised Code, 3409
the director shall provide a copy to each member of the board of 3410
elections. 3411

Sec. 3501.15. No person shall serve as a member, director, 3412
deputy director, or employee of the board of elections who is a 3413
candidate for any office to be filled at an election, except the 3414
office of delegate or alternate to a convention, member of the 3415
board of directors of a county agricultural society, 3416
presidential elector, or a member of a party committee. No 3417
person who is a candidate for an office or position to be voted 3418
for by the electors of a ~~precinct~~ county, except for a candidate 3419
for county central committee who is not opposed by any other 3420
candidate in that election ~~and precinct~~, shall serve as a 3421
~~precinct~~ an election officer official in said precinct that 3422
county. 3423

Sec. 3501.17. (A) The expenses of the board of elections 3424

shall be paid from the county treasury, in pursuance of 3425
appropriations by the board of county commissioners, in the same 3426
manner as other county expenses are paid. If the board of county 3427
commissioners fails to appropriate an amount sufficient to 3428
provide for the necessary and proper expenses of the board of 3429
elections pertaining to the conduct of elections, the board of 3430
elections may apply to the court of common pleas within the 3431
county, which shall fix the amount necessary to be appropriated 3432
and the amount shall be appropriated. Payments shall be made 3433
upon vouchers of the board of elections certified to by its 3434
chairperson or acting chairperson and the director or deputy 3435
director, upon warrants of the county auditor. 3436

The board of elections shall not incur any obligation 3437
involving the expenditure of money unless there are moneys 3438
sufficient in the funds appropriated therefor to meet the 3439
obligation. If the board of elections requests a transfer of 3440
funds from one of its appropriation items to another, the board 3441
of county commissioners shall adopt a resolution providing for 3442
the transfer except as otherwise provided in section 5705.40 of 3443
the Revised Code. The expenses of the board of elections shall 3444
be apportioned among the county and the various subdivisions as 3445
provided in this section, and the amount chargeable to each 3446
subdivision shall be paid as provided in division (J) of this 3447
section or withheld by the county auditor from the moneys 3448
payable thereto at the time of the next tax settlement. At the 3449
time of submitting budget estimates in each year, the board of 3450
elections shall submit to the taxing authority of each 3451
subdivision, upon the request of the subdivision, an estimate of 3452
the amount to be paid or withheld from the subdivision during 3453
the current or next fiscal year. 3454

A board of township trustees may, by resolution, request 3455

that the county auditor withhold expenses charged to the 3456
township from a specified township fund that is to be credited 3457
with revenue at a tax settlement. The resolution shall specify 3458
the tax levy ballot issue, the date of the election on the levy 3459
issue, and the township fund from which the expenses the board 3460
of elections incurs related to that ballot issue shall be 3461
withheld. 3462

(B) Except as otherwise provided in division (F) of this 3463
section, the compensation of the members of the board of 3464
elections and of the director, deputy director, and regular 3465
employees in the board's offices, other than compensation for 3466
overtime worked; the expenditures for the rental, furnishing, 3467
and equipping of the office of the board and for the necessary 3468
office supplies for the use of the board; the expenditures for 3469
the acquisition, repair, care, and custody of ~~the precinct~~ 3470
polling places, voter service and polling centers, ballot drop 3471
boxes, booths, guardrails, and other equipment used for polling 3472
places casting ballots in person; the cost of tally sheets, 3473
maps, flags, ballot boxes, and all other permanent records and 3474
equipment; the cost of all elections held in and for the state 3475
and county; and all other expenses of the board which are not 3476
chargeable to a political subdivision in accordance with this 3477
section shall be paid in the same manner as other county 3478
expenses are paid. 3479

(C) The compensation of ~~precinct~~ election officials and 3480
intermittent employees in the board's offices; the cost of 3481
renting, moving, heating, and lighting precinct polling places 3482
and voter service and polling centers, of placing and removing 3483
ballot drop boxes, and of placing and removing ballot boxes and 3484
other fixtures and equipment thereof used for casting ballots in 3485
person, including voting machines, marking devices, and 3486

automatic tabulating equipment; the cost of printing and 3487
delivering ballots, cards of instructions, registration lists 3488
required under section 3503.23 of the Revised Code, and other 3489
election supplies, ~~including the supplies required to comply~~ 3490
~~with division (H) of section 3506.01 of the Revised Code;~~ the 3491
cost of contractors engaged by the board to prepare, program, 3492
test, and operate ~~voting machines, marking devices,~~ and 3493
automatic tabulating equipment; and all other expenses of 3494
conducting primaries and elections in the odd-numbered years 3495
shall be charged to the subdivisions in and for which such 3496
primaries or elections are held. The charge for each primary or 3497
general election in odd-numbered years for each subdivision 3498
shall be determined in the following manner: first, the total 3499
cost of all chargeable items used in conducting such elections 3500
shall be ascertained; second, the total charge shall be divided 3501
by the number of precincts participating in such election, in 3502
order to fix the cost per precinct; third, the cost per precinct 3503
shall be prorated by the board of elections to the subdivisions 3504
conducting elections for the nomination or election of offices 3505
in such precinct; fourth, the total cost for each subdivision 3506
shall be determined by adding the charges prorated to it in each 3507
precinct within the subdivision. 3508

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

special election shall be charged for the cost of ballots and 3518
advertising for such special election, in addition to the 3519
charges prorated to such subdivision for the election or 3520
nomination of candidates in each precinct within the 3521
subdivision, as set forth in the preceding paragraph. 3522

(E) Where a special election is held on the day specified 3523
by division (E) of section 3501.01 of the Revised Code for the 3524
holding of a primary election, for the purpose of submitting to 3525
the voters of the state constitutional amendments proposed by 3526
the general assembly, and a subdivision conducts a special 3527
election on the same day, the entire cost of the special 3528
election shall be divided proportionally between the state and 3529
the subdivision based upon a ratio determined by the number of 3530
issues placed on the ballot by each, except as otherwise 3531
provided in division (G) of this section. Such proportional 3532
division of cost shall be made only to the extent funds are 3533
available for such purpose from amounts appropriated by the 3534
general assembly to the secretary of state. If a primary 3535
election is also being conducted in the subdivision, the costs 3536
shall be apportioned as otherwise provided in this section. 3537

(F) When the ballot for a precinct is open during a 3538
~~general, primary, or special election solely for the purpose of~~ 3539
~~submitting to the voters contains only~~ a statewide ballot issue, 3540
the state shall bear the entire cost of the election in that 3541
precinct and shall reimburse the county for all expenses 3542
incurred in opening conducting the election in the precinct. 3543

(G) (1) The state shall bear the entire cost of advertising 3544
in newspapers statewide ballot issues, explanations of those 3545
issues, and arguments for or against those issues, as required 3546
by Section 1g of Article II and Section 1 of Article XVI, Ohio 3547

Constitution, and any other section of law. Appropriations made 3548
to the controlling board shall be used to reimburse the 3549
secretary of state for all expenses the secretary of state 3550
incurs for such advertising under division (G) of section 3551
3505.062 of the Revised Code. 3552

(2) There is hereby created in the state treasury the 3553
statewide ballot advertising fund. The fund shall receive 3554
transfers approved by the controlling board, and shall be used 3555
by the secretary of state to pay the costs of advertising state 3556
ballot issues as required under division (G) (1) of this section. 3557
Any such transfers may be requested from and approved by the 3558
controlling board prior to placing the advertising, in order to 3559
facilitate timely provision of the required advertising. 3560

(H) The cost of renting, heating, and lighting 3561
registration places; the cost of the necessary books, forms, and 3562
supplies for the conduct of registration; and the cost of 3563
printing and posting precinct registration lists shall be 3564
charged to the subdivision in which such registration is held. 3565

(I) (1) (a) At the request of a majority of the members of 3566
the board of elections, the board of county commissioners may, 3567
by resolution, establish an elections revenue fund. Except as 3568
otherwise provided in this division and in division (I) (2) of 3569
this section, the purpose of the fund shall be to accumulate 3570
revenue withheld by or paid to the county under this section for 3571
the payment of any expense related to the duties of the board of 3572
elections specified in section 3501.11 of the Revised Code, upon 3573
approval of a majority of the members of the board of elections. 3574
The fund shall not accumulate any revenue withheld by or paid to 3575
the county under this section for the compensation of the 3576
members of the board of elections or of the director, deputy 3577

director, or other regular employees in the board's offices, 3578
other than compensation for overtime worked. 3579

(b) Notwithstanding sections 5705.14, 5705.15, and 5705.16 3580
of the Revised Code, the board of county commissioners may, by 3581
resolution, transfer money to the elections revenue fund from 3582
any other fund of the political subdivision from which such 3583
payments lawfully may be made. Following an affirmative vote of 3584
a majority of the members of the board of elections, the board 3585
of county commissioners may, by resolution, rescind an elections 3586
revenue fund established under this division. If an elections 3587
revenue fund is rescinded, money that has accumulated in the 3588
fund shall be transferred to the county general fund. 3589

(2) (a) The board of county commissioners of a county that 3590
receives a payment from a political subdivision under division 3591
(J) of this section shall, by resolution, establish a special 3592
elections fund. The purpose of the fund shall be to accumulate 3593
revenue paid to the county by political subdivisions under 3594
division (J) of this section for the cost of preparing for and 3595
conducting special elections. 3596

(b) If both of the following apply, the board of county 3597
commissioners may, by resolution, rescind the special elections 3598
fund and transfer any remaining money in the fund to the county 3599
general fund or to the elections revenue fund: 3600

(i) All notifications and payments required under division 3601
(J) (3) of this section have been made. 3602

(ii) The county has not received any payments from 3603
political subdivisions under division (J) (2) of this section for 3604
a future special election. 3605

(J) (1) Not less than fifteen business days before the 3606

deadline for submitting a question or issue for placement on the ballot at a special election, the board of elections shall prepare and file with the board of county commissioners and the office of the secretary of state the estimated cost, based on the factors enumerated in this section, for preparing for and conducting an election on one question or issue, one nomination for office, or one election to office in each precinct in the county at that special election and shall divide that cost by the number of registered voters in the county.

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

(3) Not later than sixty days after the date of a special election, the board of elections shall provide to each political subdivision the true and accurate cost for the question or issue, nomination for office, or election to office that the subdivision submitted to the voters on the special election ballots. If the board of elections determines that a subdivision

paid less for the cost of preparing and conducting a special 3638
election under division (J) (2) of this section than the actual 3639
cost calculated under this division, the subdivision shall remit 3640
to the county special elections fund the difference between the 3641
payment made under division (J) (2) of this section and the final 3642
cost calculated under this division within thirty days after 3643
being notified of the final cost. If the board of elections 3644
determines that a subdivision paid more for the cost of 3645
preparing and conducting a special election under division (J) 3646
(2) of this section than the actual cost calculated under this 3647
division, the board of elections promptly shall notify the board 3648
of county commissioners of that difference. The board of county 3649
commissioners shall remit from the county special elections fund 3650
to the political subdivision the difference between the payment 3651
made under division (J) (2) of this section and the final cost 3652
calculated under this division within thirty days after 3653
receiving that notification. 3654

(K) As used in this section: 3655

(1) "Political subdivision" and "subdivision" mean any 3656
board of county commissioners, board of township trustees, 3657
legislative authority of a municipal corporation, board of 3658
education, or any other board, commission, district, or 3659
authority that is empowered to levy taxes or permitted to 3660
receive the proceeds of a tax levy, regardless of whether the 3661
entity receives tax settlement moneys as described in division 3662
(A) of this section; 3663

(2) "Statewide ballot issue" means any ballot issue, 3664
whether proposed by the general assembly or by initiative or 3665
referendum, that is submitted to the voters throughout the 3666
state. 3667

Sec. 3501.18. (A) Subject to section 3501.291 of the 3668
Revised Code: 3669

(1) The board of elections may divide a political 3670
subdivision within its jurisdiction into precincts, establish, 3671
define, divide, rearrange, and combine the several election 3672
precincts within its jurisdiction, and change the location of 3673
the precinct polling place for each precinct when it is 3674
necessary to maintain the requirements as to the number of 3675
voters in a precinct and to provide for the convenience of the 3676
voters and the proper conduct of elections. No change in the 3677
number of precincts or in precinct boundaries shall be made 3678
during the twenty-five days immediately preceding a primary or 3679
general election or between the first day of January and the day 3680
on which the members of county central committees are elected in 3681
the years in which those committees are elected. Except as 3682
otherwise provided in division (C) of this section, each 3683
precinct shall contain a number of electors, not to exceed one 3684
thousand four hundred, that the board of elections determines to 3685
be a reasonable number after taking into consideration the type 3686
and amount of available equipment, prior voter turnout, the size 3687
and location of each selected precinct polling place, available 3688
parking, availability of an adequate number of ~~poll workers~~ 3689
election officials, and handicap accessibility and other 3690
accessibility to the precinct polling place. 3691

(2) If the board changes the boundaries of a precinct 3692
after the filing of a local option election petition pursuant to 3693
sections 4301.32 to 4301.41, 4303.29, or 4305.14 of the Revised 3694
Code that calls for a local option election to be held in that 3695
precinct, the local option election shall be held in the area 3696
that constituted the precinct at the time the local option 3697
petition was filed, regardless of the change in the boundaries. 3698

(3) If the board changes the boundaries of a precinct in order to meet the requirements of division (B)(1) of this section in a manner that causes a member of a county central committee to no longer qualify as a representative of an election precinct in the county, of a ward of a city in the county, or of a township in the county, the member shall continue to represent the precinct, ward, or township for the remainder of the member's term, regardless of the change in boundaries.

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

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

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

(2) The board of elections may apply to the secretary of

state for a waiver from the requirement of division (B) (1) of 3729
this section when it is not feasible to comply with that 3730
requirement because of unusual physical boundaries or 3731
residential development practices that would cause unusual 3732
hardship for voters. The board shall identify the affected 3733
precincts and census units, explain the reason for the waiver 3734
request, and include a map illustrating where the census units 3735
will be split because of the requested waiver. If the secretary 3736
of state approves the waiver and so notifies the board of 3737
elections in writing, the board may change a precinct boundary 3738
as necessary under this section, notwithstanding the requirement 3739
in division (B) (1) of this section. 3740

(C) The board of elections may apply to the secretary of 3741
state for a waiver from the requirement of division (A) of this 3742
section regarding the number of electors in a precinct when the 3743
use of geographical units used by the United States department 3744
of commerce, bureau of the census, will cause a precinct to 3745
contain more than one thousand four hundred electors. The board 3746
shall identify the affected precincts and census units, explain 3747
the reason for the waiver request, and include a map 3748
illustrating where census units will be split because of the 3749
requested waiver. If the secretary of state approves the waiver 3750
and so notifies the board of elections in writing, the board may 3751
change a precinct boundary as necessary to meet the requirements 3752
of division (B) (1) of this section. 3753

Sec. 3501.21. When the board of elections considers it 3754
necessary to change, divide, or combine any precinct ~~or,~~ to 3755
relocate a precinct polling place, or to eliminate a precinct 3756
polling place as permitted or required under section 3501.291 of 3757
the Revised Code, it shall notify, prior to the next election, 3758
each of the registrants in the precinct of the change by mail. 3759

~~On and after August 1, 2000, when~~ When the board changes the 3760
boundaries of any precinct, it shall notify the secretary of 3761
state of the change not later than forty-five days after making 3762
the change. 3763

Sec. 3501.22. (A) ~~(1)~~ Subject to section 3501.291 of the 3764
Revised Code: 3765

(1) (a) Except as otherwise provided in division (A) (2) of 3766
this section, on or before the fifteenth day of September in 3767
each year, the board of elections by a majority vote shall, 3768
after careful examination and investigation as to their 3769
qualifications, appoint for each election precinct four 3770
residents of the county in which the precinct is located, as 3771
~~precinct~~ election officials to assist the board in conducting 3772
elections in the precinct. Except as otherwise provided in 3773
division (C) of this section, all ~~precinct~~ election officials 3774
shall be qualified electors. The ~~precinct~~ election officials 3775
shall constitute the election officers of the precinct. Not more 3776
than one-half of the total number of ~~precinct~~ election officials 3777
shall be members of the same political party. The term of such 3778
~~precinct officers~~ election officials shall be for one year. The 3779
board may, at any time, designate any number of election 3780
~~officers~~ officials, not more than one-half of whom shall be 3781
members of the same political party, to perform their duties at 3782
any precinct polling place or any voter service and polling 3783
center or at the office of the board in any election. ~~The~~ 3784

(b) (i) Except as otherwise provided in division (A) (1) (b) 3785
(iii) of this section, the board may appoint additional election 3786
officials, equally divided between the two major political 3787
parties, when necessary to expedite voting the conduct of an 3788
election. ~~If~~ 3789

(ii) If the board of elections determines that four 3790
~~precinct~~ election officials are not required ~~in for a~~ precinct 3791
for a special election, the board of elections may select two of 3792
the precinct's election ~~officers~~ officials, who are not members 3793
of the same political party, to serve as the ~~precinct~~ election 3794
officials for that precinct in that special election. 3795

(iii) The board of elections shall not appoint more than 3796
four election officials for a precinct to serve at a precinct 3797
polling place for a special election at which no candidates are 3798
to be elected or for a primary election at which only one party 3799
primary is to be held for the nomination of candidates for 3800
municipal office. In the case of a primary election at which 3801
only one party primary is to be held for the nomination of 3802
candidates for municipal office, the election officials shall be 3803
equally divided between the two major political parties. 3804

(c) Vacancies for unexpired terms shall be filled by the 3805
board. When new precincts have been created, the board shall 3806
appoint ~~precinct~~ election officials for those precincts for the 3807
unexpired term. Any ~~precinct~~ election official appointed under 3808
this section may be summarily removed from office at any time by 3809
the board for neglect of duty, malfeasance, or misconduct in 3810
office or for any other good and sufficient reason. 3811

~~Precinct election~~ (d) Election officials shall perform all 3812
of the duties provided by law for receiving the ballots and 3813
supplies for a precinct polling place, a voter service and 3814
polling center, or the office of the board, opening and closing 3815
~~the polls~~ precinct polling place, the voter service and polling 3816
center, or the office of the board, and overseeing the casting 3817
of ballots during the time the ~~polls are~~ location is open, and 3818
any other duties ~~required~~ provided by ~~section 3501.26 of the~~ 3819

~~Revised Code law.~~ 3820

(e) A board of elections may designate two ~~precinct~~ 3821
election officials for a precinct as counting officials to count 3822
and tally the votes cast and certify the results of the election 3823
~~at each in the precinct,~~ and perform other duties as provided by 3824
law. To expedite the counting of votes ~~at in~~ each precinct, the 3825
board may appoint additional officials, not more than one-half 3826
of whom shall be members of the same political party. 3827

(f) Except as otherwise provided in division (A) (2) of 3828
this section, the board shall designate one of the ~~precinct~~ 3829
election officials ~~who is a member of the dominant political~~ 3830
~~party for a precinct~~ to serve as a the voting location manager 3831
of the precinct polling place, whose duty it is to deliver the 3832
returns of the election and all supplies to the office of the 3833
board. The voting location manager shall be a member of the 3834
political party whose candidate for election to the office of 3835
governor at the most recent regular state election at which a 3836
governor was elected received more votes than any other person 3837
received for election to that office in that precinct at that 3838
election. For these services, the voting location manager shall 3839
receive additional compensation in an amount, consistent with 3840
section 3501.28 of the Revised Code, determined by the board of 3841
elections. 3842

(g) The board shall designate an election official as the 3843
voting location manager of a voter service and polling center or 3844
of the area of the office of the board where ballots may be cast 3845
in person, whose duty it is to deliver voted ballots and all 3846
supplies to the appropriate area of the office of the board. The 3847
voting location manager shall be a member of the political party 3848
whose candidate for election to the office of governor at the 3849

most recent regular state election at which a governor was 3850
elected received more votes than any other person received for 3851
election to that office in that county at that election. For 3852
these services, the voting location manager shall receive 3853
additional compensation in an amount, consistent with section 3854
3501.28 of the Revised Code, determined by the board of 3855
elections. 3856

(h) The board shall issue to each ~~precinct~~ election 3857
official a certificate of appointment, ~~which the~~. An election 3858
official shall present the election official's certificate of 3859
appointment to the voting location manager at the time the ~~polls~~ 3860
are opened election official begins the election official's 3861
duties at that location. 3862

(2) If the board of elections, by a vote of at least three 3863
members of the board, opts to have a single voting location 3864
serve as the precinct polling place for more than one precinct, 3865
the board may do any of the following: 3866

(a) Designate a single voting location manager for the 3867
voting location. The voting location manager shall be a member 3868
of the political party whose candidate received the highest 3869
number of votes for governor at the most recent general election 3870
for that office in the precincts whose polling places are 3871
located at the applicable voting location, when tallying the 3872
combined vote for governor in all such precincts. 3873

(b) Combine the pollbooks for those precincts to create a 3874
single pollbook for the voting location; 3875

(c) If electronic pollbooks are being used in the voting 3876
location, as described in section 3506.021 of the Revised Code, 3877
appoint not less than two ~~precinct~~ election officials for each 3878

precinct, so long as the board approves the decision to reduce 3879
the number of ~~precinct~~-election officials by the affirmative 3880
vote of at least three of its members. 3881

(B) If the board of elections determines that not enough 3882
qualified electors in a ~~precinct~~-the county are available to 3883
serve as ~~precinct-officers~~ election officials, it may appoint 3884
persons to serve as ~~precinct-officers~~-election officials at a 3885
primary, special, or general election who are at least seventeen 3886
years of age and are registered to vote in accordance with 3887
section 3503.07 of the Revised Code. 3888

(C) (1) A board of elections, in conjunction with the board 3889
of education of a city, local, or exempted village school 3890
district, the governing authority of a community school 3891
established under Chapter 3314. of the Revised Code, or the 3892
chief administrator of a nonpublic school may establish a 3893
program permitting certain high school students to apply and, if 3894
appointed by the board of elections, to serve as ~~precinct~~- 3895
~~officers~~-election officials at a primary, special, or general 3896
election. 3897

In addition to the requirements established by division 3898
(C) (2) of this section, a board of education, governing 3899
authority, or chief administrator that establishes a program 3900
under this division in conjunction with a board of elections may 3901
establish additional criteria that students shall meet to be 3902
eligible to participate in that program. 3903

(2) (a) To be eligible to participate in a program 3904
established under division (C) (1) of this section, a student 3905
shall be a United States citizen, a resident of the county, at 3906
least seventeen years of age, and enrolled in the senior year of 3907
high school. 3908

(b) Any student applying to participate in a program 3909
established under division (C) (1) of this section, ~~as part of~~ 3910
~~the student's application process,~~ who is not a registered 3911
elector shall declare the student's political party affiliation 3912
~~with to~~ the board of elections. 3913

(3) No student appointed as ~~a precinct officer~~ an election 3914
official pursuant to a program established under division (C) (1) 3915
of this section shall be designated as a voting location 3916
manager. 3917

(4) Any student participating in a program established 3918
under division (C) (1) of this section shall be excused for that 3919
student's absence from school on the day of an election at which 3920
the student is serving as ~~a~~ an election official at a precinct 3921
~~officer polling place.~~ 3922

(D) In any precinct with six or more ~~precinct officers~~ 3923
election officials, up to two students participating in a 3924
program established under division (C) (1) of this section who 3925
are under eighteen years of age may serve as ~~precinct officers~~ 3926
election officials. Not more than one ~~precinct officer~~ election 3927
official in any given precinct with fewer than six ~~precinct~~ 3928
~~officers~~ election officials shall be under eighteen years of 3929
age. 3930

Sec. 3501.221. (A) (1) To encourage voting, a board of 3931
elections may appoint persons who are fluent in a non-English 3932
language to serve as interpreters to assist voters ~~in certain~~ 3933
~~election precincts~~ at precinct polling places, voter service and 3934
polling centers, or the office of the board. ~~If~~ 3935

(2) Subject to section 3501.291 of the Revised Code, if 3936
the board determines that the number of non-English-speaking 3937

electors in a precinct indicates a need for an interpreter and 3938
provision of an interpreter is feasible and practical in terms 3939
of the number of such electors, the board may appoint an 3940
interpreter for ~~such the precinct polling place~~ in the same 3941
manner as other ~~precinct~~ election officials are appointed. ~~A~~ 3942
~~person~~ 3943

(3) If the board determines that the number of non- 3944
English-speaking electors in the county indicates a need for 3945
interpreters and provision of interpreters is feasible and 3946
practical in terms of the number of those electors, the board 3947
may appoint one or more interpreters to serve at each voter 3948
service and polling center and at the office of the board in the 3949
same manner as other election officials are appointed. 3950

(4) An interpreter appointed pursuant to this section may 3951
only provide to voters such assistance in ~~the a~~ non-English 3952
language as may be provided by election officials to English 3953
speaking voters. All requirements relating to the qualifications 3954
of election officials apply to persons appointed under this 3955
section. Interpreters shall complete a program of instruction as 3956
provided in section 3501.27 of the Revised Code and shall be 3957
compensated in the manner and amount as provided by section 3958
3501.28 of the Revised Code for other election officials. A 3959
person appointed pursuant to this section may also serve as ~~a~~ 3960
~~precinct election officer~~ an election official; such person 3961
shall be compensated as though ~~he~~ the person served only in the 3962
capacity of an election official, and ~~he~~ the person need not 3963
undergo a program of instruction a second time for the same 3964
election unless required by the board. 3965

(B) No person appointed under division (A) of this 3966
section, while performing the duties of such office, shall: 3967

(1) Wear any badge, sign, or other insignia or thing 3968
indicating a preference for any candidate or for any question 3969
submitted; 3970

(2) Influence or attempt to influence any voter to vote 3971
for or against any candidate or issue submitted at such 3972
election. 3973

(C) Whoever violates division (B) of this section is 3974
guilty of a misdemeanor of the first degree. 3975

Sec. 3501.27. (A) All ~~precinct~~ election officials 3976
appointed under section 3501.22 of the Revised Code shall 3977
complete a program of instruction pursuant to division (B) of 3978
this section. No person who has been convicted of a felony or 3979
any violation of the election laws, who is unable to read and 3980
write the English language readily, or who is a candidate for an 3981
office to be voted for by the voters of the ~~precinct~~ county in 3982
which the person is to serve shall serve as an election ~~officer~~ 3983
official. A person when appointed as an election ~~officer~~ 3984
official shall receive from the board of elections a certificate 3985
of appointment that may be revoked at any time by the board for 3986
good and sufficient reasons. The certificate shall be in the 3987
form the board prescribes and shall specify the ~~precinct, ward,~~ 3988
~~or district in and for~~ location at which the person to whom it 3989
is issued is appointed to serve, the date of appointment, and 3990
the expiration of the person's term of service. 3991

(B) Each board shall establish a program as prescribed by 3992
the secretary of state for the instruction of election ~~officers~~ 3993
officials in the rules, procedures, and law relating to 3994
elections. In each program, the board shall use training 3995
materials prepared by the secretary of state and may use 3996
additional materials prepared by or on behalf of the board. The 3997

board may use the services of unpaid volunteers in conducting 3998
its program and may reimburse those volunteers for necessary and 3999
actual expenses incurred in participating in the program. 4000

The board shall train each new election ~~officer~~official 4001
before the new ~~officer~~official participates in the first 4002
election in that capacity. The board shall instruct election 4003
officials who have been trained previously only when the board 4004
or secretary of state considers that instruction necessary, but 4005
the board shall reinstruct such persons, other than voting 4006
location managers, at least once in every three years and shall 4007
reinstruct voting location managers before the primary election 4008
in even-numbered years. The board shall schedule any program of 4009
instruction within sixty days prior to the election in which the 4010
officials to be trained will participate. 4011

(C) The duties of ~~a precinct an~~ election official ~~in each~~
~~polling place~~ shall be performed only by an individual who has 4012
successfully completed the requirements of the program, unless 4013
such an individual is unavailable after reasonable efforts to 4014
obtain such services. 4015
4016

(D) The secretary of state shall establish a program for 4017
the instruction of members of boards of elections and employees 4018
of boards in the rules, procedures, and law relating to 4019
elections. Each member and employee shall complete the training 4020
program within six months after the member's or employee's 4021
original appointment or employment, and thereafter each member 4022
and employee shall complete a training program to update their 4023
knowledge once every four years or more often as determined by 4024
the secretary of state. 4025

(E) The secretary of state shall reimburse each county for 4026
the cost of programs established pursuant to division (B) of 4027

this section, once the secretary of state has received an 4028
itemized statement of expenses for such instruction programs 4029
from the county. The itemized statement shall be in a form 4030
prescribed by the secretary of state. 4031

Sec. 3501.28. (A) As used in this section: 4032

(1) "Fair Labor Standards Act" or "Act" means the "Fair 4033
Labor Standards Act of 1938," 52 Stat. 1062, 29 U.S.C.A. 201, as 4034
amended. 4035

(2) "Full election day" means the period of time between 4036
the opening of the polls on the day of an election and the 4037
completion of the procedures contained in section ~~3501.26~~ 4038
3505.26 of the Revised Code. 4039

(3) "Services" means services at each general, primary, or 4040
special election. 4041

(B) Beginning with calendar year 2004, each ~~precinct~~ 4042
election official in a county who is appointed under section 4043
3501.22 of the Revised Code shall be paid for the official's 4044
services at the same hourly rate, which shall be not less than 4045
the minimum hourly rate established by the Fair Labor Standards 4046
Act and, if the election official serves at a precinct polling 4047
place, a voter service and polling center, or the office of the 4048
board on the day of the election, not more than ninety-five 4049
dollars ~~per diem~~ for that full election day. 4050

(C) The secretary of state shall establish, by rule 4051
adopted under section 111.15 of the Revised Code, the maximum 4052
amount of ~~per diem~~ compensation that may be paid to ~~precinct~~ 4053
election officials who serve at a precinct polling place, a 4054
voter service and polling center, or the office of the board on 4055
the day of an election for that full election day under this 4056

section each time the Fair Labor Standards Act is amended to 4057
increase the minimum hourly rate established by the act. Upon 4058
learning of such an increase, the secretary of state shall 4059
determine by what percentage the minimum hourly rate has been 4060
increased under the act and establish a new maximum amount ~~of~~ 4061
~~per diem compensation that precinct election officials may be~~ 4062
~~paid under this section~~ that is increased by the same percentage 4063
that the minimum hourly rate has been increased under the act. 4064

(D) (1) (a) No board of elections shall increase the pay of 4065
~~a precinct~~ an election official under this section during a 4066
calendar year unless the board has given written notice of the 4067
proposed increase to the board of county commissioners not later 4068
than the first day of October of the preceding calendar year. 4069

(b) Except as otherwise provided in division (D) (2) of 4070
this section, a board of elections may increase the pay of ~~a~~ 4071
~~precinct~~ an election official during a calendar year by up to, 4072
but not exceeding, nine per cent over the compensation paid to ~~a~~ 4073
~~precinct~~ an election official in the county where the board is 4074
located during the previous calendar year, if the compensation 4075
so paid during the previous calendar year was eighty-five 4076
dollars or less per diem. 4077

(c) Except as otherwise provided in division (D) (2) of 4078
this section, a board of elections may increase the pay of ~~a~~ 4079
~~precinct~~ an election official during a calendar year by up to, 4080
but not exceeding, four and one-half per cent over the 4081
compensation paid to ~~a precinct~~ an election official in the 4082
county where the board is located during the previous calendar 4083
year, if the compensation so paid during the previous calendar 4084
year was more than eighty-five but less than ninety-five dollars 4085
per diem. 4086

(2) The board of county commissioners may review and 4087
comment upon a proposed increase and may enter into a written 4088
agreement with a board of elections to permit an increase in the 4089
compensation paid to ~~precinct~~ election officials for their 4090
services during a calendar year that is greater than the 4091
applicable percentage limitation described in division (E) (1) (b) 4092
or (c) of this section. 4093

(E) No ~~precinct~~ election official who works at a precinct 4094
polling place, a voter service and polling center, or the office 4095
of the board of elections on the day of an election for less 4096
than the full election day shall be paid for that day the 4097
maximum amount allowed under this section or the maximum amount 4098
as set by the board of elections, whichever is less. 4099

(F) (1) Except as otherwise provided in divisions (F) (4) to 4100
(6) of this section, any employee of the state or of any 4101
political subdivision of the state may serve as ~~a precinct~~ an 4102
election official on the day of an election without loss of the 4103
employee's regular compensation for that day as follows: 4104

(a) For employees of a county office, department, 4105
commission, board, or other entity, or of a court of common 4106
pleas, county court, or county-operated municipal court, as 4107
defined in section 1901.03 of the Revised Code, the employee's 4108
appointing authority may permit leave with pay for this service 4109
in accordance with a resolution setting forth the terms and 4110
conditions for that leave passed by the board of county 4111
commissioners. 4112

(b) For all other employees of a political subdivision of 4113
the state, leave with pay for this service shall be subject to 4114
the terms and conditions set forth in an ordinance or a 4115
resolution passed by the legislative authority of the applicable 4116

political subdivision. 4117

(c) For state employees, leave with pay for this service 4118
shall be subject to the terms and conditions set forth by the 4119
head of the state agency, as defined in section 1.60 of the 4120
Revised Code, by which the person is employed. 4121

(2) Any terms and conditions set forth by a board of 4122
county commissioners, legislative authority of a political 4123
subdivision, or head of a state agency under division ~~(G)(1)~~ (F) 4124
(1) of this section shall include a standard procedure for 4125
deciding which employees are permitted to receive leave with pay 4126
if multiple employees of an entity or court described in 4127
division ~~(G)(1)(a)~~ (F)(1)(a) of this section, of an entity of a 4128
political subdivision described in division ~~(G)(1)(b)~~ (F)(1)(b) 4129
of this section, or of a state agency as defined in section 1.60 4130
of the Revised Code apply to serve as ~~a precinct~~ an election 4131
official on the day of an election. This procedure shall be 4132
applied uniformly to all similarly situated employees. 4133

(3) Any employee who is eligible for leave with pay under 4134
division ~~(G)(1)~~ (F)(1) of this section shall receive, in 4135
addition to the employee's regular compensation, the 4136
compensation paid to the ~~precinct~~ election official under 4137
division (B) or (C) of this section. 4138

(4) Division (F)(1) of this section does not apply to 4139
either of the following: 4140

(a) Election officials; 4141

(b) Public school teachers. 4142

(5) Nothing in division (F)(1) of this section supersedes 4143
or negates any provision of a collective bargaining agreement in 4144
effect under Chapter 4117. of the Revised Code. 4145

(6) If a board of county commissioners, legislative authority of a political subdivision, or head of a state agency fails to set forth any terms and conditions under division (F) (1) of this section, an employee of an entity or court described in division (F) (1) (a) of this section, of an entity of a political subdivision described in division (F) (1) (b) of this section, or of a state agency as defined in section 1.60 of the Revised Code may use personal leave, vacation leave, or compensatory time, or take unpaid leave, to serve as ~~a precinct~~ an election official on the day of an election.

(G) The board of elections may withhold the compensation of any ~~precinct~~ election official appointed under section 3501.22 of the Revised Code for failure to obey the instructions of the board or to comply with the law relating to the duties of ~~a precinct~~ an election official. Any payment ~~a precinct~~ an election official is entitled to receive under section 3501.36 of the Revised Code is in addition to the compensation the official is entitled to receive under this section.

Sec. 3501.29. (A) ~~The~~ Subject to section 3501.291 of the Revised Code, on the day of each election, the board of elections shall provide for each precinct a precinct polling place and provide adequate facilities at each precinct polling place for conducting the election. ~~The board shall provide 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 adequately lighted and contain the necessary supplies.~~

(B) The board of elections shall provide voter service and 4177
polling centers in the county, at which electors may cast 4178
ballots in person, obtain mail ballots, or return voted mail 4179
ballots, in addition to the ballot drop boxes and the office of 4180
the board. The board shall provide those voter service and 4181
polling centers as follows: 4182

(1) If, as of the ninetieth day before the day of the 4183
election, there are at least two hundred fifty thousand active 4184
electors in the county, the board shall provide voter service 4185
and polling centers as follows: 4186

(a) During the period beginning on the fifteenth day 4187
before the day of the election and ending on the fifth day 4188
before the day of the election, at least one voter service and 4189
polling center for each seventy-five thousand active electors in 4190
the county; 4191

(b) During the period beginning on the fourth day before 4192
the day of the election and ending on the second day before the 4193
day of the election, at least one voter service and polling 4194
center for each twenty thousand active electors in the county; 4195

(c) During the period beginning on the day before the day 4196
of the election and ending on the day of the election, at least 4197
one voter service and polling center for each twelve thousand 4198
five hundred active electors in the county. 4199

(2) If, as of the ninetieth day before the day of the 4200
election, there are at least thirty-seven thousand five hundred 4201
active electors in the county, but fewer than two hundred fifty 4202
thousand active electors in the county, the board shall provide 4203
voter service and polling centers as follows: 4204

(a) During the period beginning on the fifteenth day 4205

before the day of the election and ending on the fifth day 4206
before the day of the election, at least one voter service and 4207
polling center for each seventy-five thousand active electors in 4208
the county, provided that the board shall provide at least one 4209
voter service and polling center during that period; 4210

(b) During the period beginning on the fourth day before 4211
the day of the election and ending on the day before the day of 4212
the election, at least one voter service and polling center for 4213
each twenty thousand active electors in the county; 4214

(c) On the day of the election, at least one voter service 4215
and polling center for each twelve thousand five hundred active 4216
electors in the county. 4217

(3) If, as of the ninetieth day before the day of the 4218
election, there are at least ten thousand active electors in the 4219
county, but fewer than thirty-seven thousand five hundred active 4220
electors in the county, the board shall provide voter service 4221
and polling centers as follows: 4222

(a) During the period beginning on the fifteenth day 4223
before the day of the election and ending on the day before the 4224
day of the election, at least one voter service and polling 4225
center; 4226

(b) On the day of the election, at least three voter 4227
service and polling centers. 4228

(4) If, as of the ninetieth day before the day of the 4229
election, there are fewer than ten thousand active electors in 4230
the county, the board shall provide at least one voter service 4231
and polling center during the period beginning on the fifteenth 4232
day before the day of the election and ending on the day of the 4233
election. 4234

(C) During the period beginning on the fifteenth day 4235
before the day of the election and ending on the day of the 4236
election, the board of elections shall provide secure ballot 4237
drop boxes in the county, in which electors may deposit voted 4238
mail ballots without the payment of postage twenty-four hours a 4239
day during the period beginning fifteen days before the day of 4240
the election and ending at seven-thirty p.m. on the day of the 4241
election, in addition to the voter service and polling centers 4242
and the office of the board, as follows: 4243

(1) If, as of the ninetieth day before the day of the 4244
election, there are at least two hundred fifty thousand active 4245
electors in the county, the board shall provide at least one 4246
ballot drop box for each twelve thousand five hundred active 4247
electors in the county. 4248

(2) If, as of the ninetieth day before the day of the 4249
election, there are at least thirty-seven thousand five hundred 4250
active electors in the county, but fewer than two hundred fifty 4251
thousand active electors in the county, the board shall provide 4252
at least one ballot drop box for each fifteen thousand active 4253
electors in the county. 4254

(3) If, as of the ninetieth day before the day of the 4255
election, there are at least fifteen thousand active electors in 4256
the county, but fewer than thirty-seven thousand five hundred 4257
active electors in the county, the board shall provide at least 4258
two ballot drop boxes. 4259

(4) If, as of the ninetieth day before the day of the 4260
election, there are fewer than fifteen thousand active electors 4261
in the county, the board shall provide at least one ballot drop 4262
box. 4263

(D) During the period beginning on the fifteenth day 4264
before the day of the election and ending on the day of the 4265
election, the board of elections shall permit electors to cast 4266
ballots in person, obtain mail ballots, or return voted mail 4267
ballots at the office of the board. 4268

(E) (1) The board shall utilize, in so far as practicable, 4269
rooms in public schools and other public buildings, or other 4270
space on the property of those buildings, for precinct polling 4271
places, voter service and polling centers, and ballot drop 4272
boxes. Upon application of the board of elections, the authority 4273
which has the control of any building or grounds supported by 4274
taxation under the laws of this state, shall make available the 4275
necessary space therein for the purpose of holding elections and 4276
adequate space for the storage of voting ~~machines~~ equipment, 4277
without charge for the use thereof. A reasonable sum may be paid 4278
for necessary janitorial service. ~~When~~ 4279

(2) When precinct polling places, voter service and 4280
polling centers, and ballot drop boxes are established in 4281
private buildings or on private property, the board may pay a 4282
reasonable rental therefor, and also the cost of liability 4283
insurance covering the premises when used for election purposes, 4284
or the board may purchase a single liability policy covering the 4285
board and the owners of the premises when used for election 4286
purposes. ~~When~~ 4287

(3) When removable buildings are supplied by the board, 4288
they shall be constructed under the contract let to the lowest 4289
and best bidder, and the board shall observe all ordinances and 4290
regulations then in force as to safety. The board shall remove 4291
all such buildings from streets and other public places within 4292
thirty days after an election, unless another election is to be 4293

held within ninety days. 4294

~~(B) (1)~~ (F) (1) Except as otherwise provided in division (F) 4295
(2) of this section, the board shall ensure all of the following 4296
apply to every precinct polling place, voter service and polling 4297
center, and ballot drop box and to the office of the board: 4298

(a) That ~~polling places are~~ it is free of barriers that 4299
would impede ingress and egress of handicapped persons; 4300

(b) That the minimum number of special parking locations, 4301
also known as handicapped parking spaces or disability parking 4302
spaces, for handicapped persons are designated at ~~each polling~~ 4303
the place in accordance with 28 C.F.R. Part 36, Appendix A, and 4304
in compliance with division (E) of section 4511.69 of the 4305
Revised Code; 4306

(c) That ~~the entrances of polling places are~~ its entrance 4307
is level or are is provided with a nonskid ramp that meets the 4308
requirements of the "Americans with Disabilities Act of 1990," 4309
104 Stat. 327, 42 U.S.C. 12101; 4310

(d) That its doors are a minimum of thirty-two inches 4311
wide. 4312

~~(2) Notwithstanding division (B) (1) (a), (c), or (d) of~~ 4313
~~this section, certain polling places may be specifically~~ 4314
~~exempted by the~~ (a) The secretary of state may exempt a place 4315
from one or more requirements of division (F) (1) of this section 4316
upon certification by a board of elections that a good faith, 4317
but unsuccessful, effort has been made to modify, or change the 4318
location of, ~~such polling places~~ that place. 4319

~~(C) (b)~~ At any precinct polling place or voter service and 4320
polling center or at the office of a board that is exempted from 4321
compliance by the secretary of state, the board of elections 4322

shall permit any handicapped elector who travels to that 4323
~~elector's polling place~~, but who is unable to enter the ~~polling-~~ 4324
~~place~~, to ~~vote~~ cast ballots in person, obtain mail ballots, or 4325
return voted mail ballots, as applicable, with the assistance of 4326
two ~~polling place election~~ officials of different major 4327
political parties, either in the vehicle that conveyed that 4328
elector to the ~~polling place~~, or ~~to receive and cast that~~ 4329
~~elector's ballot~~ at the door of the ~~polling~~ place. 4330

~~(D)~~ (3) The secretary of state shall: 4331

~~(1)~~ (a) Work with other state agencies to facilitate the 4332
distribution of information and technical assistance to boards 4333
of elections to meet the requirements of division ~~(B)~~ (F) of 4334
this section; 4335

~~(2)~~ (b) Work with organizations that represent or provide 4336
services to handicapped, disabled, or elderly citizens to effect 4337
a wide dissemination of information about the availability of 4338
~~absentee voting, voting in the voter's vehicle or at the door of~~ 4339
~~the polling place, or other~~ election services to handicapped, 4340
disabled, or elderly citizens. 4341

~~(E)~~ (4) Before the day of an election, the director of the 4342
board of elections of each county shall sign a statement 4343
verifying that each ~~polling~~ place that will be used in that 4344
county at that election meets the requirements of division ~~(B)~~ 4345
~~(1) (b)~~ (F) (1) (b) of this section. The signed statement shall be 4346
sent to the secretary of state by certified mail or 4347
electronically. 4348

~~(F)~~ (5) As used in division (F) of this section, 4349
"handicapped" means having lost the use of one or both legs, one 4350
or both arms, or any combination thereof, or being blind or so 4351

severely disabled as to be unable to move about without the aid 4352
of crutches or a wheelchair. 4353

Sec. 3501.291. Notwithstanding any contrary provision of 4354
Title XXXV of the Revised Code: 4355

(A) A board of elections may decide to permanently 4356
discontinue providing precinct polling places for all elections 4357
held in the county. A board shall not make such a decision 4358
during the ninety days immediately preceding an election. 4359

(B) Not later than thirty days after all of the final 4360
results of a general election held in an even numbered year have 4361
been certified, the secretary of state shall determine the 4362
percentage of ballots cast in this state in that election that 4363
were cast in person at precinct polling places and shall certify 4364
that percentage to the boards of elections. After the first such 4365
election for which the secretary of state certifies that less 4366
than fifty per cent of the ballots cast in this state were cast 4367
in person at precinct polling places, no board of elections 4368
shall provide precinct polling places for any election, and the 4369
secretary of state shall cease making that certification for 4370
subsequent elections. 4371

Sec. 3501.30. (A) The board of elections shall provide all 4372
of the following for each polling place the location where 4373
ballots may be cast in person: 4374

(1) A sufficient number of screened or curtained voting 4375
compartments to which electors may retire and conveniently mark 4376
their ballots, protected from the observation of others. Each 4377
voting compartment shall be provided at all times with writing 4378
implements, instructions how to vote, and other necessary 4379
conveniences for marking the ballot. The voting location manager 4380

shall ensure that the voting compartments at all times are 4381
adequately lighted and contain the necessary supplies. 4382

(2) The necessary ballot box, official ballots, cards of 4383
instructions, registration forms, pollbooks or poll lists, tally 4384
sheets, forms on which to make summary statements, writing 4385
implements, paper, and all other supplies necessary for casting 4386
and counting the ballots and recording the results of the voting 4387
~~at the polling place, as applicable.~~ The pollbooks or poll lists 4388
shall have certificates appropriately printed on them for the 4389
signatures of all the ~~precinct~~ election officials, by which they 4390
shall certify that, to the best of their knowledge and belief, 4391
the pollbooks or poll lists correctly show the names of all 4392
electors who voted ~~in the polling place~~ at that location at the 4393
election indicated in the pollbooks or poll lists. 4394

~~All of the following shall be included among the supplies~~ 4395
~~provided to each polling place:~~ 4396

~~(1) A.~~ 4397

(3) For a precinct polling place, a large map of each 4398
appropriate precinct, which shall be displayed prominently to 4399
assist persons who desire to register or vote on election day. 4400
Each map shall show all streets within the precinct and contain 4401
identifying symbols of the precinct in bold print. 4402

~~(2)-(4)~~ Any materials, postings, or instructions required 4403
to comply with state or federal laws, including all of the 4404
following: 4405

(a) A sample version of the ballot that will be used for 4406
the election; 4407

(b) Information regarding the date of the election and the 4408
hours during which locations where ballots may be cast in person 4409

will be open; 4410

(c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot; 4411
4412

(d) General information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the board of elections or the secretary of state if those rights are alleged to have been violated; 4413
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(e) General information on federal and state laws regarding prohibitions against acts of fraud and misrepresentation. 4418
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~~(3)~~(5) A flag of the United States approximately two and one-half feet in length along the top, which shall be displayed outside the entrance to the ~~polling place~~location during the time it is open ~~for voting~~; 4421
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~~(4)~~(6) (a) Two or more small flags of the United States approximately fifteen inches in length along the top, which shall be placed at a distance of one hundred feet from the ~~polling place~~entrance to the location on the thoroughfares or walkways leading to the ~~polling place~~location, to mark the distance within which persons other than election officials, observers, police officers, and electors waiting to ~~mark,~~ 4425
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marking, or casting their cast, request, or deliver ballots shall not loiter, congregate, or engage in any kind of election campaigning. Where small flags cannot reasonably be placed one hundred feet from the ~~polling place~~entrance to the location, the ~~voting location manager~~board shall place the flags as near to one hundred feet from the entrance to the ~~polling place~~location as is physically possible. Police officers and all

election officials shall see that this prohibition against 4439
loitering and congregating is enforced. 4440

(b) When the period of time during which the ~~polling place~~ 4441
~~location~~ is open ~~for voting~~ expires, all of the flags described 4442
in ~~this division (A) (6) (a) of this section~~ shall be taken into 4443
the ~~polling place~~ location and shall be returned to the board 4444
together with all other election supplies required to be 4445
delivered to the board. 4446

(B) The board of elections shall follow the instructions 4447
and advisories of the secretary of state in the production and 4448
use of ~~polling place~~ election supplies. 4449

Sec. 3501.31. (A) The board of elections shall mail to 4450
each ~~precinct~~ election official appointed under section 3501.22 4451
of the Revised Code notice of the date, hours, and place ~~of~~ 4452
~~holding each election in the official's respective precinct~~ at 4453
which it desires the official to serve. Each of such officials 4454
shall notify the board immediately upon receipt of such notice 4455
of any inability to serve. 4456

~~The~~ (B) An election official designated as a voting 4457
location manager under section 3501.22 of the Revised Code shall 4458
call at the office of the board at such time ~~before the day of~~ 4459
~~the election, not earlier than the tenth day before the day of~~ 4460
~~the election,~~ as the board designates to obtain the ballots, 4461
pollbooks, registration forms and lists, and other material to 4462
be used in the ~~official's polling place on election day~~ location 4463
at which the official is to serve. 4464

The board may also provide for the delivery of such 4465
materials to ~~polling places~~ a location in a municipal 4466
corporation by members of the police department of such 4467

municipal corporation; or the board may provide for the delivery 4468
of such materials to the voting location manager not earlier 4469
than the tenth day before the ~~election materials are to be used,~~ 4470
in any manner it finds to be advisable. 4471

~~(C) On election the first day the precinct on which an~~ 4472
~~election officials shall punctually attend the polling place~~ 4473
~~one half hour before the time fixed for opening the polls. Each~~ 4474
~~of official is scheduled to serve before an election, the~~ 4475
~~precinct election officials official shall thereupon make and~~ 4476
subscribe to a statement which shall be as follows: 4477

"State of Ohio 4478
County of _____ 4479

I do solemnly swear under the penalty of perjury that I 4480
will support the ~~constitution~~ Constitution of the United States 4481
of America and the ~~constitution~~ Constitution of the ~~state~~ State 4482
of Ohio and its laws; that I have not been convicted of a felony 4483
or any violation of the election laws; that I will discharge to 4484
the best of my ability the duties of ~~precinct~~ an election 4485
official ~~in and for precinct _____ in the~~ 4486
~~_____ (township) or (ward and city or village)~~ 4487
~~_____ in the county of _____, in~~ 4488
for the election to be held on the _____ day of 4489
_____, _____, as required by law and the rules and 4490
instructions of the board of elections of said county; and that 4491
I will endeavor to prevent fraud in such election, and will 4492
report immediately to said board any violations of the election 4493
laws which come to my attention, and will not disclose any 4494
information as to how any elector voted which is gained by me in 4495
the discharge of my official duties. 4496

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~~(Signatures~~ Signature of precinct election officials official)" 4503

(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~~

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(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.

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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

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center and the office of the board of elections shall be opened 4525
by proclamation by the voting location manager, or in the 4526
manager's absence by a voting location manager chosen by the 4527
~~precinct~~ election officials, at six-thirty a.m. and shall be 4528
closed by proclamation at seven-thirty p.m. unless there are 4529
voters waiting in line to cast their ballots or deliver voted 4530
mail ballots, in which case the ~~polls~~ location shall be kept 4531
open until such waiting voters have voted or delivered their 4532
voted mail ballots. 4533

(B) On the day of ~~the~~ an election, any precinct polling 4534
place located on an island not connected to the mainland by a 4535
highway or a bridge may close earlier than seven-thirty p.m. if 4536
all registered voters in the precinct have voted. When a 4537
precinct polling place closes under division (B) of this section 4538
the voting location manager shall immediately notify the board 4539
of elections of the closing. 4540

Sec. 3501.33. All ~~precinct~~ election officials shall 4541
enforce peace and good order in and about the place of 4542
registration or election. They shall especially keep the place 4543
of access of the electors to ~~the~~ every polling place, voter 4544
service and polling center, and ballot drop box and to the 4545
office of the board of elections open and unobstructed and 4546
prevent and stop any improper practices or attempts tending to 4547
obstruct, intimidate, or interfere with any elector in 4548
registering or voting. They shall protect observers against 4549
molestation and violence in the performance of their duties, and 4550
may eject ~~from the polling place~~ any observer for violation of 4551
any provision of Title XXXV of the Revised Code. They shall 4552
prevent riots, violence, tumult, or disorder. In the discharge 4553
of these duties, they may call upon the sheriff, police, or 4554
other peace officers to aid them in enforcing the law. They may 4555

order the arrest of any person violating Title XXXV of the 4556
Revised Code, but such an arrest shall not prevent the person 4557
from registering or voting if the person is entitled to do so. 4558
The sheriff, all constables, police officers, and other officers 4559
of the peace shall immediately obey and aid in the enforcement 4560
of any lawful order made by the ~~precinct~~-election officials in 4561
the enforcement of Title XXXV of the Revised Code. 4562

Sec. 3501.34. The officer or authority having command of 4563
the police force of any municipal corporation or the sheriff of 4564
any county, on requisition of the board of elections or the 4565
secretary of state, shall promptly detail for service such force 4566
as the board or the secretary of state considers necessary at 4567
the polling place in any precinct of such polling place, voter 4568
service and polling center, ballot drop box, or office of a 4569
board of elections located in the municipal corporation or 4570
county ~~such force as the board or secretary of state considers~~ 4571
~~necessary~~. On every day of election such officer or authority 4572
shall have a special force in readiness for any emergency and 4573
for assignment to duty in the precinct polling ~~places~~place, 4574
voter service and polling center, ballot drop box location, or 4575
office of a board of elections. At least one ~~policeman~~police 4576
officer shall be assigned to duty ~~in~~for each precinct on each 4577
day of an election, when requested by the board or the secretary 4578
of state. Such police officer shall have access at all times to 4579
~~the~~any polling place, voter service and polling center, ballot 4580
drop box location, or office of a board of elections and he 4581
shall promptly place under arrest any person found violating any 4582
provisions of Title XXXV of the Revised Code. 4583

Sec. 3501.35. (A) During the time that ballots may be cast 4584
in person for an election and during the counting of the 4585
ballots, no person shall do any of the following: 4586

(1) Loiter, congregate, or engage in any kind of election 4587
campaigning within the area between the ~~polling place entrance~~ 4588
to a location where ballots may be cast in person and the small 4589
flags of the United States placed on the thoroughfares and 4590
walkways leading to the ~~polling place entrance to the location,~~ 4591
and if the line of electors waiting to ~~vote enter the location~~ 4592
extends beyond those small flags, within ten feet of any elector 4593
in that line; 4594

(2) In any manner hinder or delay an elector in reaching 4595
or leaving a precinct polling place, a voter service and polling 4596
center, a ballot drop box, or the place fixed for casting the 4597
elector's office of the board of elections ballot; 4598

(3) Give, tender, or exhibit any ballot or ticket to any 4599
person other than the elector's own ballot to ~~the precinct an~~ 4600
election ~~officials official~~ within the area between the ~~polling~~ 4601
~~place entrance~~ to a location where ballots may be cast in person 4602
and the small flags of the United States placed on the 4603
thoroughfares and walkways leading to the ~~polling entrance to~~ 4604
that place, and if the line of electors waiting to vote extends 4605
beyond those small flags, within ten feet of any elector in that 4606
line; 4607

(4) Exhibit any ticket or ballot which the elector intends 4608
to cast; 4609

(5) Solicit or in any manner attempt to influence any 4610
elector in casting the elector's vote. 4611

(B) (1) Except as otherwise provided in division (B) (2) of 4612
this section and division (C) of section 3503.23 of the Revised 4613
Code, no person who is not an election official, employee, 4614
observer, or police officer shall be allowed to enter ~~the~~ 4615

~~polling place~~ a location where ballots may be cast in person 4616
during the ~~election time~~ that ballots may be cast there, except 4617
for the purpose of ~~voting or requesting or delivering ballots,~~ 4618
assisting another person to ~~vote as provided in section 3505.24~~ 4619
~~of the Revised Code~~ request or deliver ballots, registering to 4620
vote or updating the person's registration, or otherwise 4621
conducting official business with the board of elections. 4622

(2) Notwithstanding any provision of this section to the 4623
contrary, a journalist shall be allowed reasonable access to a 4624
~~polling place~~ location where ballots may be cast in person 4625
during an ~~election~~ the time that ballots may be cast there. As 4626
used in this division, "journalist" ~~has the same meaning as in~~ 4627
~~division (B) (2) of section 2923.129 of the Revised Code~~ means a 4628
person engaged in, connected with, or employed by any news 4629
medium, including a newspaper, magazine, press association, news 4630
agency, or wire service, a radio or television station, or a 4631
similar medium, for the purpose of gathering, processing, 4632
transmitting, compiling, editing, or disseminating information 4633
for the general public. 4634

(C) No more electors shall be allowed to approach the 4635
voting shelves at any time than there are voting shelves 4636
provided. 4637

(D) The ~~precinct~~ election officials and the police officer 4638
shall strictly enforce the observance of this section. 4639

Sec. 3501.36. Each ~~precinct~~ election official who ~~before~~ 4640
~~the day of an election in his precinct~~ obtains ballots, 4641
pollbooks, or other materials to be used in ~~his polling place on~~ 4642
~~the day of such election~~ a location where ballots may be cast in 4643
person, and delivers such materials to ~~his polling that place on~~ 4644
~~the day of such election~~ as required by section 3501.31 of the 4645

Revised Code and the orders of the board of elections, and each 4646
~~precinct~~ election official who delivers such materials ~~and, the~~ 4647
returns and records of an election, or voted mail ballots from 4648
~~the a precinct polling place, a voter service and polling~~ 4649
center, or a ballot drop box to the office of the board ~~after an~~ 4650
~~election, as required by section 3505.31 of the Revised Code and~~ 4651
of elections under the orders of the board, may receive, in 4652
addition to the compensation provided under section 3501.28 of 4653
the Revised Code, a sum not to exceed five dollars for each trip 4654
to ~~the a precinct polling place, a voter service and polling~~ 4655
center, or a ballot drop box and five dollars for each trip from 4656
~~the polling place such a location~~ to the office of the board, 4657
plus mileage for each trip at the rate provided by rules 4658
governing travel adopted by the office of budget and management 4659
in accordance with Chapter 119. of the Revised Code. 4660

Sec. 3501.37. After each election, the ~~precinct~~ election 4661
officials ~~of each precinct, except when the board of elections~~ 4662
~~assumes the duty,~~ shall see that the movable booths and other 4663
equipment are returned for safekeeping to the ~~fiscal officer of~~ 4664
~~the township or to the clerk or auditor of the municipal~~ 4665
~~corporation in which the precinct is situated. The fiscal~~ 4666
~~officer, clerk, or auditor shall have booths and equipment on~~ 4667
~~hand and in place at the polling places in each precinct before~~ 4668
~~the time for opening the polls on election days, and for this~~ 4669
~~service the board may allow the necessary expenses incurred. In~~ 4670
~~cities, this duty shall devolve on~~ office of the board. 4671

Sec. 3501.38. All declarations of candidacy, nominating 4672
petitions, or other petitions presented to or filed with the 4673
secretary of state or a board of elections or with any other 4674
public office for the purpose of becoming a candidate for any 4675
nomination or office or for the holding of an election on any 4676

issue shall, in addition to meeting the other specific 4677
requirements prescribed in the sections of the Revised Code 4678
relating to them, be governed by the following rules: 4679

(A) Only electors qualified to vote on the candidacy or 4680
issue which is the subject of the petition shall sign a 4681
petition. Each signer shall be a registered elector pursuant to 4682
section 3503.01 of the Revised Code. The facts of qualification 4683
shall be determined as of the date when the petition is filed. 4684

(B) Signatures shall be affixed in ink. Each signer may 4685
also print the signer's name, so as to clearly identify the 4686
signer's signature. 4687

(C) Each signer shall place on the petition after the 4688
signer's name the date of signing and the location of the 4689
signer's voting residence, including the street and number if in 4690
a municipal corporation or the rural route number, post office 4691
address, or township if outside a municipal corporation. The 4692
voting address given on the petition shall be the address 4693
appearing in the registration records at the board of elections. 4694

(D) Except as otherwise provided in section 3501.382 of 4695
the Revised Code, no person shall write any name other than the 4696
person's own on any petition. Except as otherwise provided in 4697
section 3501.382 of the Revised Code, no person may authorize 4698
another to sign for the person. If a petition contains the 4699
signature of an elector two or more times, only the first 4700
signature shall be counted. 4701

(E) (1) On each petition paper, the circulator shall 4702
indicate the number of signatures contained on it, and shall 4703
sign a statement made under penalty of election falsification 4704
that the circulator witnessed the affixing of every signature, 4705

that all signers were to the best of the circulator's knowledge 4706
and belief qualified to sign, and that every signature is to the 4707
best of the circulator's knowledge and belief the signature of 4708
the person whose signature it purports to be or of an attorney 4709
in fact acting pursuant to section 3501.382 of the Revised Code. 4710
On the circulator's statement for a declaration of candidacy or 4711
nominating petition for a person seeking to become a statewide 4712
candidate or for a statewide initiative or a statewide 4713
referendum petition, the circulator shall identify the 4714
circulator's name, the address of the circulator's permanent 4715
residence, and the name and address of the person employing the 4716
circulator to circulate the petition, if any. 4717

(2) As used in division (E) of this section, "statewide 4718
candidate" means the joint candidates for the offices of 4719
governor and lieutenant governor or a candidate for the office 4720
of secretary of state, auditor of state, treasurer of state, or 4721
attorney general. 4722

(F) Except as otherwise provided in section 3501.382 of 4723
the Revised Code, if a circulator knowingly permits an 4724
unqualified person to sign a petition paper or permits a person 4725
to write a name other than the person's own on a petition paper, 4726
that petition paper is invalid; otherwise, the signature of a 4727
person not qualified to sign shall be rejected but shall not 4728
invalidate the other valid signatures on the paper. 4729

(G) The circulator of a petition may, before filing it in 4730
a public office, strike from it any signature the circulator 4731
does not wish to present as a part of the petition. 4732

(H) Any signer of a petition or an attorney in fact acting 4733
pursuant to section 3501.382 of the Revised Code on behalf of a 4734
signer may remove the signer's signature from that petition at 4735

any time before the petition is filed in a public office by 4736
striking the signer's name from the petition; no signature may 4737
be removed after the petition is filed in any public office. 4738

(I) (1) No alterations, corrections, or additions may be 4739
made to a petition after it is filed in a public office. 4740

(2) (a) No declaration of candidacy, nominating petition, 4741
or other petition for the purpose of becoming a candidate may be 4742
withdrawn after it is filed in a public office. Nothing in this 4743
division prohibits a person from withdrawing as a candidate as 4744
otherwise provided by law. 4745

(b) No petition presented to or filed with the secretary 4746
of state, a board of elections, or any other public office for 4747
the purpose of the holding of an election on any question or 4748
issue may be resubmitted after it is withdrawn from a public 4749
office or rejected as containing insufficient signatures. 4750
Nothing in this division prevents a question or issue petition 4751
from being withdrawn by the filing of a written notice of the 4752
withdrawal by a majority of the members of the petitioning 4753
committee with the same public office with which the petition 4754
was filed prior to the sixtieth day before the election at which 4755
the question or issue is scheduled to appear on the ballot. 4756

(J) All declarations of candidacy, nominating petitions, 4757
or other petitions under this section shall be accompanied by 4758
the following statement in boldface capital letters: WHOEVER 4759
COMMITTS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE 4760
~~FIFTH~~ FOURTH DEGREE. 4761

(K) All separate petition papers shall be filed at the 4762
same time, as one instrument. 4763

(L) If a board of elections distributes for use a petition 4764

form for a declaration of candidacy, nominating petition, or any 4765
type of question or issue petition that does not satisfy the 4766
requirements of law as of the date of that distribution, the 4767
board shall not invalidate the petition on the basis that the 4768
petition form does not satisfy the requirements of law, if the 4769
petition otherwise is valid. Division (L) of this section 4770
applies only if the candidate received the petition from the 4771
board within ninety days of when the petition is required to be 4772
filed. 4773

(M) (1) Upon receiving an initiative petition, or a 4774
petition filed under section 307.94 or 307.95 of the Revised 4775
Code, concerning a ballot issue that is to be submitted to the 4776
electors of a county or municipal political subdivision, the 4777
board of elections shall examine the petition to determine: 4778

(a) Whether the petition falls within the scope of a 4779
municipal political subdivision's authority to enact via 4780
initiative, including, if applicable, the limitations placed by 4781
Sections 3 and 7 of Article XVIII of the Ohio Constitution on 4782
the authority of municipal corporations to adopt local police, 4783
sanitary, and other similar regulations as are not in conflict 4784
with general laws, and whether the petition satisfies the 4785
statutory prerequisites to place the issue on the ballot. The 4786
petition shall be invalid if any portion of the petition is not 4787
within the initiative power; or 4788

(b) Whether the petition falls within the scope of a 4789
county's authority to enact via initiative, including whether 4790
the petition conforms to the requirements set forth in Section 3 4791
of Article X of the Ohio Constitution, including the exercise of 4792
only those powers that have vested in, and the performance of 4793
all duties imposed upon counties and county officers by law, and 4794

whether the petition satisfies the statutory prerequisites to 4795
place the issue on the ballot. The finding of the board shall be 4796
subject to challenge by a protest filed pursuant to division (B) 4797
of section 307.95 of the Revised Code. 4798

(2) After making a determination under division (M) (1) (a) 4799
or (b) of this section, the board of elections shall promptly 4800
transmit a copy of the petition and a notice of the board's 4801
determination to the office of the secretary of state. Notice of 4802
the board's determination shall be given to the petitioners and 4803
the political subdivision. 4804

(3) If multiple substantially similar initiative petitions 4805
are submitted to multiple boards of elections and the 4806
determinations of the boards under division (M) (1) (a) or (b) of 4807
this section concerning those petitions differ, the secretary of 4808
state shall make a single determination under division (M) (1) (a) 4809
or (b) of this section that shall apply to each such initiative 4810
petition. 4811

Sec. 3501.382. (A) (1) A registered voter who, by reason of 4812
disability, is unable to physically sign the voter's name as a 4813
candidate, signer, or circulator on a declaration of candidacy 4814
and petition, nominating petition, other petition, or other 4815
document under Title XXXV of the Revised Code may authorize a 4816
legally competent resident of this state who is eighteen years 4817
of age or older as an attorney in fact to sign that voter's name 4818
to the petition or other election document, at the voter's 4819
direction and in the voter's presence, in accordance with either 4820
of the following procedures: 4821

(a) The voter may file with the board of elections of the 4822
voter's county of residence a notarized form that includes or 4823
has attached all of the following: 4824

(i) The name of the voter who is authorizing an attorney 4825
in fact to sign petitions or other election documents on that 4826
voter's behalf, at the voter's direction and in the voter's 4827
presence; 4828

(ii) An attestation of the voter that the voter, by reason 4829
of disability, is unable to sign physically petitions or other 4830
election documents and that the voter desires the attorney in 4831
fact to sign them on the voter's behalf, at the direction of the 4832
voter and in the voter's presence; 4833

(iii) The name, residence address, date of birth, and, if 4834
applicable, Ohio supreme court registration number of the 4835
attorney in fact authorized to sign on the voter's behalf, at 4836
the voter's direction and in the voter's presence. A photocopy 4837
of the attorney in fact's driver's license or state 4838
identification card issued under section 4507.50 of the Revised 4839
Code shall be attached to the notarized form. 4840

(iv) The form of the signature that the attorney in fact 4841
will use in signing petitions or other election documents on the 4842
voter's behalf, at the voter's direction and in the voter's 4843
presence. 4844

(b) The voter may acknowledge, before an election 4845
official, and file with the board of elections of the voter's 4846
county of residence a form that includes or has attached all of 4847
the following: 4848

(i) The name of the voter who is authorizing an attorney 4849
in fact to sign petitions or other election documents on that 4850
voter's behalf, at the voter's direction and in the voter's 4851
presence; 4852

(ii) An attestation of the voter that the voter, by reason 4853

of disability, is physically unable to sign petitions or other 4854
election documents and that the voter desires the attorney in 4855
fact to sign them on the voter's behalf, at the direction of the 4856
voter and in the voter's presence; 4857

(iii) An attestation from a licensed physician that the 4858
voter is disabled and, by reason of that disability, is 4859
physically unable to sign petitions or other election documents; 4860

(iv) The name, residence address, date of birth, and, if 4861
applicable, Ohio supreme court registration number of the 4862
attorney in fact authorized to sign on the voter's behalf, at 4863
the voter's direction and in the voter's presence. A photocopy 4864
of the attorney in fact's driver's license or state 4865
identification card issued under section 4507.50 of the Revised 4866
Code shall be attached to the notarized form. 4867

(v) The form of the signature that the attorney in fact 4868
will use in signing petitions or other election documents on the 4869
voter's behalf, at the voter's direction and in the voter's 4870
presence. 4871

(2) In addition to performing customary notarial acts with 4872
respect to the power of attorney form described in division (A) 4873
(1)(a) of this section, the notary public shall acknowledge that 4874
the voter in question affirmed in the presence of the notary 4875
public the information listed in divisions (A)(1)(a)(i), (ii), 4876
and (iii) of this section. A notary public shall not perform any 4877
notarial acts with respect to such a power of attorney form 4878
unless the voter first gives such an affirmation. Only a notary 4879
public satisfying the requirements of section 147.01 of the 4880
Revised Code may perform notarial acts with respect to such a 4881
power of attorney form. 4882

(B) A board of elections that receives a form under 4883
division (A) (1) of this section from a voter shall do both of 4884
the following: 4885

(1) Use the signature provided in accordance with division 4886
(A) (1) (a) (iv) or (A) (1) (b) (v) of this section for the purpose of 4887
verifying the voter's signature on all declarations of candidacy 4888
and petitions, nominating petitions, other petitions, or other 4889
documents signed by that voter under Title XXXV of the Revised 4890
Code; 4891

(2) Cause the ~~poll list or signature pollbook for the~~ 4892
~~relevant precinct voter's registration record~~ to identify the 4893
voter in question as having authorized an attorney in fact to 4894
sign petitions or other election documents on the voter's 4895
behalf, at the voter's direction and in the voter's presence. 4896

(C) Notwithstanding division (D) of section 3501.38 or any 4897
other provision of the Revised Code to the contrary, an attorney 4898
in fact authorized to sign petitions or other election documents 4899
on a disabled voter's behalf, at the direction of and in the 4900
presence of that voter, in accordance with division (A) of this 4901
section may sign that voter's name to any petition or other 4902
election document under Title XXXV of the Revised Code after the 4903
power of attorney has been filed with the board of elections in 4904
accordance with division (A) (1) of this section. The signature 4905
shall be deemed to be that of the disabled voter, and the voter 4906
shall be deemed to be the signer. 4907

(D) (1) Notwithstanding division (F) of section 3501.38 or 4908
any other provision of the Revised Code to the contrary, the 4909
circulator of a petition may knowingly permit an attorney in 4910
fact to sign the petition on a disabled voter's behalf, at the 4911
direction of and in the presence of that voter, in accordance 4912

with division (A)(1) of this section. 4913

(2) Notwithstanding division (F) of section 3501.38 or any 4914
other provision of the Revised Code to the contrary, no petition 4915
paper shall be invalidated on the ground that the circulator 4916
knowingly permitted an attorney in fact to write a name other 4917
than the attorney in fact's own name on a petition paper, if 4918
that attorney in fact signed the petition on a disabled voter's 4919
behalf, at the direction of and in the presence of that voter, 4920
in accordance with division (C) of this section. 4921

(E) The secretary of state shall prescribe the form and 4922
content of the form for the power of attorney prescribed under 4923
division (A)(1) of this section and also shall prescribe the 4924
form and content of a distinct form to revoke such a power of 4925
attorney. 4926

(F) As used in this section, "unable to physically sign" 4927
means that the person with a disability cannot comply with the 4928
provisions of section 3501.011 of the Revised Code. A person is 4929
not "unable to physically sign" if the person is able to comply 4930
with section 3501.011 through reasonable accommodation, 4931
including the use of assistive technology or augmentative 4932
devices. 4933

Sec. 3501.90. (A) As used in this section: 4934

(1) "Harassment in violation of the election law" means 4935
either of the following: 4936

(a) Any of the following types of conduct ~~in or about a~~ 4937
~~polling place or a place of registration or election:~~ 4938
~~obstructing~~ 4939

(i) Obstructing access of an elector to a precinct polling 4940
place, a voter service and polling center, a ballot drop box, 4941

the office of a board of elections, or any other place of voter registration; another 4942
registration; another 4943

(ii) Another improper practice or attempt tending to 4944
obstruct, intimidate, or interfere with an elector in 4945
registering or voting ~~at a place of registration or election;~~ 4946
~~molesting~~ 4947

(iii) Molesting or otherwise engaging in violence against 4948
observers in the performance of their duties at a precinct 4949
polling place of registration or election, a voter service and 4950
polling center, or the office of a board of elections or at any 4951
other place of voter registration; or participating 4952

(iv) Participating in a riot, violence, tumult, or 4953
disorder in and about a precinct polling place, a voter service 4954
and polling center, a ballot drop box, the office of a board of 4955
elections, or any other place of voter registration or election. 4956

(b) A violation of division (A) (1), (2), (3), or (5) or 4957
division (B) of section 3501.35 of the Revised Code. 4958

(2) "Person" has the same meaning as in division (C) of 4959
section 1.59 of the Revised Code and also includes any 4960
organization that is not otherwise covered by that division. 4961

(3) "Trier of fact" means the jury or, in a nonjury 4962
action, the court. 4963

(B) An elector who has experienced harassment in violation 4964
of the election law has a cause of action against each person 4965
that committed the harassment in violation of the election law. 4966
In any civil action based on this cause of action, the elector 4967
may seek a declaratory judgment, an injunction, or other 4968
appropriate equitable relief. The civil action may be commenced 4969
by an elector who has experienced harassment in violation of the 4970

election law either alone or as a party to a class action under 4971
Civil Rule 23. 4972

(C) (1) In addition to the equitable relief authorized by 4973
division (B) of this section, an elector who has experienced 4974
harassment in violation of the election law may be entitled to 4975
relief under division (C) (2) or (3) of this section. 4976

(2) If the harassment in violation of the election law 4977
involved intentional or reckless threatening or causing of 4978
bodily harm to the elector while the elector was attempting to 4979
register to vote, to obtain ~~an absent voter's a~~ ballot, or to 4980
vote, the elector may seek, in a civil action based on the cause 4981
of action created by division (B) of this section, monetary 4982
damages as prescribed in this division. The civil action may be 4983
commenced by the elector who has experienced harassment in 4984
violation of the election law either alone or as a party to a 4985
class action under Civil Rule 23. Upon proof by a preponderance 4986
of the evidence in the civil action that the harassment in 4987
violation of the election law involved intentional or reckless 4988
threatening or causing of bodily harm to the elector, the trier 4989
of fact shall award the elector the greater of three times of 4990
the amount of the elector's actual damages or one thousand 4991
dollars. The court also shall award a prevailing elector 4992
reasonable attorney's fees and court costs. 4993

(3) Whether a civil action on the cause of action created 4994
by division (B) of this section is commenced by an elector who 4995
has experienced harassment in violation of the election law 4996
alone or as a party to a class action under Civil Rule 23, if 4997
the defendant in the action is an organization that has 4998
previously been determined in a court of this state to have 4999
engaged in harassment in violation of the election law, the 5000

elector may seek an order of the court granting any of the 5001
following forms of relief upon proof by a preponderance of the 5002
evidence: 5003

(a) Divestiture of the organization's interest in any 5004
enterprise or in any real property; 5005

(b) Reasonable restrictions upon the future activities or 5006
investments of the organization, including, but not limited to, 5007
prohibiting the organization from engaging in any harassment in 5008
violation of the election law; 5009

(c) The dissolution or reorganization of the organization; 5010

(d) The suspension or revocation of any license, permit, 5011
or prior approval granted to the organization by any state 5012
agency; 5013

(e) The revocation of the organization's authorization to 5014
do business in this state if the organization is a foreign 5015
corporation or other form of foreign entity. 5016

(D) It shall not be a defense in a civil action based on 5017
the cause of action created by division (B) of this section, 5018
whether commenced by an elector who has experienced harassment 5019
in violation of the election law alone or as a party to a class 5020
action under Civil Rule 23, that no criminal prosecution was 5021
commenced or conviction obtained in connection with the conduct 5022
alleged to be the basis of the civil action. 5023

(E) In a civil action based on the cause of action created 5024
by division (B) of this section, whether commenced by an elector 5025
who has experienced harassment in violation of the election law 5026
alone or as a party to a class action under Civil Rule 23, the 5027
elector may name as defendants each individual who engaged in 5028
conduct constituting harassment in violation of the election law 5029

as well as any person that employs, sponsors, or uses as an 5030
agent any such individual or that has organized a common scheme 5031
to cause harassment in violation of the election law. 5032

Sec. 3503.01. (A) Every citizen of the United States who 5033
is of the age of eighteen years or over and who has been a 5034
resident of the state thirty days immediately preceding the 5035
election at which the citizen offers to vote, is a resident of 5036
the county and precinct in which the citizen offers to vote, and 5037
has been registered to vote for thirty days, has the 5038
qualifications of an elector and may vote at all elections in 5039
the precinct in which the citizen resides. 5040

(B) When only a portion of a precinct is included within 5041
the boundaries of an election district, the board of elections 5042
may assign the electors residing in such portion of a precinct 5043
to the nearest precinct or portion of a precinct within the 5044
boundaries of such election district for the purpose of voting 5045
at any special election held in such district. In any election 5046
in which only a part of the electors in a precinct is qualified 5047
to vote, the board may assign voters in such part to an 5048
adjoining precinct. Such assignment may be made to an adjoining 5049
precinct in another county with the consent and approval of the 5050
board of elections of such other county if the number of voters 5051
assigned to vote in a precinct in another county is two hundred 5052
or less. 5053

~~The~~ Subject to section 3501.291 of the Revised Code, the 5054
board shall notify all such electors so assigned, at least ten 5055
days prior to the holding of any such election, of the location 5056
of the precinct polling place where they are entitled to vote at 5057
such election. 5058

As used in division (B) of this section, "election 5059

district" means a school district, municipal corporation, 5060
township, or other political subdivision that includes territory 5061
in more than one precinct or any other district or authority 5062
that includes territory in more than one precinct and that is 5063
authorized by law to place an issue on the ballot at a special 5064
election. 5065

Sec. 3503.02. All registrars and ~~precinct~~-election 5066
officials, in determining the residence of a person offering to 5067
register or vote, shall be governed by the following rules: 5068

(A) That place shall be considered the residence of a 5069
person in which the person's habitation is fixed and to which, 5070
whenever the person is absent, the person has the intention of 5071
returning. 5072

(B) A person shall not be considered to have lost the 5073
person's residence who leaves the person's home and goes into 5074
another state or county of this state, for temporary purposes 5075
only, with the intention of returning. 5076

(C) A person shall not be considered to have gained a 5077
residence in any county of this state into which the person 5078
comes for temporary purposes only, without the intention of 5079
making such county the permanent place of abode. 5080

(D) The place where the family of a married person resides 5081
shall be considered to be the person's place of residence; 5082
except that when the spouses have separated and live apart, the 5083
place where such a spouse resides the length of time required to 5084
entitle a person to vote shall be considered to be the spouse's 5085
place of residence. 5086

(E) If a person removes to another state with the 5087
intention of making such state the person's residence, the 5088

person shall be considered to have lost the person's residence 5089
in this state. 5090

(F) Except as otherwise provided in division (G) of this 5091
section, if a person removes from this state and continuously 5092
resides outside this state for a period of four years or more, 5093
the person shall be considered to have lost the person's 5094
residence in this state, notwithstanding the fact that the 5095
person may entertain an intention to return at some future 5096
period. 5097

(G) (1) If a person removes from this state to engage in 5098
the services of the United States government, the person shall 5099
not be considered to have lost the person's residence in this 5100
state, and likewise should the person enter the employment of 5101
the state, the place where such person resided at the time of 5102
the person's removal shall be considered to be the person's 5103
place of residence. 5104

(2) If a person removes from this state to a location 5105
outside of the United States and the person does not become a 5106
resident of another state, the person shall not be considered to 5107
have lost the person's residence in this state. The place where 5108
the person resided at the time of the person's removal shall be 5109
considered to be the person's place of residence. 5110

(3) If a person is eligible to vote in this state under 5111
division (D) (2) of section 3511.011 of the Revised Code, the 5112
place where the person's parent or legal guardian resided in 5113
this state prior to that parent or legal guardian's removal to a 5114
location outside of the United States shall be considered to be 5115
the person's place of residence. 5116

(4) If an address that is considered to be a person's 5117

place of residence under division (G) of this section ceases to 5118
be a recognized residential address, the board of elections 5119
shall assign an address to the applicable person for voting 5120
purposes. 5121

(H) If a person goes into another state and while there 5122
exercises the right of a citizen by voting, the person shall be 5123
considered to have lost the person's residence in this state. 5124

(I) If a person does not have a fixed place of habitation, 5125
but has a shelter or other location at which the person has been 5126
a consistent or regular inhabitant and to which the person has 5127
the intention of returning, that shelter or other location shall 5128
be deemed the person's residence for the purpose of registering 5129
to vote. 5130

Sec. 3503.09. (A) (1) The secretary of state shall adopt 5131
rules for the electronic transmission by boards of elections, 5132
designated agencies, offices of deputy registrars of motor 5133
vehicles, public high schools and vocational schools, public 5134
libraries, and offices of county treasurers, where applicable, 5135
of change of name—and, change of residence—changes, and change 5136
of political party affiliation forms for voter registration 5137
~~records in the statewide voter registration database.~~ 5138

(2) The secretary of state shall adopt rules for the 5139
purpose of improving the speed of processing new voter 5140
registrations that permit information from a voter registration 5141
application received by a designated agency or an office of 5142
deputy registrar of motor vehicles to be made available 5143
electronically, in addition to requiring the original voter 5144
registration application to be transmitted to the applicable 5145
board of elections under division (E) (2) of section 3503.10 or 5146
section 3503.11 of the Revised Code. 5147

(B) Rules adopted under division (A) of this section shall 5148
do all of the following: 5149

(1) Prohibit any direct electronic connection between a 5150
designated agency, office of deputy registrar of motor vehicles, 5151
public high school or vocational school, public library, or 5152
office of a county treasurer and the statewide voter 5153
registration database; 5154

(2) Require any updated voter registration information to 5155
be verified by the secretary of state or a board of elections 5156
before the information is added to the statewide voter 5157
registration database for the purpose of modifying an existing 5158
voter registration; 5159

(3) Require each designated agency or office of deputy 5160
registrar of motor vehicles that transmits voter registration 5161
information electronically to transmit an identifier for data 5162
relating to each new voter registration that shall be used by 5163
the secretary of state or a board of elections to match the 5164
electronic data to the original voter registration application. 5165

Sec. 3503.10. (A) Each designated agency shall designate 5166
one person within that agency to serve as coordinator for the 5167
voter registration program within the agency and its 5168
departments, divisions, and programs. The designated person 5169
shall be trained under a program designed by the secretary of 5170
state and shall be responsible for administering all aspects of 5171
the voter registration program for that agency as prescribed by 5172
the secretary of state. The designated person shall receive no 5173
additional compensation for performing such duties. 5174

(B) Every designated agency, public high school and 5175
vocational school, public library, and office of a county 5176

treasurer shall provide in each of its offices or locations 5177
voter registration applications and assistance in the 5178
registration of persons qualified to register to vote, in 5179
accordance with this chapter. 5180

(C) Every designated agency shall distribute to its 5181
applicants, prior to or in conjunction with distributing a voter 5182
registration application, a form prescribed by the secretary of 5183
state that includes all of the following: 5184

(1) The question, "Do you want to register to vote or 5185
update your current voter registration?"--followed by boxes for 5186
the applicant to indicate whether the applicant would like to 5187
register or decline to register to vote, and the statement, 5188
highlighted in bold print, "If you do not check either box, you 5189
will be considered to have decided not to register to vote at 5190
this time."; 5191

(2) If the agency provides public assistance, the 5192
statement, "Applying to register or declining to register to 5193
vote will not affect the amount of assistance that you will be 5194
provided by this agency."; 5195

(3) The statement, "If you would like help in filling out 5196
the voter registration application form, we will help you. The 5197
decision whether to seek or accept help is yours. You may fill 5198
out the application form in private."; 5199

(4) The statement, "If you believe that someone has 5200
interfered with your right to register or to decline to register 5201
to vote, your right to privacy in deciding whether to register 5202
or in applying to register to vote, or your right to choose your 5203
own political party or other political preference, you may file 5204
a complaint with the prosecuting attorney of your county or with 5205

the secretary of state," with the address and telephone number 5206
for each such official's office. 5207

(D) Each designated agency shall distribute a voter 5208
registration form prescribed by the secretary of state to each 5209
applicant with each application for service or assistance, and 5210
with each written application or form for recertification, 5211
renewal, or change of address. 5212

(E) Each designated agency shall do all of the following: 5213

(1) Have employees trained to administer the voter 5214
registration program in order to provide to each applicant who 5215
wishes to register to vote and who accepts assistance, the same 5216
degree of assistance with regard to completion of the voter 5217
registration application as is provided by the agency with 5218
regard to the completion of its own form; 5219

(2) Accept completed voter registration applications, 5220
voter registration change of residence forms, ~~and~~ voter 5221
registration change of name forms, and voter registration change 5222
of political party affiliation forms, regardless of whether the 5223
application or form was distributed by the designated agency, 5224
for transmittal to the office of the board of elections in the 5225
county in which the agency is located. Each designated agency 5226
and the appropriate board of elections shall establish a method 5227
by which the voter registration applications and other voter 5228
registration forms are transmitted to that board of elections 5229
within five days after being accepted by the agency. 5230

(3) If the designated agency is one that is primarily 5231
engaged in providing services to persons with disabilities under 5232
a state-funded program, and that agency provides services to a 5233
person with disabilities at a person's home, provide the 5234

services described in divisions (E) (1) and (2) of this section 5235
at the person's home; 5236

(4) Keep as confidential, except as required by the 5237
secretary of state for record-keeping purposes, the identity of 5238
an agency through which a person registered to vote or updated 5239
the person's voter registration records, and information 5240
relating to a declination to register to vote made in connection 5241
with a voter registration application issued by a designated 5242
agency. 5243

(F) The secretary of state shall prepare and transmit 5244
written instructions on the implementation of the voter 5245
registration program within each designated agency, public high 5246
school and vocational school, public library, and office of a 5247
county treasurer. The instructions shall include directions as 5248
follows: 5249

(1) That each person designated to assist with voter 5250
registration maintain strict neutrality with respect to a 5251
person's political philosophies, a person's right to register or 5252
decline to register, and any other matter that may influence a 5253
person's decision to register or not register to vote; 5254

(2) That each person designated to assist with voter 5255
registration not seek to influence a person's decision to 5256
register or not register to vote, not display or demonstrate any 5257
political preference or party allegiance, and not make any 5258
statement to a person or take any action the purpose or effect 5259
of which is to lead a person to believe that a decision to 5260
register or not register has any bearing on the availability of 5261
services or benefits offered, on the grade in a particular class 5262
in school, or on credit for a particular class in school; 5263

(3) Regarding when and how to assist a person in 5264
completing the voter registration application, what to do with 5265
the completed voter registration application or voter 5266
registration update form, and when the application must be 5267
transmitted to the appropriate board of elections; 5268

(4) Regarding what records must be kept by the agency and 5269
where and when those records should be transmitted to satisfy 5270
reporting requirements imposed on the secretary of state under 5271
the National Voter Registration Act of 1993; 5272

(5) Regarding whom to contact to obtain answers to 5273
questions about voter registration forms and procedures. 5274

(G) If the voter registration activity is part of an in- 5275
class voter registration program in a public high school or 5276
vocational school, whether prescribed by the secretary of state 5277
or independent of the secretary of state, the board of education 5278
shall do all of the following: 5279

(1) Establish a schedule of school days and hours during 5280
these days when the person designated to assist with voter 5281
registration shall provide voter registration assistance; 5282

(2) Designate a person to assist with voter registration 5283
from the public high school's or vocational school's staff; 5284

(3) Make voter registration applications and materials 5285
available, as outlined in the voter registration program 5286
established by the secretary of state pursuant to section 5287
3501.05 of the Revised Code; 5288

(4) Distribute the statement, "applying to register or 5289
declining to register to vote, or registering as affiliated with 5290
a particular political party or registering to vote and 5291
remaining unaffiliated, will not affect or be a condition of 5292

your receiving a particular grade in or credit for a school 5293
course or class, participating in a curricular or 5294
extracurricular activity, receiving a benefit or privilege, or 5295
participating in a program or activity otherwise available to 5296
pupils enrolled in this school district's schools."; 5297

(5) Establish a method by which the voter registration 5298
application and other voter registration forms are transmitted 5299
to the board of elections within five days after being accepted 5300
by the public high school or vocational school. 5301

(H) Any person employed by the designated agency, public 5302
high school or vocational school, public library, or office of a 5303
county treasurer may be designated to assist with voter 5304
registration pursuant to this section. The designated agency, 5305
public high school or vocational school, public library, or 5306
office of a county treasurer shall provide the designated 5307
person, and make available such space as may be necessary, 5308
without charge to the county or state. 5309

(I) The secretary of state shall prepare and cause to be 5310
displayed in a prominent location in each designated agency a 5311
notice that identifies the person designated to assist with 5312
voter registration, the nature of that person's duties, and 5313
where and when that person is available for assisting in the 5314
registration of voters. 5315

A designated agency may furnish additional supplies and 5316
services to disseminate information to increase public awareness 5317
of the existence of a person designated to assist with voter 5318
registration in every designated agency. 5319

(J) This section does not limit any authority a board of 5320
education, superintendent, or principal has to allow, sponsor, 5321

or promote voluntary election registration programs within a 5322
high school or vocational school, including programs in which 5323
pupils serve as persons designated to assist with voter 5324
registration, provided that no pupil is required to participate. 5325

(K) Each public library and office of the county treasurer 5326
shall establish a method by which voter registration forms are 5327
transmitted to the board of elections within five days after 5328
being accepted by the public library or office of the county 5329
treasurer. 5330

(L) The department of job and family services and its 5331
departments, divisions, and programs shall limit administration 5332
of the aspects of the voter registration program for the 5333
department to the requirements prescribed by the secretary of 5334
state and the requirements of this section and the National 5335
Voter Registration Act of 1993. 5336

Sec. 3503.11. When any person applies for a driver's 5337
license, commercial driver's license, a state of Ohio 5338
identification card issued under section 4507.50 of the Revised 5339
Code, or motorcycle operator's license or endorsement, or the 5340
renewal or duplicate of any license or endorsement under Chapter 5341
4506. or 4507. of the Revised Code, the registrar of motor 5342
vehicles or deputy registrar shall offer the applicant the 5343
opportunity to register to vote or to update the applicant's 5344
voter registration. The registrar of motor vehicles or deputy 5345
registrar also shall make available to all other customers voter 5346
registration applications and change of residence ~~and,~~ change of 5347
name, and change of political party affiliation forms, but is 5348
not required to offer assistance to these customers in 5349
completing a voter registration application or other form. 5350

The deputy registrar shall send any registration 5351

application or any change of residence~~or,~~ change of name, and 5352
change of political party affiliation form that was completed 5353
and submitted in paper form to the deputy registrar to the board 5354
of elections of the county in which the office of the deputy 5355
registrar is located, within five days after accepting the 5356
application or other form. The registrar shall send any 5357
completed registration application received at the bureau of 5358
motor vehicles headquarters location and any completed change of 5359
residence~~or,~~ change of name, or change of political party 5360
affiliation form processed electronically in systems or programs 5361
operated and maintained by the bureau of motor vehicles to the 5362
secretary of state within five days after accepting the 5363
application or other form. 5364

The registrar shall collect from each deputy registrar 5365
through the reports filed under division (J) of section 4503.03 5366
of the Revised Code and transmit to the secretary of state 5367
information on the number of voter registration applications and 5368
change of residence~~or,~~ change of name, or change of political 5369
party affiliation forms completed or declined, and any 5370
additional information required by the secretary of state to 5371
comply with the National Voter Registration Act of 1993. No 5372
information relating to an applicant's decision to decline to 5373
register or update the applicant's voter registration at the 5374
office of the registrar or deputy registrar may be used for any 5375
purpose other than voter registration record-keeping required by 5376
the secretary of state, and all such information shall be kept 5377
confidential. 5378

The secretary of state shall prescribe voter registration 5379
applications and change of residence~~and,~~ change of name, and 5380
change of political party affiliation forms for use by the 5381
bureau of motor vehicles. The bureau of motor vehicles shall 5382

supply all of its deputy registrars with a sufficient number of 5383
voter registration applications and change of residence ~~and,~~ 5384
change of name, and change of political party affiliation forms. 5385

Sec. 3503.111. (A) Each month, the secretary of state 5386
shall send the information in the statewide voter registration 5387
database to the national change of address service provided by 5388
the United States postal system through its licensees and 5389
request that service to provide the secretary of state with a 5390
list of any registered electors who have had a permanent change 5391
of residence address within the past month. The secretary of 5392
state promptly shall transmit the information concerning each 5393
elector who has had a permanent change of residence address 5394
electronically to the appropriate board of elections. 5395

(B) (1) When a board of elections receives information 5396
concerning a registered elector under division (A) of this 5397
section and determines that the elector is eligible to update 5398
the elector's registration, except as provided in division (C) 5399
of this section, the board promptly shall update the elector's 5400
registration and send the elector an acknowledgment notice under 5401
section 3503.19 of the Revised Code. The electronic record 5402
transmitted to the board under this section shall be considered 5403
the elector's voter registration form. 5404

(2) If an elector whose registration has been updated 5405
under division (B) (1) of this section declines to have the 5406
elector's registration updated, the board shall correct the 5407
elector's registration to reflect the name, address, and 5408
signature that it contained before the board updated the 5409
elector's registration under this section. 5410

(3) If a person who is not eligible to update the person's 5411
voter registration nonetheless has the person's registration 5412

updated under this section, the person shall not be considered 5413
to knowingly update or attempt to update the person's 5414
registration in violation of section 3599.11 of the Revised Code 5415
based solely on the person's failure to decline to have the 5416
person's registration updated. 5417

(C) When a board of elections receives information 5418
concerning an elector under division (A) of this section and 5419
determines that the elector has had a permanent change of 5420
residence address to a location outside this state, the board 5421
shall send the elector a confirmation notice at the address at 5422
which the elector is registered to vote in this state. The board 5423
shall not send that notice during the ninety days immediately 5424
preceding a primary or general election for federal office. 5425

(D) The secretary of state may prescribe additional 5426
procedures to identify and send confirmation notices to electors 5427
who appear to have moved or had a change of name. Any procedures 5428
to identify and send confirmation notices to electors who appear 5429
to have moved to a location outside this state shall be 5430
completed not later than ninety days before the day of any 5431
primary or general election for federal office. 5432

(E) All procedures for maintaining the statewide voter 5433
registration database implemented under this section shall be 5434
uniform and nondiscriminatory and shall comply with the Voting 5435
Rights Act of 1965, the National Voter Registration Act of 1993, 5436
and all other applicable federal laws. 5437

Sec. 3503.12. All registrations shall be carefully 5438
checked, and in case any person is found to have ~~registered~~ more 5439
~~than one~~ one registration form, the additional all registration 5440
forms other than the most recent registration form shall be 5441
canceled by the board of elections. 5442

Six weeks prior to the day of a special, primary, or 5443
general election, the board shall publish notices in one or more 5444
newspapers of general circulation advertising the places, dates, 5445
times, methods of registration, and voter qualifications for 5446
registration. 5447

The board shall ~~establish a schedule or program to assure~~ 5448
to the extent reasonably possible that, ~~on or before November 1,~~ 5449
~~1980,~~ all registration places shall be free of barriers that 5450
would impede the ingress and egress of handicapped persons. 5451
Entrances shall be level or shall be provided with a nonskid 5452
ramp of not over eight per cent gradient, and doors shall be a 5453
minimum of thirty-two inches wide. Registration places located 5454
at precinct polling places shall, however, comply with the 5455
requirements of section 3501.29 of the Revised Code for the 5456
elimination of barriers. 5457

As used in this section, "handicapped" means having lost 5458
the use of one or both legs, one or both arms, or any 5459
combination thereof, or being blind or so severely disabled as 5460
to be unable to move about without the aid of crutches or a 5461
wheelchair. 5462

Sec. 3503.13. (A) Except as otherwise provided in section 5463
111.44 of the Revised Code or by state or federal law, 5464
registration forms ~~submitted by applicants~~ and the statewide 5465
voter registration database established under section 3503.15 of 5466
the Revised Code shall be open to public inspection at all times 5467
when the office of the board of elections is open for business, 5468
under such regulations as the board adopts, provided that no 5469
person shall be permitted to inspect voter registration forms 5470
except in the presence of an employee of the board. 5471

(B) A board of elections may use a legible digitized 5472

signature list of voter signatures, copied from the signatures 5473
on the registration forms in a form and manner prescribed by the 5474
secretary of state, provided that the board includes the 5475
required voter registration information in the statewide voter 5476
registration database established under section 3503.15 of the 5477
Revised Code, and provided that the ~~precinct~~ election officials 5478
have computer printouts at the ~~polls~~ locations where ballots may 5479
be cast in person prepared in the manner required under section 5480
3503.23 of the Revised Code. 5481

Sec. 3503.14. (A) The secretary of state shall prescribe 5482
the form and content of the registration, change of residence, 5483
~~and change of name,~~ and change of political party affiliation 5484
forms used in this state. The forms shall meet the requirements 5485
of the National Voter Registration Act of 1993 and shall include 5486
spaces for all of the following: 5487

(1) The voter's name; 5488

(2) The voter's address; 5489

(3) The current date; 5490

(4) The voter's date of birth; 5491

(5) The voter to provide one or more of the following: 5492

(a) The voter's driver's license number, if any; 5493

(b) The last four digits of the voter's social security 5494
number, if any; 5495

(c) A copy of a current and valid photo identification, a 5496
copy of a military identification, or a copy of a current 5497
utility bill, bank statement, government check, paycheck, or 5498
other government document, other than ~~a~~ an acknowledgment notice 5499
~~of voter registration~~ mailed by a board of elections under 5500

section 3503.19 of the Revised Code, that shows the voter's name 5501
and address. 5502

(6) The voter's telephone number, if the voter wishes to 5503
provide it; 5504

(7) The voter's electronic mail address, if the voter 5505
wishes to provide it; 5506

(8) The voter's signature. 5507

~~The registration form shall include a space on which the~~ 5508
~~person registering an applicant shall sign the person's name and~~ 5509
~~provide the person's address and a space on which the person~~ 5510
~~registering an applicant shall name the employer who is~~ 5511
~~employing that person to register the applicant~~ 5512

(B) The registration form shall include a list of the 5513
political parties that are recognized in this state at the time 5514
the form is printed, accompanied by boxes for the applicant to 5515
check to select a party with which the applicant wishes to be 5516
affiliated. The form also shall include a space for the 5517
applicant to write the name of a recognized political party that 5518
is not listed on the form, if the applicant wishes to be 5519
affiliated with that party, and a box for the applicant to check 5520
to indicate that the applicant does not wish to be affiliated 5521
with a political party. The form shall instruct the applicant to 5522
select or write the name of only one recognized political party 5523
and shall state that the applicant is not required to select a 5524
political party. If the applicant does not select or write the 5525
name of a recognized political party with which the applicant 5526
wishes to be affiliated, or if the applicant indicates that the 5527
applicant does not wish to be affiliated with a political party, 5528
the applicant, upon registration, shall not be affiliated with 5529

any political party. 5530

(C) Except for forms prescribed by the secretary of state 5531
under section 3503.11 of the Revised Code, the secretary of 5532
state shall permit boards of elections to produce forms that 5533
have subdivided spaces for each individual alphanumeric 5534
character of the information provided by the voter so as to 5535
accommodate the electronic reading and conversion of the voter's 5536
information to data and the subsequent electronic transfer of 5537
that data to the statewide voter registration database 5538
established under section 3503.15 of the Revised Code. 5539

~~(B) None of the following persons who are registering an 5540
applicant in the course of that official's or employee's normal 5541
duties shall sign the person's name, provide the person's 5542
address, or name the employer who is employing the person to 5543
register an applicant on a form prepared under this section. 5544~~

~~(1) An election official; 5545~~

~~(2) A county treasurer; 5546~~

~~(3) A deputy registrar of motor vehicles; 5547~~

~~(4) An employee of a designated agency; 5548~~

~~(5) An employee of a public high school; 5549~~

~~(6) An employee of a public vocational school; 5550~~

~~(7) An employee of a public library; 5551~~

~~(8) An employee of the office of a county treasurer; 5552~~

~~(9) An employee of the bureau of motor vehicles; 5553~~

~~(10) An employee of a deputy registrar of motor vehicles; 5554~~

~~(11) An employee of an election official. 5555~~

~~(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 5586
that shall be administered by the office of the secretary of 5587
state and made continuously available to each board of elections 5588
and to other agencies as authorized by law. 5589

(2) (a) State agencies, including, but not limited to, the 5590
department of health, the bureau of motor vehicles, the 5591
department of job and family services, the department of 5592
medicaid, and the department of rehabilitation and corrections, 5593
shall provide any information and data to the secretary of state 5594
that is collected in the course of normal business and that is 5595
necessary to register to vote, to update an elector's 5596
registration, or to maintain the statewide voter registration 5597
database established pursuant to this section, except where 5598
prohibited by federal law or regulation. The department of 5599
health, the bureau of motor vehicles, the department of job and 5600
family services, the department of medicaid, and the department 5601
of rehabilitation and corrections shall provide that information 5602
and data to the secretary of state not later than the last day 5603
of each month. The secretary of state shall ensure that any 5604
information or data provided to the secretary of state that is 5605
confidential in the possession of the entity providing the data 5606
remains confidential while in the possession of the secretary of 5607
state. No public office, and no public official or employee, 5608
shall sell that information or data or use that information or 5609
data for profit. 5610

(b) Information provided under this division for 5611
maintenance of the statewide voter registration database shall 5612
not be used to update the name ~~or~~, address, or political party 5613
affiliation of a registered elector. ~~The~~ Except for cases in 5614
which an elector's registration is updated under section 5615
3503.111 of the Revised Code, the name ~~or~~, address, or political 5616

party affiliation of a registered elector shall only be updated 5617
as a result of the elector's actions in filing a notice of 5618
change of name, ~~change of address, or both~~ political party 5619
affiliation, as applicable. 5620

(c) A board of elections shall contact a registered 5621
elector pursuant to the rules adopted under division (D) (7) of 5622
this section to verify the accuracy of the information in the 5623
statewide voter registration database regarding that elector if 5624
that information does not conform with information provided 5625
under division (A) (2) (a) of this section and the discrepancy 5626
would affect the elector's eligibility to cast a regular ballot. 5627

(3) (a) The secretary of state shall enter into agreements 5628
to share information or data that is in the possession of the 5629
secretary of state with other states or groups of states, as the 5630
secretary of state considers necessary, in order to maintain the 5631
statewide voter registration database established pursuant to 5632
this section. Except as otherwise provided in division (A) (3) (b) 5633
of this section, the secretary of state shall ensure that any 5634
information or data provided to the secretary of state that is 5635
confidential in the possession of the state providing the data 5636
remains confidential while in the possession of the secretary of 5637
state. 5638

(b) The secretary of state may provide such otherwise 5639
confidential information or data to persons or organizations 5640
that are engaging in legitimate governmental purposes related to 5641
the maintenance of the statewide voter registration database. 5642
The secretary of state shall adopt rules pursuant to Chapter 5643
119. of the Revised Code identifying the persons or 5644
organizations who may receive that information or data. The 5645
secretary of state shall not share that information or data with 5646

a person or organization not identified in those rules. The 5647
secretary of state shall ensure that a person or organization 5648
that receives confidential information or data under this 5649
division keeps the information or data confidential in the 5650
person's or organization's possession by, at a minimum, entering 5651
into a confidentiality agreement with the person or 5652
organization. Any confidentiality agreement entered into under 5653
this division shall include a requirement that the person or 5654
organization submit to the jurisdiction of this state in the 5655
event that the person or organization breaches the agreement. 5656

(4) No person or entity that receives information or data 5657
under division (A) (3) of this section shall sell the information 5658
or data or use the information or data for profit. 5659

(5) The secretary of state shall regularly transmit to the 5660
boards of elections, to the extent permitted by state and 5661
federal law, the information and data the secretary of state 5662
receives under divisions (A) (2) and (3) of this section that is 5663
necessary to do the following, in order to ensure that the 5664
accuracy of the statewide voter registration database is 5665
maintained on a regular basis in accordance with applicable 5666
state and federal law: 5667

(a) Require the boards of elections to maintain the 5668
database in a manner that ensures that the name of each 5669
registered elector appears in the database, that only 5670
individuals who are not registered or eligible to vote are 5671
removed from the database, and that duplicate registrations are 5672
eliminated from the database; 5673

(b) Require the boards of elections to make a reasonable 5674
effort to remove individuals who are not eligible to vote from 5675
the database; 5676

(c) Establish safeguards to ensure that eligible electors 5677
are not removed in error from the database. 5678

(B) The statewide voter registration database established 5679
under this section shall be the official list of registered 5680
~~voters~~electors for all elections conducted in this state. 5681

(C) The statewide voter registration database established 5682
under this section shall, at a minimum, include all of the 5683
following: 5684

(1) An electronic network that connects all board of 5685
elections offices with the office of the secretary of state and 5686
with the offices of all other boards of elections; 5687

(2) A computer program that harmonizes the records 5688
contained in the database with records maintained by each board 5689
of elections; 5690

(3) An interactive computer program that allows access to 5691
the records contained in the database by each board of elections 5692
and by any persons authorized by the secretary of state to add, 5693
delete, modify, or print database records, and to conduct 5694
updates of the database; 5695

(4) A search program capable of verifying registered 5696
~~voters~~electors and their registration information by name, 5697
driver's license number, birth date, social security number, or 5698
current address; 5699

(5) Safeguards and components to ensure that the 5700
integrity, security, and confidentiality of the voter 5701
registration information is maintained; 5702

(6) Methods to retain canceled voter registration records 5703
for not less than five years after they are canceled and to 5704

record the reason for their cancellation. 5705

(D) The secretary of state shall adopt rules pursuant to 5706
Chapter 119. of the Revised Code doing all of the following: 5707

(1) Specifying the manner in which existing voter 5708
registration records maintained by boards of elections shall be 5709
converted to electronic files for inclusion in the statewide 5710
voter registration database; 5711

(2) Establishing a uniform method for entering voter 5712
registration records into the statewide voter registration 5713
database on an expedited basis, but not less than once per day, 5714
if new registration information is received; 5715

(3) Establishing a uniform method for purging canceled 5716
voter registration records from the statewide voter registration 5717
database in accordance with section 3503.21 of the Revised Code; 5718

(4) Specifying the persons authorized to add, delete, 5719
modify, or print records contained in the statewide voter 5720
registration database and to make updates of that database; 5721

(5) Establishing a process for annually auditing the 5722
information contained in the statewide voter registration 5723
database; 5724

(6) Establishing, by mutual agreement with the bureau of 5725
motor vehicles, the content and format of the information and 5726
data the bureau of motor vehicles shall provide to the secretary 5727
of state under division (A) (2) (a) of this section and the 5728
frequency with which the bureau shall provide that information 5729
and data; 5730

(7) Establishing a uniform method for addressing instances 5731
in which records contained in the statewide voter registration 5732

database do not conform with records maintained by an agency, 5733
state, or group of states described in division (A) (2) (a) or (3) 5734
(a) of this section. That method shall prohibit an elector's 5735
voter registration from being canceled on the sole basis that 5736
the information in the registration record does not conform to 5737
records maintained by such an agency. 5738

(E) A board of elections promptly shall purge ~~a voter's an~~ 5739
elector's name and voter registration information from the 5740
statewide voter registration database in accordance with the 5741
rules adopted by the secretary of state under division (D) (3) of 5742
this section after the cancellation of ~~a voter's an~~ elector's 5743
registration under section 3503.21 of the Revised Code. 5744

(F) The secretary of state shall provide training in the 5745
operation of the statewide voter registration database to each 5746
board of elections and to any persons authorized by the 5747
secretary of state to add, delete, modify, or print database 5748
records, and to conduct updates of the database. 5749

(G) (1) The statewide voter registration database 5750
established under this section shall be made available on a web 5751
site of the office of the secretary of state as follows: 5752

(a) Except as otherwise provided in division (G) (1) (b) of 5753
this section, the following information from the statewide voter 5754
registration database regarding a registered ~~voter~~ elector shall 5755
be made available on the web site: 5756

(i) The ~~voter's~~ elector's name; 5757

(ii) The ~~voter's~~ elector's address; 5758

(iii) The ~~voter's~~ elector's precinct number; 5759

(iv) The elector's political party affiliation, if any; 5760

- (v) The ~~voter's~~ elector's voting history; 5761
- (vi) Whether the elector is an active elector. 5762
- (b) During the thirty days before the day of a primary or 5763
general election, the web site interface of the statewide voter 5764
registration database shall permit a voter to search for the 5765
~~polling location~~ locations at which that voter may cast a ballot 5766
in person, obtain mail ballots, or return voted mail ballots. 5767
- (2) The secretary of state shall establish, by rule 5768
adopted under Chapter 119. of the Revised Code, a process for 5769
boards of elections to notify the secretary of state of changes 5770
in the availability or locations of precinct polling places, 5771
voter service and polling centers, ballot drop boxes, or the 5772
office of the board for the purpose of updating the information 5773
made available on the secretary of state's web site under 5774
division (G) (1) (b) of this section. Those rules shall require a 5775
board of elections, during the thirty days before the day of a 5776
primary or general election, to notify the secretary of state 5777
within one business day of any such change ~~to the location of a 5778
precinct polling place~~ within the county. 5779
- (3) During the thirty days before the day of a primary or 5780
general election, not later than one business day after 5781
receiving a notification from a county pursuant to division (G) 5782
(2) of this section ~~that the location of a precinct polling 5783
place has changed~~, the secretary of state shall update that 5784
information on the secretary of state's web site for the purpose 5785
of division (G) (1) (b) of this section. 5786
- (H) The secretary of state shall conduct an annual review 5787
of the statewide voter registration database as follows: 5788
- (1) The secretary of state shall compare the information 5789

in the statewide voter registration database with the 5790
information the secretary of state obtains from the bureau of 5791
motor vehicles under division (A) (2) of this section to identify 5792
any person who does all of the following, in the following 5793
order: 5794

(a) Submits documentation to the bureau of motor vehicles 5795
that indicates that the person is not a United States citizen; 5796

(b) Registers to vote, submits a voter registration change 5797
of residence ~~or~~, change of name, or change of political party 5798
affiliation form, or votes in this state; 5799

(c) Submits documentation to the bureau of motor vehicles 5800
that indicates that the person is not a United States citizen. 5801

(2) The secretary of state shall send a written notice to 5802
each person identified under division (H) (1) of this section, 5803
instructing the person either to confirm that the person is a 5804
United States citizen or to submit a completed voter 5805
registration cancellation form to the secretary of state. The 5806
secretary of state shall include a blank voter registration 5807
cancellation form with the notice. If the person fails to 5808
respond to the secretary of state in the manner described in 5809
division (H) (3) or (4) of this section not later than thirty 5810
days after the notice was sent, the secretary of state promptly 5811
shall send the person a second notice and form. 5812

(3) If, not later than sixty days after the first notice 5813
was sent, a person who is sent a notice under division (H) (2) of 5814
this section responds to the secretary of state, confirming that 5815
the person is a United States citizen, the secretary of state 5816
shall take no action concerning the person's voter registration. 5817

(4) If, not later than sixty days after the first notice 5818

was sent, a person who receives a notice under division (H) (2) 5819
of this section sends a completed voter registration 5820
cancellation form to the secretary of state, the secretary of 5821
state shall instruct the board of elections of the county in 5822
which the person is registered to cancel the person's 5823
registration. 5824

(5) If a person who was sent a second notice under 5825
division (H) (2) of this section fails to respond to the 5826
secretary of state in the manner described in division (H) (3) or 5827
(4) of this section not later than thirty days after the second 5828
notice was sent, the secretary of state shall refer the matter 5829
to the attorney general for further investigation and possible 5830
prosecution under section 3599.11, 3599.12, 3599.13, or any 5831
other applicable section of the Revised Code. If, after the 5832
thirtieth day after the second notice was sent, the person sends 5833
a completed voter registration cancellation form to the 5834
secretary of state, the secretary of state shall instruct the 5835
board of elections of the county in which the person is 5836
registered to cancel the person's registration and shall notify 5837
the attorney general of the cancellation. 5838

(6) The secretary of state shall not conduct the review 5839
described in division (H) of this section during the ninety days 5840
immediately preceding a primary or general election for federal 5841
office. 5842

Sec. 3503.16. (A) ~~Except as otherwise provided in division~~ 5843
~~(E) of section 111.44 of the Revised Code, whenever~~ Whenever a 5844
registered elector changes the place of residence of that 5845
registered elector from one precinct to another within a county 5846
or from one county to another, ~~or~~ has a change of name, or 5847
wishes to change the elector's political party affiliation, that 5848

registered elector shall report the change by ~~delivering a~~ 5849
~~change of residence or change of name form, whichever is~~ 5850
~~appropriate, as prescribed by the secretary of state under~~ 5851
~~section 3503.14 of the Revised Code to the state or local office~~ 5852
~~of a designated agency, a public high school or vocational~~ 5853
~~school, a public library, the office of the county treasurer,~~ 5854
~~the office of the secretary of state, any office of the~~ 5855
~~registrar or deputy registrar of motor vehicles, or any office~~ 5856
~~of a board of elections in person or by a third person. Any~~ 5857
~~voter registration, change of address, or change of name~~ 5858
~~application, returned by mail, may be sent only to the secretary~~ 5859
~~of state or the board of elections.~~ 5860

A registered elector also may update the registration of 5861
that registered elector by filing a change of residence or 5862
change of name form on the day of a special, primary, or general 5863
election at the polling place in the precinct in which that 5864
registered elector resides or at the board of elections or at 5865
another site designated by the board one of the methods 5866
described in section 3503.19 of the Revised Code. 5867

(B) (1) (a) Any registered elector who moves within a 5868
precinct on or prior to the day of a general, primary, or 5869
special election and has not ~~filed a notice of~~ reported the 5870
change of residence with the board of elections in accordance 5871
with section 3503.19 of the Revised Code, and any registered 5872
elector who wishes to change the elector's political party 5873
affiliation on or prior to the day of a primary election and has 5874
not reported the change of political party affiliation in 5875
accordance with that section, may vote in that election by going 5876
to that registered elector's assigned precinct polling place, a 5877
voter service and polling center, or the office of the board of 5878
elections, completing and signing a notice of change of 5879

residence or change of political party affiliation, as 5880
applicable, and casting a regular ballot in person or by 5881
submitting a signed notice of change of residence, showing 5882
identification in the form of a current and valid photo 5883
identification, a military identification, or a copy of a 5884
current utility bill, bank statement, government check, 5885
paycheck, or other government document, other than a notice of 5886
voter registration mailed by a board of elections under section 5887
3503.19 of the Revised Code, that shows the name and current 5888
address of the elector, or change of political party 5889
affiliation, as applicable, with the elector's application for 5890
mail ballots under section 3509.03 of the Revised Code and 5891
casting a ballot mail ballots. 5892

(b) Any (i) Except as otherwise provided in division (B) 5893
(1) (b) (ii) of this section, any registered elector who changes 5894
the name of that registered elector and remains within a 5895
precinct on or prior to the day of a general, primary, or 5896
special election and has not filed a notice of reported the 5897
change of name with the board of elections in accordance with 5898
section 3503.19 of the Revised Code may vote in that election by 5899
going to that registered elector's assigned precinct polling 5900
place, a voter service and polling center, or the office of the 5901
board of elections, completing and signing a notice of a change 5902
of name, and casting a provisional ballot under section 3505.181 5903
of the Revised Code. If the registered 5904

(ii) An elector described in division (B) (1) (b) (i) of this 5905
section may cast a regular ballot in person if the elector 5906
provides to the precinct election officials a signed notice of 5907
change of name and proof of a legal name change, such as a 5908
marriage license or court order that includes the elector's 5909
current and prior names. Such an elector may cast a regular mail 5910

ballot if the elector submits a signed notice of change of name 5911
and proof of a legal name change, such as a marriage license or 5912
court order that includes the elector's current and prior names, 5913
~~the elector may complete and sign a notice of change of name and~~ 5914
~~cast a regular ballot~~with the elector's application for mail 5915
ballots under section 3509.03 of the Revised Code. 5916

(2) Any registered elector who moves from one precinct to 5917
another within a county or moves from one precinct to another 5918
and changes the name of that registered elector on or prior to 5919
the day of a general, primary, or special election and has not 5920
~~filed a notice of~~reported the change of residence or change of 5921
name, whichever is appropriate, in accordance with the board of 5922
~~elections section 3503.19 of the Revised Code~~ may vote in that 5923
election if that registered elector complies with division ~~(G)~~ 5924
(E) of this section or does all of the following: 5925

(a) Appears at ~~anytime during regular business hours on or~~ 5926
~~after the twenty eighth day prior to the election in which that~~ 5927
~~registered elector wishes to vote or, if the election is held on~~ 5928
~~the day of a presidential primary election, the twenty fifth day~~ 5929
~~prior to the election, through noon of the Saturday prior to the~~ 5930
~~election at the office of the board of elections, appears at any~~ 5931
~~time during regular business hours on the Monday prior to the~~ 5932
~~election at the office of the board of elections, or appears on~~ 5933
~~the day of the election at either of the following locations:~~ 5934

~~(i) The polling place for the precinct in which that~~ 5935
~~registered elector resides;~~ 5936

~~(ii) The office of the board of elections or, if pursuant~~ 5937
~~to division (C) of section 3501.10 of the Revised Code the board~~ 5938
~~has designated another location in the county at which~~ 5939
~~registered electors may vote, at that other location instead of~~ 5940

~~the office of the board of elections. the precinct polling place
for the precinct in which the elector resides, a voter service
and polling center, or the office of the board of elections;~~ 5941
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(b) Completes and signs, under penalty of election 5944
falsification, the written affirmation on the provisional ballot 5945
envelope, which shall serve as a notice of change of residence 5946
or change of name, whichever is appropriate; 5947

(c) Votes a provisional ballot under section 3505.181 of 5948
the Revised Code ~~at the polling place, at the office of the~~ 5949
~~board of elections, or, if pursuant to division (C) of section~~ 5950
~~3501.10 of the Revised Code the board has designated another~~ 5951
~~location in the county at which registered electors may vote, at~~ 5952
~~that other location instead of the office of the board of~~ 5953
~~elections, whichever is appropriate,~~ using the address to which 5954
that registered elector has moved or the name of that registered 5955
elector as changed, whichever is appropriate; 5956

~~(d) Completes and signs, under penalty of election~~ 5957
~~falsification, a statement attesting that that registered~~ 5958
~~elector moved or had a change of name, whichever is appropriate,~~ 5959
~~on or prior to the day of the election, has voted a provisional~~ 5960
~~ballot at the polling place for the precinct in which that~~ 5961
~~registered elector resides, at the office of the board of~~ 5962
~~elections, or, if pursuant to division (C) of section 3501.10 of~~ 5963
~~the Revised Code the board has designated another location in~~ 5964
~~the county at which registered electors may vote, at that other~~ 5965
~~location instead of the office of the board of elections,~~ 5966
~~whichever is appropriate, and will not vote or attempt to vote~~ 5967
~~at any other location for that particular election.~~ 5968

(C) Any registered elector who moves from one county to 5969
another county within the state on or prior to the day of a 5970

general, primary, or special election and has not ~~registered to~~ 5971
~~vote in the county to which that registered elector moved~~ 5972
reported the change of residence in accordance with section 5973
3503.19 of the Revised Code may vote in that election if that 5974
registered elector complies with division ~~(G)~~ (E) of this 5975
section or does all of the following: 5976

(1) ~~Appears at any time during regular business hours on~~ 5977
~~or after the twenty eighth day prior to the election in which~~ 5978
~~that registered elector wishes to vote or, if the election is~~ 5979
~~held on the day of a presidential primary election, the twenty~~ 5980
~~fifth day prior to the election, through noon of the Saturday~~ 5981
~~prior to the election at the office of the board of elections~~ 5982
~~or, if pursuant to division (C) of section 3501.10 of the~~ 5983
~~Revised Code the board has designated another location in the~~ 5984
~~county at which registered electors may vote, at that other~~ 5985
~~location instead of the office of the board of elections,~~ 5986
~~appears during regular business hours on the Monday prior to the~~ 5987
~~election at the office of the board of elections or, if pursuant~~ 5988
~~to division (C) of section 3501.10 of the Revised Code the board~~ 5989
~~has designated another location in the county at which~~ 5990
~~registered electors may vote, at that other location instead of~~ 5991
~~the office of the board of elections, or appears on the day of~~ 5992
~~the election at the office of the board of elections or, if~~ 5993
~~pursuant to division (C) of section 3501.10 of the Revised Code~~ 5994
~~the board has designated another location in the county at which~~ 5995
~~registered electors may vote, at that other location instead of~~ 5996
a voter service and polling center or the office of the board of 5997
elections; 5998

(2) Completes and signs, under penalty of election 5999
falsification, the written affirmation on the provisional ballot 6000
envelope, which shall serve as a notice of change of residence; 6001

(3) Votes a provisional ballot under section 3505.181 of the Revised Code at the office of the board of elections or, if pursuant to division (C) of section 3501.10 of the Revised Code the board has designated another location in the county at which registered electors may vote, at that other location instead of the office of the board of elections, using the address to which that registered elector has moved†

~~(4) Completes and signs, under penalty of election falsification, a statement attesting that that registered elector has moved from one county to another county within the state on or prior to the day of the election, has voted at the office of the board of elections or, if pursuant to division (C) of section 3501.10 of the Revised Code the board has designated another location in the county at which registered electors may vote, at that other location instead of the office of the board of elections, and will not vote or attempt to vote at any other location for that particular election.~~

(D) A person who votes by absent voter's ballots pursuant to division (G) of this section shall not make written application for the ballots pursuant to Chapter 3509. of the Revised Code. Ballots cast pursuant to division ~~(G)~~ (E) of this section shall be set aside in a special envelope and counted during the official canvass of votes in the manner provided for in sections 3505.32 and 3509.06 of the Revised Code insofar as that manner is applicable. The board shall examine the pollbooks to verify that no ballot was cast at the polls or by absent voter's ballots under Chapter 3509. or 3511. of the Revised Code by an elector who has voted by absent voter's ballots pursuant to division (G) of this section. Any ballot determined to be insufficient for any of the reasons stated above or stated in section 3509.07 of the Revised Code shall not be counted.

~~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.~~ 6033
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~~(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.~~ 6038
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~~(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.~~ 6047
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~~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.~~ 6053
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~~(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~~ 6060
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~~to division (C) of section 3501.10 of the Revised Code the board~~ 6063
~~has designated another location in the county at which~~ 6064
~~registered electors may vote, at that other location, cast~~ 6065
~~ballots in person on account of personal illness, physical~~ 6066
~~disability, or infirmity, may apply to the board of elections to~~ 6067
~~vote on the day of the election if that registered elector does~~ 6068
~~all of the following:~~ 6069

~~(1) Makes a written application that includes all of the~~ 6070
~~information required by mail ballots under section 3509.03 or~~ 6071
~~3509.08 of the Revised Code to the appropriate board for an~~ 6072
~~absent voter's ballot on or after the twenty seventh day prior~~ 6073
~~to the election in which the registered elector wishes to vote~~ 6074
~~through noon of the Saturday prior to that election and requests~~ 6075
~~that the absent voter's ballot be sent to the address to which~~ 6076
~~the registered elector has moved if the registered elector has~~ 6077
~~moved, or to the address of that registered elector who has not~~ 6078
~~moved but has had a change of name;~~ 6079

~~(2) Declares that the registered elector has moved or had~~ 6080
~~a change of name, whichever is appropriate, and otherwise is~~ 6081
~~qualified to vote under the circumstances described in division~~ 6082
~~(B) or (C) of this section, whichever is appropriate, but that~~ 6083
~~the registered elector is unable to appear at the board of~~ 6084
~~elections because of personal illness, physical disability, or~~ 6085
~~infirmity;~~ 6086

~~(3) Completes and returns along with the completed absent~~ 6087
~~voter's ballot. The elector shall include with the elector's~~ 6088
~~application submitted under section 3509.03 or 3509.08 of the~~ 6089
~~Revised Code a notice of change of residence indicating the~~ 6090
~~address to which the registered elector has moved, or a notice~~ 6091
~~of change of name, whichever is appropriate;~~ 6092

~~(4) Completes and signs, under penalty of election~~ 6093
~~falsification, and a statement signed under penalty of election~~ 6094
~~falsification, attesting that the registered elector has moved~~ 6095
or had a change of name on or prior to the day before the 6096
election, ~~has voted~~ wishes to vote by absent voter's ballot mail 6097
ballots because of personal illness, physical disability, or 6098
infirmity that ~~prevented~~ prevents the registered elector from 6099
~~appearing at the board of elections casting ballots in person,~~ 6100
and will not vote or attempt to vote at ~~any other location or by~~ 6101
~~absent voter's ballot mailed to any other location or address~~ 6102
another ballot for that particular election. 6103

Sec. 3503.19. (A) ~~Persons~~ (1) Except as otherwise provided 6104
in division (E) of section 111.44 of the Revised Code, persons 6105
qualified to register or to change their registration because of 6106
a change of address ~~or,~~ change of name, or change of political 6107
party affiliation may register or change their registration ~~in~~ 6108
by doing any of the following: 6109

(a) Submitting a voter registration, change of address, 6110
change of name, or change of political party affiliation form in 6111
person or through another person at any state or local office of 6112
a designated agency, at the office of the registrar or any 6113
deputy registrar of motor vehicles, at a public high school or 6114
vocational school, at a public library, at the office of a 6115
county treasurer, or at a branch office established by the board 6116
of elections, ~~or in;~~ 6117

(b) Submitting a voter registration, change of address, 6118
change of name, or change of political party affiliation form in 6119
person or through another person at a probate court or a court 6120
of common pleas. The board of elections shall provide the forms 6121
to the courts, and the courts shall provide the forms to any 6122

person eighteen years of age or older who has a change of name 6123

by order of the court or who applies for a marriage license. 6124

(c) Submitting a voter registration, change of address, 6125

change of name, or change of political party affiliation form in 6126

person, through another person, or by mail at the office of the 6127

secretary of state or at the office of a ~~any~~ board of elections. 6128

~~A registered elector may also change the elector's registration~~ 6129

~~on election day;~~ 6130

(d) Having the elector's registration updated under 6131

section 3503.111 of the Revised Code; 6132

(e) Submitting an application through the online voter 6133

registration system under section 3503.20 of the Revised Code; 6134

(f) Submitting a voter registration, change of address, 6135

change of name, or change of political party affiliation form in 6136

person to the election officials at any ~~polling place~~ location 6137

~~where the elector is eligible to vote, in the manner provided~~ 6138

~~under section 3503.16 of the Revised Code~~ ballots may be cast in 6139

person. Voter registration, change of address, change of name, 6140

and change of political party affiliation forms shall be 6141

available at each such location, and the election officials 6142

shall return all completed forms to the board of elections. 6143

(g) In the case of a person who is eligible to vote as a 6144

uniformed services voter or an overseas voter in accordance with 6145

the Uniformed and Overseas Citizens Absentee Voting Act, 6146

returning the person's completed voter registration, change of 6147

address, change of name, or change of political party 6148

affiliation form electronically to the office of the secretary 6149

of state or to the board of elections of the county in which the 6150

person's voting residence is located pursuant to section 6151

3503.191 of the Revised Code. 6152

(2) Any state or local office of a designated agency, the 6153
office of the registrar or any deputy registrar of motor 6154
vehicles, a public high school or vocational school, a public 6155
library, a probate court or court of common pleas, or the office 6156
of a county treasurer shall transmit any voter registration 6157
application or change of registration form that it receives to 6158
the board of elections of the county in which the state or local 6159
office is located, within five days after receiving the voter 6160
registration application or change of registration form. 6161

(3) An otherwise valid voter registration application that 6162
is returned to the appropriate office other than by mail must be 6163
received by a state or local office of a designated agency, the 6164
office of the registrar or any deputy registrar of motor 6165
vehicles, a public high school or vocational school, a public 6166
library, the office of a county treasurer, a probate court or 6167
court of common pleas, the office of the secretary of state, or 6168
the office of a board of elections no later than the thirtieth 6169
day preceding a primary, special, or general election for the 6170
person to qualify as an elector eligible to vote at that 6171
election. An otherwise valid registration application received 6172
after that day entitles the elector to vote at all subsequent 6173
elections. 6174

(4) Any state or local office of a designated agency, the 6175
office of the registrar or any deputy registrar of motor 6176
vehicles, a public high school or vocational school, a public 6177
library, a probate court or court of common pleas, or the office 6178
of a county treasurer shall date stamp a registration 6179
application or change of name ~~or,~~ change of address, or change 6180
of political party affiliation form it receives using a date 6181

stamp that does not disclose the identity of the state or local 6182
office that receives the registration. 6183

(5) Voter registration applications, if otherwise valid, 6184
that are returned by mail to the office of the secretary of 6185
state or to the office of a board of elections must be 6186
postmarked no later than the thirtieth day preceding a primary, 6187
special, or general election in order for the person to qualify 6188
as an elector eligible to vote at that election. If an otherwise 6189
valid voter registration application that is returned by mail 6190
does not bear a postmark or a legible postmark, the registration 6191
shall be valid for that election if received by the office of 6192
the secretary of state or the office of a board of elections no 6193
later than twenty-five days preceding any special, primary, or 6194
general election. 6195

(B) (1) Any person may apply in person, by telephone, by 6196
mail, or through another person for voter registration forms to 6197
the office of the secretary of state or the office of a board of 6198
elections. An individual who is eligible to vote as a uniformed 6199
services voter or an overseas voter in accordance with ~~42 U.S.C.~~ 6200
~~1973ff-6~~ the Uniformed and Overseas Citizens Absentee Voting Act 6201
also may apply for voter registration forms by electronic means 6202
to the office of the secretary of state or to the board of 6203
elections of the county in which the person's voting residence 6204
is located pursuant to section 3503.191 of the Revised Code. 6205

~~(2) (a) An applicant may return the applicant's completed~~ 6206
~~registration form in person or by mail to any state or local~~ 6207
~~office of a designated agency, to a public high school or~~ 6208
~~vocational school, to a public library, to the office of a~~ 6209
~~county treasurer, to the office of the secretary of state, or to~~ 6210
~~the office of a board of elections. An applicant who is eligible~~ 6211

~~to vote as a uniformed services voter or an overseas voter in accordance with 42 U.S.C. 1973ff-6 also may return the applicant's completed voter registration form electronically to the office of the secretary of state or to the board of elections of the county in which the person's voting residence is located pursuant to section 3503.191 of the Revised Code.~~

~~(b) Subject to division (B) (2) (c) of this section, an applicant may return the applicant's completed registration form through another person to any board of elections or the office of the secretary of state.~~

~~(c) A person who receives compensation for registering a voter shall return any registration form entrusted to that person by an applicant to any board of elections or to the office of the secretary of state.~~

~~(d) If a board of elections or the office of the secretary of state receives a registration form under division (B) (2) (b) or (c) of this section before the thirtieth day before an election, the board or the office of the secretary of state, as applicable, shall forward the registration to the board of elections of the county in which the applicant is seeking to register to vote within ~~ten~~ eight days after receiving the application. If a board of elections or the office of the secretary of state receives a registration form under division (B) (2) (b) or (c) of this section on or after the thirtieth day before an election, the board or the office of the secretary of state, as applicable, shall forward the registration to the board of elections of the county in which the applicant is seeking to register to vote within thirty days after that election.~~

(C) (1) (a) A board of elections that receives a voter

registration application, change of address, change of name, or 6242
change of political party affiliation form and is satisfied as 6243
to the truth of the statements made in the ~~registration~~ form 6244
shall register the ~~applicant~~ person or update the person's 6245
registration, as applicable, not later than twenty business days 6246
after receiving the application, unless that application is 6247
received during the thirty days immediately preceding the day of 6248
an election. The board shall promptly ~~notify~~ send the applicant 6249
in writing of each elector an acknowledgment notice that 6250
includes all of the following: 6251

~~(a)~~ (i) The applicant's registration fact that the elector 6252
has been registered to vote or had the elector's registration 6253
updated, as applicable; 6254

~~(b)~~ (ii) The political party, if any, with which the 6255
elector is registered as affiliated; 6256

(iii) The precinct in which the applicant is to vote 6257
elector resides; 6258

~~(c)~~ (iv) In bold type as follows: 6259

"Voters must ~~bring~~ provide identification ~~to the polls~~ 6260
when voting in person in order to verify identity. 6261
Identification may include a current and valid photo 6262
identification, a military identification, or a copy of a 6263
current utility bill, bank statement, government check, 6264
paycheck, or other government document, other than this 6265
notification, that shows the voter's name and current address. 6266
Voters who do not have or cannot provide one of these documents 6267
will still be able to vote in person by casting a provisional 6268
ballot or to vote by mail. ~~Voters who do not have any of the~~ 6269
~~above forms of identification, including a social security~~ 6270

~~number, will still be able to vote by signing an affirmation- 6271
swearing to the voter's identity under penalty of election- 6272
falsification and by casting a provisional ballot." 6273~~

(v) If the elector had the elector's registration updated 6274
under section 3503.111 of the Revised Code, the process to 6275
decline the update or to submit corrected registration 6276
information by signing and returning the notice to the secretary 6277
of state or the board of elections and a statement that if the 6278
elector declines to have the elector's registration updated, 6279
that fact will remain confidential and will only be used for 6280
voter registration purposes. 6281

(b) The notification-acknowledgment notice shall be sent 6282
by nonforwardable mail. If the mail is returned to the board, it 6283
shall investigate and cause the notification-acknowledgment 6284
notice to be delivered to the correct address. 6285

(c) If the board of elections receives a voter 6286
registration, change of address, change of name, or change of 6287
political party affiliation form that is incomplete, the board 6288
shall send the person an acknowledgment notice informing the 6289
person of the information necessary to complete or update the 6290
person's registration. 6291

(2) If, after investigating as required under division (C) 6292
(1) (b) of this section, the board is unable to verify the 6293
~~voter's-elector's~~ correct address, it shall cause the ~~voter's-~~ 6294
elector's name in the official registration list and in the poll 6295
list or signature pollbook to be marked to indicate that the 6296
~~voter's notification-elector's~~ acknowledgment notice was 6297
returned to the board. 6298

At the first election at which a ~~voter~~ an elector whose 6299

name has been so marked ~~appears~~ offers to vote, the ~~voter-~~ 6300
~~elector~~ shall be required to ~~provide identification to the~~ 6301
~~election officials and to vote by provisional ballot under~~ 6302
section 3505.181 of the Revised Code. If the provisional ballot 6303
is counted pursuant to ~~division (B) (3) of~~ section 3505.183 of 6304
the Revised Code, the board shall correct that ~~voter's~~ elector's 6305
registration, if needed, and shall remove the indication that 6306
the ~~voter's notification~~ elector's acknowledgment notice was 6307
returned from that ~~voter's~~ elector's name on the official 6308
registration list and on the poll list or signature pollbook. If 6309
the provisional ballot is not counted pursuant to division (B) 6310
(4) (a) (i), ~~(v), or (vi)~~ of section 3505.183 of the Revised Code, 6311
the ~~voter's~~ elector's registration shall be canceled. The board 6312
shall notify the voter by United States mail of the 6313
cancellation. 6314

(3) If ~~a~~ an acknowledgment notice of the disposition of 6315
concerning an otherwise valid registration application is sent 6316
by nonforwardable mail and is returned undelivered, the person 6317
shall be registered as provided in division (C) (2) of this 6318
section and sent a confirmation notice ~~by forwardable mail. If~~ 6319
~~the person fails to respond to the confirmation notice, update~~ 6320
~~the person's registration, or vote by provisional ballot as~~ 6321
~~provided in division (C) (2) of this section in any election~~ 6322
~~during the period of two federal elections subsequent to the~~ 6323
~~mailing of the confirmation notice, the person's registration~~ 6324
~~shall be canceled.~~ 6325

Sec. 3503.20. (A) The secretary of state shall establish a 6326
secure online voter registration system. The system shall 6327
provide for all of the following: 6328

(1) An applicant to submit a voter registration 6329

application to the secretary of state online through the internet; 6330
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(2) The online applicant to be registered to vote, if all of the following apply: 6332
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(a) The application contains all of the following information: 6334
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(i) The applicant's name; 6336

(ii) The applicant's address; 6337

(iii) The applicant's date of birth; 6338

(iv) The last four digits of the applicant's social security number; 6339
6340

(v) The applicant's Ohio driver's license number or the number of the applicant's state identification card issued under section 4507.50 of the Revised Code. 6341
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(b) The applicant's name, address, and date of birth, the last four digits of the applicant's social security number, and the applicant's Ohio driver's license number or the number of the applicant's state identification card as they are provided in the application are not inconsistent with the information on file with the bureau of motor vehicles; 6344
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(c) The applicant is a United States citizen, will have lived in this state for thirty days immediately preceding the next election, will be at least eighteen years of age on or before the day of the next general election, and is otherwise eligible to register to vote; 6350
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(d) The applicant attests to the truth and accuracy of the information submitted in the online application under penalty of 6355
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election falsification. 6357

(3) The application shall include spaces for the applicant 6358
to provide the applicant's telephone number and electronic mail 6359
address, if the applicant wishes to do so. 6360

(4) The application shall include a list of the political 6361
parties that are currently recognized in this state and allow 6362
the applicant to select not more than one party with which the 6363
applicant wishes to be affiliated. The application also shall 6364
include a means by which the applicant may indicate that the 6365
applicant does not wish to be affiliated with a political party. 6366
The application shall state that the applicant is not required 6367
to select a political party. If the applicant does not select a 6368
political party, or if the applicant indicates that the 6369
applicant does not wish to be affiliated with a political party, 6370
the applicant, upon registration, shall not be affiliated with 6371
any political party. 6372

(B) If an individual registers to vote or a registered 6373
elector updates the elector's name, address, or ~~both~~ political 6374
party affiliation under this section, the secretary of state 6375
shall obtain an electronic copy of the applicant's or elector's 6376
signature that is on file with the bureau of motor vehicles. 6377
That electronic signature shall be used as the applicant's or 6378
elector's signature on voter registration records, for all 6379
election and signature-matching purposes. 6380

(C) The secretary of state shall employ whatever security 6381
measures the secretary of state considers necessary to ensure 6382
the integrity and accuracy of voter registration information 6383
submitted electronically pursuant to this section. Errors in 6384
processing voter registration applications in the online system 6385
shall not prevent an applicant from becoming registered or from 6386

voting. 6387

(D) The online voter registration application established 6388
under division (A) of this section shall include the following 6389
language: 6390

"By clicking the box below, I affirm all of the following 6391
under penalty of election falsification, which is a felony of 6392
the fifth degree: 6393

(1) I am the person whose name and identifying information 6394
is provided on this form, and I desire to register to vote, or 6395
update my voter registration, in the State of Ohio. 6396

(2) All of the information I have provided on this form is 6397
true and correct as of the date I am submitting this form. 6398

(3) I am a United States citizen. 6399

(4) I will have lived in Ohio for thirty days immediately 6400
preceding the next election. 6401

(5) I will be at least eighteen years of age on or before 6402
the day of the next general election. 6403

(6) I authorize the Bureau of Motor Vehicles to transmit 6404
to the Ohio Secretary of State my signature that is on file with 6405
the Bureau of Motor Vehicles, and I understand and agree that 6406
the signature transmitted by the Bureau of Motor Vehicles will 6407
be used by the Secretary of State to validate this electronic 6408
voter registration application as if I had signed this form 6409
personally." 6410

In order to register to vote or update a voter 6411
registration under division (A) of this section, an applicant or 6412
elector shall be required to mark the box in the online voter 6413
registration application that appears in conjunction with the 6414

previous statement. 6415

~~(E) The online voter registration process established~~ 6416
~~under division (A) of this section shall be in operation and~~ 6417
~~available for use by individuals who wish to register to vote or~~ 6418
~~update their voter registration information online not earlier~~ 6419
~~than January 1, 2017.~~ During the period beginning on the first 6420
day after the close of voter registration before an election and 6421
ending on the day of the election, the online voter registration 6422
system shall display a notice indicating that the applicant will 6423
not be registered to vote for the purposes of that election. 6424

(F) Notwithstanding section 1.50 of the Revised Code, if 6425
any provision of this section or of division (E) of section 6426
3503.14 of the Revised Code is held invalid, or if the 6427
application of any provision of this section or of that division 6428
to any person or circumstance is held invalid, then this section 6429
and that division cease to operate. 6430

Sec. 3503.21. (A) The registration of a registered elector 6431
shall be canceled upon the occurrence of any of the following: 6432

(1) The filing by a registered elector of a written 6433
request with a board of elections or the secretary of state, on 6434
a form prescribed by the secretary of state and signed by the 6435
elector, that the registration be canceled. The filing of such a 6436
request does not prohibit an otherwise qualified elector from 6437
reregistering to vote at any time. 6438

(2) The filing of a notice of the death of a registered 6439
elector as provided in section 3503.18 of the Revised Code; 6440

(3) The filing with the board of elections of a certified 6441
copy of the death certificate of a registered elector by the 6442
deceased elector's spouse, parent, or child, by the 6443

administrator of the deceased elector's estate, or by the 6444
executor of the deceased elector's will; 6445

(4) The conviction of the registered elector of a felony 6446
under the laws of this state, any other state, or the United 6447
States as provided in section 2961.01 of the Revised Code; 6448

(5) The adjudication of incompetency of the registered 6449
elector for the purpose of voting as provided in section 6450
5122.301 of the Revised Code; 6451

(6) The change of residence of the registered elector to a 6452
location outside the county of registration, in accordance with 6453
~~division (B) of this section 3503.33 of the Revised Code;~~ 6454

(7) (a) The failure of the registered elector, after having 6455
been mailed a confirmation notice, to do either one or more of 6456
the following at least once during a period of four consecutive 6457
years, which period shall include two federal general elections: 6458

~~(a) (i) Respond to such a confirmation notice and vote at~~ 6459
~~least once during a period of four consecutive years, which~~ 6460
~~period shall include two general federal elections;~~ 6461

~~(b) (ii) Update the elector's registration and vote at~~ 6462
~~least once during a period of four consecutive years, which~~ 6463
~~period shall include two general federal elections;~~ 6464

(iii) Have the elector's registration updated under 6465
section 3503.111 of the Revised Code; 6466

(iv) Vote in an election. 6467

(b) The registration of a registered elector described in 6468
division (A) (7) (a) of this section shall be canceled not later 6469
than one hundred twenty days after the date of the second 6470
federal general election occurring after the elector is mailed a 6471

confirmation notice or not later than one hundred twenty days 6472
after the expiration of the four-year period described in that 6473
division, whichever is later, provided that the registration 6474
shall not be canceled during the ninety days immediately 6475
preceding a federal primary or general election. 6476

(8) The receipt by the board of elections of a 6477
cancellation notice or request pursuant to section 111.44 of the 6478
Revised Code. 6479

~~(B)(1) The secretary of state shall prescribe procedures~~ 6480
~~to identify and cancel the registration in a prior county of~~ 6481
~~residence of any registrant who changes the registrant's voting~~ 6482
~~residence to a location outside the registrant's current county~~ 6483
~~of registration. Any procedures prescribed in this division~~ 6484
~~shall be uniform and nondiscriminatory, and shall comply with~~ 6485
~~the Voting Rights Act of 1965. The secretary of state may~~ 6486
~~prescribe procedures under this division that include the use of~~ 6487
~~the national change of address service provided by the United~~ 6488
~~States postal system through its licensees. Any program so~~ 6489
~~prescribed shall be completed not later than ninety days prior~~ 6490
~~to the date of any primary or general election for federal~~ 6491
~~office.~~ 6492

~~(2) The registration of any elector identified as having~~ 6493
~~changed the elector's voting residence to a location outside the~~ 6494
~~elector's current county of registration shall not be canceled~~ 6495
~~unless the registrant is sent a confirmation notice on a form~~ 6496
~~prescribed by the secretary of state and the registrant fails to~~ 6497
~~respond to the confirmation notice or otherwise update the~~ 6498
~~registration and fails to vote in any election during the period~~ 6499
~~of two federal elections subsequent to the mailing of the~~ 6500
~~confirmation notice.~~ 6501

~~(C) The registration of a registered elector shall not be canceled except as provided in this section, section 111.44 of the Revised Code, division (Q) of section 3501.05 of the Revised Code, division (C) (2) of section 3503.19 of the Revised Code, or division (C) of section 3503.24 of the Revised Code.~~

~~(D) Boards of elections shall send their voter registration information to the secretary of state as required under section 3503.15 of the Revised Code. The secretary of state may prescribe by rule adopted pursuant to section 111.15 of the Revised Code the format in which the boards of elections must send that information to the secretary of state. In the first quarter of each year, the secretary of state shall send the information to the national change of address service described in division (B) of this section and request that service to provide the secretary of state with a list of any voters sent by the secretary of state who have moved within the last twelve months. The secretary of state shall transmit to each appropriate board of elections whatever lists the secretary of state receives from that service. The board shall send a notice to each person on the list transmitted by the secretary of state requesting confirmation of the person's change of address, together with a postage prepaid, preaddressed return envelope containing a form on which the voter may verify or correct the change of address information.~~

~~(E) The registration of a registered elector described in division (A) (7) or (B) (2) of this section shall be canceled not later than one hundred twenty days after the date of the second general federal election in which the elector fails to vote or not later than one hundred twenty days after the expiration of the four year period in which the elector fails to vote or respond to a confirmation notice, whichever is later.~~

~~(F) (1)~~ (C) (1) When a registration is canceled pursuant to 6533
division (A) (2) or (3) of this section, the applicable board of 6534
elections shall send a written notice, on a form prescribed by 6535
the secretary of state, to the address at which the elector was 6536
registered, informing the recipient that the elector's 6537
registration has been canceled, of the reason for the 6538
cancellation, and that if the cancellation was made in error, 6539
the elector may contact the board of elections to correct the 6540
error. 6541

(2) If the elector's registration is canceled pursuant to 6542
division (A) (2) or (3) of this section in error, it shall be 6543
restored and treated as though it were never canceled. 6544

Sec. 3503.23. (A) Fourteen days before an election, the 6545
board of elections shall cause to be prepared from the statewide 6546
voter registration database established under section 3503.15 of 6547
the Revised Code a complete and official registration list for 6548
each precinct, containing the names, addresses, and political 6549
party ~~whose ballot the elector voted in the most recent primary~~ 6550
~~election within the current year and the immediately preceding~~ 6551
~~two calendar years,~~ affiliations of all qualified registered 6552
~~voters~~ electors in the precinct, except as otherwise provided in 6553
section 111.44 of the Revised Code. ~~All~~ 6554

An elector's political party affiliation shall be 6555
determined based on the elector's registration form or most 6556
recent change of political party affiliation form. If the 6557
elector was registered before the effective date of this 6558
amendment, the elector's registration form shall be considered 6559
to indicate an affiliation with the political party whose ballot 6560
the elector voted at the most recent primary election within the 6561
year of that effective date and the immediately preceding two 6562

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 6592
the name of those registered voters who have voted. 6593

(C) Notwithstanding division (B) of section 3501.35 of the 6594
Revised Code, any person may enter ~~the polling place~~ a location 6595
where ballots may be cast in person for the sole purpose of 6596
reviewing the official registration list posted in accordance 6597
with division (B) of this section, provided that the person does 6598
not engage in conduct that would constitute harassment in 6599
violation of the election law, as defined in section 3501.90 of 6600
the Revised Code. 6601

Sec. 3503.24. (A) Application for the correction of any 6602
precinct registration list or a challenge of the right to vote 6603
of any registered elector may be made by any qualified elector 6604
at the office of the board of elections not later than the 6605
thirtieth day before the day of the election. The applications 6606
or challenges, with the reasons for the application or 6607
challenge, shall be filed with the board in person or by mail on 6608
a form prescribed by the secretary of state. The form shall 6609
include the applicant's or challenger's address and voting 6610
precinct and shall be signed under penalty of election 6611
falsification. 6612

(B) On receiving an application or challenge filed under 6613
this section, the board of elections promptly shall review the 6614
board's records. If the board is able to determine that an 6615
application or challenge should be granted or denied solely on 6616
the basis of the records maintained by the board, the board 6617
immediately shall vote to grant or deny that application or 6618
challenge. 6619

If the board is not able to determine whether an 6620
application or challenge should be granted or denied solely on 6621

the basis of the records maintained by the board, the director 6622
shall promptly set a time and date for a hearing before the 6623
board. The hearing shall be held, and the application or 6624
challenge shall be decided, no later than ten days after the 6625
board receives the application or challenge. The director shall 6626
send written notice to any elector whose right to vote is 6627
challenged and to any person whose name is alleged to have been 6628
omitted from a registration list. The notice shall inform the 6629
person of the time and date of the hearing, and of the person's 6630
right to appear and testify, call witnesses, and be represented 6631
by counsel. The notice shall be sent by first class mail no 6632
later than three days before the day of any scheduled hearing. 6633
Except as otherwise provided in division (D) of this section, 6634
the director shall also provide the person who filed the 6635
application or challenge with such written notice of the date 6636
and time of the hearing. 6637

At the request of either party or any member of the board, 6638
the board shall issue subpoenas to witnesses to appear and 6639
testify before the board at a hearing held under this section. 6640
All witnesses shall testify under oath. The board shall reach a 6641
decision on all applications and challenges immediately after 6642
hearing. 6643

(C) If the board decides that any such person is not 6644
entitled to have the person's name on the registration list, the 6645
person's name shall be removed from the list and the person's 6646
registration forms canceled. If the board decides that the name 6647
of any such person should appear on the registration list, it 6648
shall be added to the list, and the person's registration forms 6649
placed in the proper registration files. All such corrections 6650
and additions shall be made on a copy of the precinct lists, 6651
which shall constitute the poll lists, to be furnished to the 6652

~~respective precincts—locations where ballots may be cast in~~ 6653
~~person, along with other election supplies—on the day preceding~~ 6654
~~the election,~~ to be used by the election officials in receiving 6655
the signatures of voters and in checking against the 6656
registration forms. 6657

(D) If an elector who is the subject of an application or 6658
challenge hearing has a confidential voter registration record, 6659
as described in section 111.44 of the Revised Code, all of the 6660
following apply: 6661

(1) If the elector's right to vote has been challenged, 6662
the person who filed the challenge shall not receive notice of 6663
the date and time of any hearing held concerning the challenge, 6664
shall not be permitted to attend the hearing, and shall not 6665
receive notice of the disposition of the challenge. 6666

(2) If the elector is the subject of an application for 6667
the correction of the precinct registration list and the elector 6668
is not the person who filed the application, the person who 6669
filed the application shall not receive notice of the date and 6670
time of any hearing held concerning the application, shall not 6671
be permitted to attend the hearing, and shall not receive notice 6672
of the disposition of the application. 6673

(3) Notwithstanding section 121.22 of the Revised Code, 6674
any hearing held concerning the application or challenge shall 6675
not be open to the public. 6676

(4) Any records created as a result of the application or 6677
challenge that include the elector's residence address or 6678
precinct shall not be open to public inspection. 6679

Sec. 3503.26. (A) All registration forms and lists, when 6680
not in official use by the registrars or ~~precinct~~ election 6681

officials, shall be in the possession of the board of elections. 6682
Names and addresses of electors may be copied from the 6683
registration lists only in the office of the board when it is 6684
open for business; but no such copying shall be permitted during 6685
the period of time commencing twenty-one days before an election 6686
and ending on the eleventh day after an election if such copying 6687
will, in the opinion of the board, interfere with the necessary 6688
work of the board. Except as provided in section 111.44 of the 6689
Revised Code, the board shall keep in convenient form and 6690
available for public inspection a correct set of the 6691
registration lists of all precincts in the county. 6692

(B) Notwithstanding division (A) of this section, and 6693
except as provided in section 111.44 of the Revised Code, the 6694
board of elections shall maintain and make available for public 6695
inspection and copying at a reasonable cost all records 6696
concerning the implementation of programs and activities 6697
conducted for the purpose of ensuring the accuracy and currency 6698
of voter registration lists, including the names and addresses 6699
of all registered electors sent confirmation notices and whether 6700
or not the elector responded to the confirmation notice. The 6701
board shall maintain all records described in this division for 6702
a period of two years. 6703

Sec. 3503.28. (A) The secretary of state shall develop an 6704
information brochure regarding voter registration. The brochure 6705
shall include, but is not limited to, all of the following 6706
information: 6707

(1) The applicable deadlines for registering to vote or 6708
for returning an applicant's completed registration form; 6709

~~(2) The applicable deadline for returning an applicant's~~ 6710
~~completed registration form if the person returning the form is~~ 6711

~~being compensated for registering voters;~~ 6712

~~(3) The locations to which a person may return an
applicant's completed registration form;~~ 6713
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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;~~ 6715
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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;~~ 6718
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~~(6) (3) A notice, which shall be written in bold type,
stating as follows:~~ 6721
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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."~~ 6723
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(B) Except as otherwise provided in division (D) of this 6738
section, a board of elections, designated agency, public high 6739
school, public vocational school, public library, office of a 6740

county treasurer, or deputy registrar of motor vehicles shall 6741
distribute a copy of the brochure developed under division (A) 6742
of this section to any person who requests more than two voter 6743
registration forms at one time. 6744

(C) (1) The secretary of state shall provide the 6745
information required to be included in the brochure developed 6746
under division (A) of this section to any person who prints a 6747
voter registration form that is made available on a web site of 6748
the office of the secretary of state. 6749

(2) If a board of elections operates and maintains a web 6750
site, the board shall provide the information required to be 6751
included in the brochure developed under division (A) of this 6752
section to any person who prints a voter registration form that 6753
is made available on that web site. 6754

(D) A board of elections shall not be required to 6755
distribute a copy of a brochure under division (B) of this 6756
section to any of the following officials or employees who are 6757
requesting more than two voter registration forms at one time in 6758
the course of the official's or employee's normal duties: 6759

- (1) An election official; 6760
- (2) A county treasurer; 6761
- (3) A deputy registrar of motor vehicles; 6762
- (4) An employee of a designated agency; 6763
- (5) An employee of a public high school; 6764
- (6) An employee of a public vocational school; 6765
- (7) An employee of a public library; 6766
- (8) An employee of the office of a county treasurer; 6767

(9) An employee of the bureau of motor vehicles; 6768

(10) An employee of a deputy registrar of motor vehicles; 6769

(11) An employee of an election official. 6770

~~(E) As used in this section, "registering voters" includes any effort, for compensation, to provide voter registration forms or to assist persons in completing or returning those forms.~~ 6771
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Sec. 3503.30. (A) When by mistake a qualified elector has 6775
caused ~~himself~~the elector to be registered in a precinct which 6776
was not ~~his~~the elector's place of residence, the board of 6777
elections, on full and satisfactory proof that such error was 6778
committed by mistake, may, on ~~his~~the elector's personal 6779
application and proof of ~~his~~the elector's true residence, 6780
correct ~~his~~the elector's registration form. The board may 6781
correct all errors occurring in the registration of electors 6782
when it finds that the errors subject to correction were not of 6783
fraudulent intent. 6784

(B) When by mistake a qualified elector has been 6785
registered under section 3503.111 of the Revised Code in a 6786
precinct that is not the elector's place of residence, the board 6787
of elections, upon application of the elector and proof of the 6788
elector's true residence, shall correct the elector's 6789
registration form. If the elector casts a provisional ballot 6790
because the elector's registration has been updated erroneously 6791
under that section, the elector's provisional ballot shall be 6792
eligible to be counted, as described in division (E) of section 6793
3505.183 of the Revised Code. 6794

Sec. 3503.33. (A) If an elector applying for registration 6795
is already registered in another state or in another county 6796

within this state, the elector shall declare this fact ~~to the~~ 6797
~~registration officer and shall sign on the registration form,~~ 6798
which shall operate as an authorization to cancel the previous 6799
~~registration on a form prescribed by the secretary of state.~~ 6800

(B) When the board of elections updates an elector's 6801
registration under section 3503.111 of the Revised Code, if the 6802
board is aware of the elector's previous residence address and 6803
that address is located in another state or in another county 6804
within this state, the board shall create a notice to cancel the 6805
previous registration for the purpose of complying with division 6806
(C) of this section. 6807

(C) The director of the board of elections shall mail all 6808
~~such~~ authorizations and notices described in division (A) or (B) 6809
of this section to the board of elections or comparable agency 6810
of the proper state and county. In the case of a notice 6811
described in division (B) of this section, the board shall 6812
include with the notice a copy of the elector's most recent 6813
registration form. Upon the receipt of this authorization from 6814
the forwarding county, the director of a board of elections in 6815
Ohio, upon a comparison of the elector's signature with the 6816
elector's signature as it appears on the registration files, 6817
shall remove the elector's registration from the files, and 6818
place it with the cancellation authorization in a separate file 6819
which shall be kept for a period of two calendar years. The 6820
board shall notify the elector at the present address ~~as~~ shown 6821
on the cancellation authorization or notice that his ~~the~~ 6822
elector's prior registration has been canceled. 6823

(D) If, after the cancellation of an elector's prior 6824
registration under division (C) of this section, the board of 6825
elections that sent the notice under division (B) of this 6826

section receives a declination to update the elector's 6827
registration under section 3503.111 of the Revised Code, the 6828
board shall notify the board of elections or comparable agency 6829
to which the board sent the notice under division (B) of this 6830
section to restore the elector's previous registration and treat 6831
it as though it were never canceled. 6832

Sec. 3504.01. Each citizen of the United States who, on 6833
the day of the succeeding presidential election, will be 6834
eighteen years of age or over, who has moved the citizen's 6835
residence from this state not more than ninety days prior to the 6836
day of such presidential election, who has not registered to 6837
vote in the state to which that citizen has moved that citizen's 6838
residence, and who, because of that citizen's removal from this 6839
state, is not entitled to vote for the offices of president and 6840
vice-president or for presidential and vice-presidential 6841
electors in the state of that citizen's current residence may be 6842
entitled to vote in this state, in the precinct in which that 6843
citizen's voting residence was located at the time the citizen 6844
moved from this state, for presidential and vice-presidential 6845
electors but for no other offices if the citizen meets all of 6846
the following conditions: 6847

(A) The citizen otherwise possesses the substantive 6848
qualifications to vote in this state, except the requirements of 6849
residence and registration. 6850

(B) The citizen complies with sections 3504.01 to 3504.06 6851
of the Revised Code. 6852

(C) The citizen completes ~~a certificate of intent~~ an 6853
application to vote in a presidential election under section 6854
3504.02 of the Revised Code under penalty of election 6855
falsification. 6856

Sec. 3504.02. (A) Any citizen who desires to vote in a 6857
presidential election under this chapter shall, not later than 6858
four p.m. of the thirtieth day prior to the date of the 6859
presidential election, complete ~~a certificate of intent~~ an 6860
application to vote for presidential and vice-presidential 6861
electors. The ~~certificate of intent~~ application shall be 6862
completed in duplicate on a form prescribed by the secretary of 6863
state ~~that~~ and may be obtained and filed personally in the 6864
office of the board of elections of the county in which such 6865
person last resided before removal from this state, or mailed to 6866
such board of elections. 6867

(B) Immediately following the spaces on the ~~certificate~~ 6868
application for inserting information as requested by the 6869
secretary of state, the following statement shall be printed: "I 6870
declare under penalty of election falsification that the 6871
statements herein contained are true to the best of my knowledge 6872
and belief; that I am legally qualified to vote; that I am not 6873
registered to vote in any other state; and that I have not voted 6874
in an election in any other state since removing myself from the 6875
state of Ohio. 6876

_____ 6877

Signature of applicant 6878

_____ 6879

Date 6880

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 6881
FELONY OF THE ~~FIFTH~~ FOURTH DEGREE." 6882

(C) If the applicant has a confidential voter registration 6883
record, as described in section 111.44 of the Revised Code, the 6884
applicant may include the applicant's program participant 6885

identification number instead of the applicant's residence 6886
address or precinct in the ~~certificate of intent~~ application. 6887

Sec. 3504.04. (A) ~~Except as provided in division (B) of~~ 6888
~~this section, on or~~ Not later than the fourteenth day before the 6889
day of a presidential election day, the director of the board of 6890
elections shall send a presidential mail ballot to each former 6891
resident who has submitted a valid application under section 6892
3504.02 of the Revised Code and shall deliver to the polling 6893
place each location where ballots may be cast in person a list 6894
of persons who have ~~filed certificates of intent to vote as~~ 6895
~~former resident voters~~ submitted valid applications under that 6896
section and who appear, from their voting address ~~addresses,~~ 6897
entitled to vote ~~cast ballots in person at such polling place~~ 6898
that location. ~~Those persons whose names appear on the list of~~ 6899
~~former resident voters, and who have otherwise complied with~~ 6900
~~sections 3504.01 to 3504.06 of the Revised Code, Such a person~~ 6901
shall then be entitled to vote only for presidential and vice- 6902
presidential electors ~~only~~ either by casting a presidential 6903
ballot in person at their ~~the person's precinct polling place on~~ 6904
~~election day or by absent voter's ballots,~~ at a voter service 6905
and polling center, or at the office of the board, or by 6906
returning a voted presidential mail ballot in accordance with 6907
section 3509.05 of the Revised Code. ~~Such voter who votes at~~ 6908
~~that voter's polling place on election day~~ If the person casts a 6909
presidential ballot in person, the person shall sign that 6910
~~voter's~~ person's name in the poll book or poll list followed by, 6911
"Former Resident's Presidential Ballot." ~~Qualified former~~ 6912
~~residents shall be entitled to cast absent voter's ballots for~~ 6913
~~presidential and vice presidential electors.~~ 6914

(B) The list of persons described in division (A) of this 6915
section shall not include any person who has a confidential 6916

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 6947
counties of the state, in which there are candidates whose 6948
candidacies are to be submitted to the electors of that 6949
district, shall, on the seventieth day before the day of the 6950
next general election, certify to the board of each county in 6951
the district the names of those candidates to be printed on such 6952
ballots. 6953

(3) The board of a county in which the major portion of a 6954
subdivision, located in more than one county, is located shall, 6955
on the seventieth day before the day of the next general 6956
election, certify to the board of each county in which other 6957
portions of that subdivision are located the names of candidates 6958
whose candidacies are to be submitted to the electors of that 6959
subdivision, to be printed on such ballots. 6960

(B) If, subsequently to the seventieth day before and 6961
prior to the ~~tenth~~ thirtieth day before the day of a general 6962
election, a certificate is filed with the secretary of state to 6963
fill a vacancy caused by the death of a candidate, the secretary 6964
of state shall forthwith make a supplemental certification to 6965
the board of each county amending and correcting the secretary 6966
of state's original certification provided for in the first 6967
paragraph of this section. If, within that time, such a 6968
certificate is filed with the board of the most populous county 6969
in a district comprised of more than one county but less than 6970
all of the counties of the state, or with the board of a county 6971
in which the major portion of the population of a subdivision, 6972
located in more than one county, is located, the board with 6973
which the certificate is filed shall forthwith make a 6974
supplemental certification to the board of each county in the 6975
district or to the board of each county in which other portions 6976
of the subdivision are located, amending and correcting its 6977

original certification provided for in division (A) (2) or (3) of 6978
this section. If, at the time such supplemental certification is 6979
received by a board, ballots carrying the name of the deceased 6980
candidate have been printed, the board shall cause strips of 6981
paper bearing the name of the candidate certified to fill the 6982
vacancy to be printed and pasted on ~~those~~ the ballots that have 6983
not yet been sent to electors so as to cover the name of the 6984
deceased candidate, except that ~~in voting places for ballots to~~ 6985
be cast using marking devices, the board shall cause strips of 6986
paper bearing the revised list of candidates for the office, 6987
after certification of a candidate to fill the vacancy, to be 6988
printed and pasted on the ballot cards so as to cover the names 6989
of candidates shown prior to the new certification, before such 6990
ballots are delivered to electors. 6991

Sec. 3505.03. On the office type ballot shall be printed 6992
the names of all candidates for election to offices, except 6993
judicial offices, who were nominated at the most recent primary 6994
election as candidates of a political party or who were 6995
nominated in accordance with section 3513.02 of the Revised 6996
Code, and the names of all candidates for election to offices 6997
who were nominated by nominating petitions, except candidates 6998
for judicial offices, for member of the state board of 6999
education, for member of a board of education, for municipal 7000
offices, and for township offices. 7001

The face of the ballot below the stub shall be 7002
substantially in the following form: 7003

"OFFICIAL OFFICE TYPE BALLOT 7004

(A) To vote for a candidate record your vote in the manner 7005
provided next to the name of such candidate. 7006

(B) If you tear, soil, deface, or erroneously mark this ballot, return it to the ~~precinct~~-election ~~officers~~-officials or, if you cannot return it, notify the ~~precinct~~-election ~~officers~~ officials, and obtain another ballot."

The order in which the offices shall be listed on the ballot shall be prescribed by, and certified to each board of elections by, the secretary of state; provided that for state, district, and county offices the order from top to bottom shall be as follows: governor and lieutenant governor, attorney general, auditor of state, secretary of state, treasurer of state, United States senator, representative to congress, state senator, state representative, county commissioner, county auditor, prosecuting attorney, clerk of the court of common pleas, sheriff, county recorder, county treasurer, county engineer, and coroner. The offices of governor and lieutenant governor shall be printed on the ballot in a manner that requires a voter to cast one vote jointly for the candidates who have been nominated by the same political party or petition.

The names of all candidates for an office shall be arranged in a group under the title of that office, and, except for ~~absentee-mail~~ ballots or when the number of candidates for a particular office is the same as the number of candidates to be elected for that office, shall be rotated from one precinct to another. On ~~absentee-mail~~ ballots, the names of all candidates for an office shall be arranged in a group under the title of that office and shall be so alternated that each name shall appear, insofar as may be reasonably possible, substantially an equal number of times at the beginning, at the end, and in each intermediate place, if any, of the group in which such name belongs, unless the number of candidates for a particular office is the same as the number of candidates to be elected for that

office. 7038

The method of printing the ballots to meet the rotation 7039
requirement of this section shall be as follows: the least 7040
common multiple of the number of names in each of the several 7041
groups of candidates shall be used, and the number of changes 7042
made in the printer's forms in printing the ballots shall 7043
correspond with that multiple. The board of elections shall 7044
number all precincts in regular serial sequence. In the first 7045
precinct, the names of the candidates in each group shall be 7046
listed in alphabetical order. In each succeeding precinct, the 7047
name in each group that is listed first in the preceding 7048
precinct shall be listed last, and the name of each candidate 7049
shall be moved up one place. ~~In each precinct using paper~~ 7050
~~ballots, the~~ The printed ballots shall then be assembled in 7051
tablets. 7052

Under the name of each candidate nominated at a primary 7053
election, nominated by petition under section 3517.012 of the 7054
Revised Code, or certified by a party committee to fill a 7055
vacancy under section 3513.31 of the Revised Code shall be 7056
printed, in less prominent type face than that in which the 7057
candidate's name is printed, the name of the political party by 7058
which the candidate was nominated or certified. Under the name 7059
of each candidate appearing on the ballot who filed a nominating 7060
petition and requested a ballot designation as a nonparty 7061
candidate under section 3513.257 of the Revised Code shall be 7062
printed, in less prominent type face than that in which the 7063
candidate's name is printed, the designation of "nonparty 7064
candidate." Under the name of each candidate appearing on the 7065
ballot who filed a nominating petition and requested a ballot 7066
designation as an other-party candidate under section 3513.257 7067
of the Revised Code shall be printed, in less prominent type 7068

face than that in which the candidate's name is printed, the 7069
designation of "other-party candidate." No designation shall 7070
appear under the name of a candidate appearing on the ballot who 7071
filed a nominating petition and requested that no ballot 7072
designation appear under the candidate's name under section 7073
3513.257 of the Revised Code, or who filed a nominating petition 7074
and failed to request a ballot designation either as a nonparty 7075
candidate or as an other-party candidate under that section. 7076

Except as provided in this section, no words, 7077
designations, or emblems descriptive of a candidate or the 7078
candidate's political affiliation, or indicative of the method 7079
by which the candidate was nominated or certified, shall be 7080
printed under or after a candidate's name that is printed on the 7081
ballot. 7082

Sec. 3505.06. (A) On the questions and issues ballot shall 7083
be printed all questions and issues to be submitted at any one 7084
election together with the percentage of affirmative votes 7085
necessary for passage as required by law. Such ballot shall have 7086
printed across the top thereof, and below the stubs, "Official 7087
Questions and Issues Ballot." 7088

(B) (1) Questions and issues shall be grouped together on 7089
the ballot from top to bottom as provided in division (B) (1) of 7090
this section, except as otherwise provided in division (B) (2) of 7091
this section. State questions and issues shall always appear as 7092
the top group of questions and issues. In calendar year 1997, 7093
the following questions and issues shall be grouped together on 7094
the ballot, in the following order from top to bottom, after the 7095
state questions and issues: 7096

(a) County questions and issues; 7097

- (b) Municipal questions and issues; 7098
- (c) Township questions and issues; 7099
- (d) School or other district questions and issues. 7100

In each succeeding calendar year after 1997, each group of 7101
questions and issues described in division (B)(1)(a) to (d) of 7102
this section shall be moved down one place on the ballot except 7103
that the group that was last on the ballot during the 7104
immediately preceding calendar year shall appear at the top of 7105
the ballot after the state questions and issues. The rotation 7106
shall be performed only once each calendar year, beginning with 7107
the first election held during the calendar year. The rotation 7108
of groups of questions and issues shall be performed during each 7109
calendar year as required by division (B)(1) of this section, 7110
even if no questions and issues from any one or more such groups 7111
appear on the ballot at any particular election held during that 7112
calendar year. 7113

(2) Questions and issues shall be grouped together on the 7114
ballot, from top to bottom, in the following order when it is 7115
not practicable to group them together as required by division 7116
(B)(1) of this section because of the type of voting machines 7117
used by the board of elections: state questions and issues, 7118
county questions and issues, municipal questions and issues, 7119
township questions and issues, and school or other district 7120
questions and issues. The particular order in which each of a 7121
group of state questions or issues is placed on the ballot shall 7122
be determined by, and certified to each board of elections by, 7123
the secretary of state. 7124

(3) Failure of the board of elections to rotate questions 7125
and issues as required by division (B)(1) of this section does 7126

not affect the validity of the election at which the failure 7127
occurred, and is not grounds for contesting an election under 7128
section 3515.08 of the Revised Code. 7129

(C) The particular order in which each of a group of 7130
county, municipal, township, or school district questions or 7131
issues is placed on the ballot shall be determined by the board 7132
providing the ballots. 7133

(D) The printed matter pertaining to each question or 7134
issue on the ballot shall be enclosed at the top and bottom 7135
thereof by a heavy horizontal line across the width of the 7136
ballot. Immediately below such top line shall be printed a brief 7137
title descriptive of the question or issue below it, such as 7138
"Proposed Constitutional Amendment," "Proposed Bond Issue," 7139
"Proposed Annexation of Territory," "Proposed Increase in Tax 7140
Rate," or such other brief title as will be descriptive of the 7141
question or issue to which it pertains, together with a brief 7142
statement of the percentage of affirmative votes necessary for 7143
passage, such as "A sixty-five per cent affirmative vote is 7144
necessary for passage," "A majority vote is necessary for 7145
passage," or such other brief statement as will be descriptive 7146
of the percentage of affirmative votes required. 7147

(E) The questions and issues ballot need not contain the 7148
full text of the proposal to be voted upon. A condensed text 7149
that will properly describe the question, issue, or an amendment 7150
proposed by other than the general assembly shall be used as 7151
prepared and certified by the secretary of state for state-wide 7152
questions or issues or by the board for local questions or 7153
issues. If other than a full text is used, the full text of the 7154
proposed question, issue, or amendment together with the 7155
percentage of affirmative votes necessary for passage as 7156

required by law shall be posted in each ~~polling place~~ location 7157
where ballots may be cast in person in some spot that is easily 7158
accessible to the voters. 7159

(F) Each question and issue appearing on the questions and 7160
issues ballot may be consecutively numbered. The question or 7161
issue determined to appear at the top of the ballot may be 7162
designated on the face thereof by the Arabic numeral "1" and all 7163
questions and issues placed below on the ballot shall be 7164
consecutively numbered. Such numeral shall be placed below the 7165
heavy top horizontal line enclosing such question or issue and 7166
to the left of the brief title thereof. 7167

Sec. 3505.08. (A) Ballots shall be provided by the board 7168
of elections for all general and special elections. The ballots 7169
shall be printed with black ink on No. 2 white book paper fifty 7170
pounds in weight per ream assuming such ream to consist of five 7171
hundred sheets of such paper twenty-five by thirty-eight inches 7172
in size. Each ballot shall have attached at the top two stubs, 7173
each of the width of the ballot and not less than one-half inch 7174
in length, except that, if the board of elections has an 7175
alternate method to account for the ballots that the secretary 7176
of state has authorized, each ballot may have only one stub that 7177
shall be the width of the ballot and not less than one-half inch 7178
in length. In the case of ballots with two stubs, the stubs 7179
shall be separated from the ballot and from each other by 7180
perforated lines. The top stub shall be known as Stub B and 7181
shall have printed on its face "Stub B." The other stub shall be 7182
known as Stub A and shall have printed on its face "Stub A." 7183
Each stub shall also have printed on its face "Consecutive 7184
Number _____" 7185

Each ballot of each kind of ballot provided for use in 7186

each precinct shall be numbered consecutively beginning with 7187
number 1 by printing such number upon both of the stubs attached 7188
to the ballot. On ballots bearing the names of candidates, each 7189
candidate's name shall be printed in twelve point boldface upper 7190
case type in an enclosed rectangular space, and an enclosed 7191
blank rectangular space shall be provided at the left of the 7192
candidate's name. The name of the political party of a candidate 7193
nominated at a primary election, nominated by petition under 7194
section 3517.012 of the Revised Code, or certified by a party 7195
committee shall be printed in ten point lightface upper and 7196
lower case type and shall be separated by a two point blank 7197
space. The name of each candidate shall be indented one space 7198
within the enclosed rectangular space, and the name of the 7199
political party shall be indented two spaces within the enclosed 7200
rectangular space. 7201

The title of each office on the ballots shall be printed 7202
in twelve point boldface upper and lower case type in a separate 7203
enclosed rectangular space. A four point rule shall separate the 7204
name of a candidate or a group of candidates for the same office 7205
from the title of the office next appearing below on the ballot; 7206
a two point rule shall separate the title of the office from the 7207
names of candidates; and a one point rule shall separate names 7208
of candidates. Headings shall be printed in display Roman type. 7209
When the names of several candidates are grouped together as 7210
candidates for the same office, there shall be printed on the 7211
ballots immediately below the title of the office and within the 7212
separate rectangular space in which the title is printed "Vote 7213
for not more than _____," in six point boldface upper and 7214
lower case filling the blank space with that number which will 7215
indicate the number of persons who may be lawfully elected to 7216
the office. 7217

Columns on ballots shall be separated from each other by a heavy vertical border or solid line at least one-eighth of an inch wide, and a similar vertical border or line shall enclose the left and right side of ballots. Ballots shall be trimmed along the sides close to such lines.

The ballots provided for by this section shall be comprised of four kinds of ballots designated as follows: office type ballot; nonpartisan ballot; questions and issues ballot; and presidential ballot.

On the back of each office type ballot shall be printed "Official Office Type Ballot;" on the back of each nonpartisan ballot shall be printed "Official Nonpartisan Ballot;" on the back of each questions and issues ballot shall be printed "Official Questions and Issues Ballot;" and on the back of each presidential ballot shall be printed "Official Presidential Ballot." At the end of every ballot also shall be printed the date of the election at which the ballot is used and the facsimile signatures of the members of the board of the county in which the ballot is used. For the purpose of identifying the kind of ballot, the back of every ballot may be numbered in the order the board shall determine. The numbers shall be printed in not less than thirty-six point type above the words "Official Office Type Ballot," "Official Nonpartisan Ballot," "Official Questions and Issues Ballot," or "Official Presidential Ballot," as the case may be. A ballot box bearing corresponding numbers shall be furnished for each ~~precinct~~ location where ballots may be cast in person in which the above-described numbered ballots are used.

On the back of every ballot used, there shall be a solid black line printed opposite the blank rectangular space that is

used to mark the choice of the voter. This line shall be printed 7248
wide enough so that the mark in the blank rectangular space will 7249
not be visible from the back side of the ballot. 7250

Sample ballots may be printed by the board of elections 7251
for all general elections. The ballots shall be printed on 7252
colored paper, and "Sample Ballot" shall be plainly printed in 7253
boldface type on the face of each ballot. In counties of less 7254
than one hundred thousand population, the board may print not 7255
more than five hundred sample ballots; in all other counties, it 7256
may print not more than one thousand sample ballots. The sample 7257
ballots shall not be distributed by a political party or a 7258
candidate, nor shall a political party or candidate cause their 7259
title or name to be imprinted on sample ballots. 7260

(B) Notwithstanding division (A) of this section, in 7261
approving the form of an official ballot, the secretary of state 7262
may authorize the use of fonts, type face settings, and ballot 7263
formats other than those prescribed in that division. 7264

Sec. 3505.10. (A) On the presidential ballot below the 7265
stubs at the top of the face of the ballot shall be printed 7266
"Official Presidential Ballot" centered between the side edges 7267
of the ballot. Below "Official Presidential Ballot" shall be 7268
printed a heavy line centered between the side edges of the 7269
ballot. Below the line shall be printed "Instruction to Voters" 7270
centered between the side edges of the ballot, and below those 7271
words shall be printed the following instructions: 7272

"(1) To vote for the candidates for president and vice- 7273
president whose names are printed below, record your vote in the 7274
manner provided next to the names of such candidates. That 7275
recording of the vote will be counted as a vote for each of the 7276
candidates for presidential elector whose names have been 7277

certified to the secretary of state and who are members of the 7278
same political party as the nominees for president and vice- 7279
president. A recording of the vote for independent candidates 7280
for president and vice-president shall be counted as a vote for 7281
the presidential electors filed by such candidates with the 7282
secretary of state. 7283

(2) To vote for candidates for president and vice- 7284
president in the blank space below, record your vote in the 7285
manner provided and write the names of your choice for president 7286
and vice-president under the respective headings provided for 7287
those offices. Such write-in will be counted as a vote for the 7288
candidates' presidential electors whose names have been properly 7289
certified to the secretary of state. 7290

(3) If you tear, soil, deface, or erroneously mark this 7291
ballot, return it to the ~~precinct~~-election ~~officers~~-officials 7292
or, if you cannot return it, notify the ~~precinct~~-election 7293
~~officers~~-officials, and obtain another ballot." 7294

(B) Below those instructions to the voter shall be printed 7295
a single vertical column of enclosed rectangular spaces equal in 7296
number to the number of presidential candidates plus one 7297
additional space for write-in candidates. Each of those 7298
rectangular spaces shall be enclosed by a heavy line along each 7299
of its four sides, and such spaces shall be separated from each 7300
other by one-half inch of open space. 7301

In each of those enclosed rectangular spaces, except the 7302
space provided for write-in candidates, shall be printed the 7303
names of the candidates for president and vice-president 7304
certified to the secretary of state or nominated in one of the 7305
following manners: 7306

(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: 7337
Near the top and centered within the rectangular space shall be 7338
printed "For President" in ten-point boldface upper and lower 7339
case type. Below "For President" shall be printed the name of 7340
the candidate for president in twelve-point boldface upper case 7341
type. Below the name of the candidate for president shall be 7342
printed the name of the political party by which that candidate 7343
for president was nominated in eight-point lightface upper and 7344
lower case type. Below the name of such political party shall be 7345
printed "For Vice-President" in ten-point boldface upper and 7346
lower case type. Below "For Vice-President" shall be printed the 7347
name of the candidate for vice-president in twelve-point 7348
boldface upper case type. Below the name of the candidate for 7349
vice-president shall be printed the name of the political party 7350
by which that candidate for vice-president was nominated in 7351
eight-point lightface upper and lower case type. Except for 7352
candidates nominated by petition under section 3517.012 of the 7353
Revised Code, no political identification or name of any 7354
political party shall be printed below the names of presidential 7355
and vice-presidential candidates nominated by petition. 7356

The rectangular spaces on the ballot described in this 7357
section shall be rotated and printed as provided in section 7358
3505.03 of the Revised Code. 7359

Sec. 3505.11. (A) The Subject to section 3501.291 of the 7360
Revised Code, the ballots to be used in a precinct polling 7361
place, with the stubs attached, shall be bound into tablets for 7362
each precinct, which tablets shall contain at least one per cent 7363
more ballots than the total registration in the precinct, except 7364
as otherwise provided in division (B) of this section. Upon the 7365
covers of the tablets shall be written, printed, or stamped the 7366
designation of the precinct for which the ballots have been 7367

prepared. All official ballots shall be printed uniformly upon 7368
the same kind and quality of paper and shall be of the same 7369
shape, size, and type. 7370

Electors who ~~have failed to respond within thirty days to~~ 7371
~~any confirmation notice~~ are not active electors shall not be 7372
counted in determining the number of ballots to be printed under 7373
this section. 7374

(B) (1) ~~A~~ Subject to section 3501.291 of the Revised Code, 7375
a board of elections may choose to provide ballots on demand for 7376
a precinct polling place. If a board so chooses, the board shall 7377
have prepared for each precinct at least five per cent more 7378
ballots for an election than the number specified below for that 7379
kind of election: 7380

(a) For a primary election or a special election held on 7381
the day of a primary election, the total number of electors in 7382
that precinct who voted in the primary election held four years 7383
previously; 7384

(b) For a general election or a special election held on 7385
the day of a general election, the total number of electors in 7386
that precinct who voted in the general election held four years 7387
previously; 7388

(c) For a special election held at any time other than on 7389
the day of a primary or general election, the total number of 7390
electors in that precinct who voted in the most recent primary 7391
or general election, whichever of those elections occurred in 7392
the precinct most recently. 7393

(2) If, after the board complies with the requirements of 7394
division (B) (1) of this section, the election officials of a 7395
precinct determine that the precinct will not have enough 7396

ballots to enable all the qualified electors in the precinct who 7397
wish to vote at a particular election to do so, the officials 7398
shall request that the board provide additional ballots, and the 7399
board shall provide enough additional ballots, to that precinct 7400
in a timely manner so that all qualified electors in that 7401
precinct who wish to vote at that election may do so. 7402

Sec. 3505.12. The board of elections shall cause to be 7403
printed in English in twelve-point type on paper or cardboard 7404
instructions as issued by the secretary of state for the 7405
guidance of electors in marking their ballots. Such instructions 7406
shall inform the voters as to how to prepare the ballots for 7407
voting, how to obtain a new ballot in case of accidentally 7408
spoiling one, and, in a smaller type, a summary of the important 7409
sections of the penal law relating to crimes against the 7410
elective franchise. The ~~precinct~~-election officials shall cause 7411
one or more such cards of instructions to be posted immediately 7412
in front of or on ~~the polling place~~ each location where ballots 7413
may be cast in person and in each voting shelf ~~one or more of~~ 7414
~~such cards of instructions.~~ 7415

Sec. 3505.16. Before the opening of ~~the polls~~ a location 7416
where ballots may be cast in person, the package of supplies and 7417
the ballot box shall be opened in the presence of the ~~precinct~~ 7418
election officials. The ballot box, the package of ballots, 7419
registration forms, and other supplies shall at all times be in 7420
full sight of the observers, and no ballot box or unused ballots 7421
during the balloting or counting shall be removed or screened 7422
from their full sight until ~~the counting has been closed and the~~ 7423
~~final returns completed and the certificate signed by the judges~~ 7424
all procedures for closing the location for the day have been 7425
completed. 7426

Sec. 3505.17. If by accident or casualty the ballots or 7427
other required papers, lists, or supplies are lost or destroyed, 7428
or in case none are delivered at ~~the polling place~~ a location 7429
where ballots may be cast in person, or if during the time the 7430
~~polls are~~ location is open additional ballots or supplies are 7431
required, the board of elections, upon requisition by telephone 7432
or in writing and signed by a majority of the ~~precinct~~ election 7433
officials of the ~~precinct~~ location stating why such additional 7434
supplies are needed, shall supply them as speedily as possible. 7435

Sec. 3505.18. (A) (1) When an elector appears ~~in a polling~~ 7436
~~place to vote~~ cast ballots in person at a precinct polling 7437
place, a voter service and polling center, or the office of the 7438
board of elections, the elector shall announce to the ~~precinct~~ 7439
election officials the elector's full name and current address 7440
and provide proof of the elector's identity in the form of a 7441
current and valid photo identification, a military 7442
identification, or a copy of a current utility bill, bank 7443
statement, government check, paycheck, or other government 7444
document, other than ~~a~~ an acknowledgment notice of voter 7445
~~registration~~ mailed by a board of elections under section 7446
3503.19 of the Revised Code, that shows the name and current 7447
address of the elector. 7448

(2) If an elector does not have or is unable to provide to 7449
the ~~precinct~~ election officials any of the forms of 7450
identification required under division (A) (1) of this section, 7451
the elector may vote and return mail ballots sent to the elector 7452
under section 3509.01 of the Revised Code, request mail ballots 7453
at a voter service and polling center or the office of the 7454
board, or cast a provisional ballot under section 3505.181 of 7455
the Revised Code ~~and do either of the following:~~ 7456

~~(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~~ 7457
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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.~~ 7461
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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.~~ 7468
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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 7519
person at that location and shall deliver the mail ballots to 7520
the office of the board in accordance with section 3505.26 of 7521
the Revised Code. 7522

Sec. 3505.181. (A) All of the following individuals shall 7523
be permitted to cast a provisional ballot at an election at any 7524
location where ballots may be cast in person: 7525

(1) An individual who declares that the individual is a 7526
registered voter in the precinct in which the individual desires 7527
to vote and that the individual is eligible to vote in an 7528
election, but the name of the individual does not appear on the 7529
official list of eligible voters for the precinct or an election 7530
official asserts that the individual is not eligible to vote; 7531

(2) An individual who does not have or is unable to 7532
provide to the election officials any of the forms of 7533
identification required under division (A) (1) of section 3505.18 7534
of the Revised Code to cast a ballot in person and who does not 7535
cast mail ballots instead; 7536

~~(3) An individual whose name in the poll list or signature~~ 7537
~~pollbook has been marked under section 3509.09 or 3511.13 of the~~ 7538
~~Revised Code as having requested an absent voter's ballot or a~~ 7539
~~uniformed services or overseas absent voter's ballot for that~~ 7540
~~election and who appears to vote at the polling place;~~ 7541

~~(4) An individual whose notification of registration name~~ 7542
~~in the poll list or signature pollbook has been marked because~~ 7543
~~the individual's acknowledgment notice has been returned~~ 7544
undelivered to the board of elections ~~and whose name in the~~ 7545
~~official registration list and in the poll list or signature~~ 7546
~~pollbook has been marked under division (C) (2) of section~~ 7547

~~3503.19 of the Revised Code;~~ 7548

~~(5)~~ (4) An individual who has been successfully challenged 7549
under section 3505.20 ~~or 3513.20~~ of the Revised Code; 7550

~~(6)~~ (5) An individual who changes the individual's name 7551
and remains within the precinct without providing proof of that 7552
name change under division (B) (1) (b) of section 3503.16 of the 7553
Revised Code, moves from one precinct to another within a 7554
county, moves from one precinct to another and changes the 7555
individual's name, or moves from one county to another within 7556
the state, and completes and signs the required forms and 7557
statements under division (B) or (C) of section 3503.16 of the 7558
Revised Code; 7559

~~(7)~~ (6) An individual whose signature, in the opinion of 7560
the precinct officers under section 3505.22 of the Revised Code, 7561
is not that of the person who signed that name in the 7562
registration forms. 7563

(B) An individual who is eligible to cast a provisional 7564
ballot under division (A) of this section shall be permitted to 7565
cast a provisional ballot as follows: 7566

(1) An election official ~~at the polling place~~ shall notify 7567
the individual that the individual may cast a provisional ballot 7568
in that election. 7569

(2) Except as otherwise provided in division ~~(F)~~ (E) of 7570
this section, the individual shall complete and execute a 7571
written affirmation before an election official ~~at the polling~~ 7572
~~place~~ stating that the individual is both of the following: 7573

(a) A registered voter in the precinct in which the 7574
individual desires to vote; 7575

(b) Eligible to vote in that election. 7576

(3) An election official ~~at the polling place shall~~ 7577
transmit the ballot cast by the individual and the voter 7578
information contained in the written affirmation executed by the 7579
individual under division (B) (2) of this section to ~~an~~ 7580
~~appropriate local election official~~ the board of elections for 7581
verification under division (B) (4) of this section. 7582

(4) If the ~~appropriate local election official to whom the~~ 7583
~~ballot or voter or address information is transmitted under~~ 7584
~~division (B) (3) of this section~~ board of elections determines 7585
that the individual is eligible to vote, the individual's 7586
provisional ballot shall be counted as a vote in that election. 7587

(5) ~~(a)~~ At the time that an individual casts a provisional 7588
ballot, the ~~appropriate local election official~~ shall give the 7589
individual written ~~information that states that any~~ instructions 7590
for the individual who casts a provisional ballot will be able 7591
to ascertain ~~under the system established under division (B) (5)~~ 7592
~~(b) of this section whether the vote was counted, and, if the~~ 7593
~~vote was not counted, the reason that the vote was not counted~~ 7594
the status of the individual's provisional ballot using the 7595
tracking number printed on or affixed to the provisional ballot 7596
envelope, as described in section 3509.051 of the Revised Code. 7597

~~(b) The appropriate state or local election official shall~~ 7598
~~establish a free access system, in the form of a toll free~~ 7599
~~telephone number, that any individual who casts a provisional~~ 7600
~~ballot may access to discover whether the vote of that~~ 7601
~~individual was counted, and, if the vote was not counted, the~~ 7602
~~reason that the vote was not counted. The free access system~~ 7603
~~established under this division also shall provide to an~~ 7604
~~individual whose provisional ballot was not counted information~~ 7605

~~explaining how that individual may contact the board of
elections to register to vote or to resolve problems with the
individual's voter registration.~~ 7606
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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.~~ 7609
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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.~~ 7616
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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~~ 7631
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section 3505.20 of the Revised Code shall appear at the office 7636
of the board of elections and provide to the board ~~any~~ 7637
~~additional information necessary to determine the eligibility of~~ 7638
~~the individual who cast the provisional ballot.~~ 7639

~~(a) For a provisional ballot cast by an individual who~~ 7640
~~does not have or is unable to provide to the election officials~~ 7641
~~any of the required forms of identification to be eligible to be~~ 7642
~~counted, the individual who cast that ballot, within seven days~~ 7643
~~after the day of the election, shall do either of the following:~~ 7644

~~(i) Provide to the board of elections proof of the~~ 7645
~~individual's identity in the form of a current and valid photo~~ 7646
~~identification, a military identification, or a copy of a~~ 7647
~~current utility bill, bank statement, government check,~~ 7648
~~paycheck, or other government document, other than a notice of~~ 7649
~~voter registration mailed by a board of elections under section~~ 7650
~~3503.19 of the Revised Code, that shows the individual's name~~ 7651
~~and current address; or~~ 7652

~~(ii) Provide to the board of elections the individual's~~ 7653
~~driver's license or state identification card number or the last~~ 7654
~~four digits of the individual's social security number.~~ 7655

~~(b) For a provisional ballot cast by an individual who has~~ 7656
~~been successfully challenged under section 3505.20 of the~~ 7657
~~Revised Code to be eligible to be counted, the individual who~~ 7658
~~cast that ballot, within seven days after the day of that~~ 7659
~~election, shall provide to the board of elections any~~ 7660
~~identification or other documentation required to be provided by~~ 7661
~~the applicable challenge questions asked of that individual~~ 7662
~~under section 3505.20 of the Revised Code.~~ 7663

(C) (1) If an individual ~~declares that the individual is~~ 7664

~~eligible requests~~ to vote in a precinct other than the precinct 7665
in which the individual ~~desires~~ appears to be eligible to vote, 7666
~~or if, upon~~ based on an election official's review of the 7667
precinct voting location guide using the residential street 7668
address provided by the individual, ~~an election official at the~~ 7669
~~precinct at which the individual desires to vote determines that~~ 7670
~~the individual is not eligible to vote in that precinct,~~ the 7671
election official shall direct the individual to vote in the 7672
precinct and polling place in which the individual appears to be 7673
eligible to vote, explain that the individual may cast a 7674
provisional ballot ~~at the current location~~ in the precinct in 7675
which the individual requests to vote but the ballot or a 7676
portion of the ballot will not be counted if it is cast in the 7677
wrong precinct, and provide the telephone number of the board of 7678
elections in case the individual has additional questions. 7679

(2) If the individual refuses to ~~travel to~~ vote in the 7680
correct precinct ~~or to the office of the board of elections to~~ 7681
~~cast a ballot,~~ the individual shall be permitted to vote a 7682
provisional ballot ~~at that~~ in the precinct in which the 7683
individual requests to vote in accordance with division (B) of 7684
this section. If the individual is in ~~the correct polling a~~ 7685
~~location for~~ in which ballots may be cast in the precinct in 7686
which the individual is registered and eligible to vote, the 7687
election official shall complete and sign, under penalty of 7688
election falsification, a form that includes all of the 7689
following, and attach the form to the individual's provisional 7690
ballot affirmation: 7691

(a) The name or number of the individual's correct 7692
precinct; 7693

(b) A statement that the election official instructed the 7694

individual to ~~travel to~~ vote in the correct precinct ~~to vote~~; 7695

(c) A statement that the election official informed the 7696
individual that casting a provisional ballot in the wrong 7697
precinct would result in all or a portion of the votes on the 7698
ballot being rejected; 7699

(d) The name or number of the precinct in which the 7700
individual is casting a provisional ballot; and 7701

(e) The name of the ~~polling~~ location in which the 7702
individual is casting a provisional ballot. 7703

~~(D) The appropriate local election official shall cause~~ 7704
~~voting information to be publicly posted at each polling place~~ 7705
~~on the day of each election.~~ 7706

~~(E) As used in this section and sections 3505.182 and~~ 7707
~~3505.183 of the Revised Code:~~ 7708

~~(1),~~ "Precinct precinct voting location guide" means 7709
either of the following: 7710

~~(a) An~~ (1) Subject to section 3501.291 of the Revised 7711
Code, an electronic or paper record that lists the correct 7712
precinct and precinct polling place for either each specific 7713
residential street address in the county or the range of 7714
residential street addresses located in each neighborhood block 7715
in the county; 7716

~~(b) Any~~ (2) Subject to section 3501.291 of the Revised 7717
Code, any other method that a board of elections creates that 7718
allows a ~~precinct~~ an election official or any elector who is at 7719
a ~~polling place~~ location where ballots may be cast in person in 7720
that county to determine the correct precinct and precinct 7721
polling place of any qualified elector who resides in the 7722

county. 7723

~~(2) "Voting information" means all of the following:~~ 7724

~~(a) A sample version of the ballot that will be used for that election;~~ 7725
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~~(b) Information regarding the date of the election and the hours during which polling places will be open;~~ 7727
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~~(c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;~~ 7729
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~~(d) Instructions for mail in registrants and first time voters under applicable federal and state laws;~~ 7731
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~~(e) General information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated;~~ 7733
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~~(f) General information on federal and state laws regarding prohibitions against acts of fraud and misrepresentation.~~ 7738
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~~(F)~~ (E) Nothing in this section or section 3505.183 of the Revised Code is in derogation of section 3505.24 of the Revised Code, which permits a blind, disabled, or illiterate elector to receive assistance in the marking of the elector's ballot by two ~~precinct~~ election officials of different political parties. A blind, disabled, or illiterate elector may receive assistance in marking that elector's provisional ballot and in completing the required affirmation in the same manner as an elector may receive assistance ~~on the day of an election~~ under that section. 7741
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Sec. 3505.182. Each individual who casts a provisional 7750

ballot under section 3505.181 of the Revised Code shall execute 7751
a written affirmation. The form of the written affirmation shall 7752
be printed upon the face of the provisional ballot envelope and 7753
shall be as follows: 7754

"Provisional Ballot Affirmation 7755

(A) Clearly print your full name: _____ 7756

(B) Write your date of birth: _____ 7757

(C) (1) Write your current address: _____ 7758

_____ 7759

(2) Have you moved without updating your voter 7760
registration?: 7761

Yes _____ No _____ 7762

If yes, write your former address: _____ 7763

_____ 7764

Failure to provide your former address will not cause your 7765
provisional ballot to be rejected. 7766

(D) Provide one of the following forms of identification 7767
(optional): 7768

(1) Write your full Ohio driver's license or state 7769
identification card number: _____ 7770

(2) Write the last four digits of your Social Security 7771
number: _____ 7772

(3) If you ~~did not write your full Ohio driver's license~~ 7773
~~or state identification card number or the last four digits of~~ 7774
~~your Social Security number, you must show~~ showed one of the 7775
following forms of identification to the ~~precinct~~ election 7776

official. ~~If you do not, check one of the following boxes~~ 7777
affirming the type of identification you showed to the ~~precinct-~~ 7778
election official, ~~the board of elections will conclude that you-~~ 7779
~~did not show identification to your precinct election official-~~ 7780
~~and that you must show identification at the board of elections-~~ 7781
~~during the seven days after the election for your vote to be-~~ 7782
~~eligible to be counted.~~ 7783

_____ A form of photo identification that was issued by 7784
the United States government or the State of Ohio, that contains 7785
your name and current address (or your former address if the 7786
identification is an Ohio driver's license or state 7787
identification card), and that has an expiration date that has 7788
not passed; 7789

_____ A military identification card; or 7790

_____ A current utility bill, bank statement, government 7791
check, paycheck, or other government document, other than a 7792
notice of voter registration mailed by a board of elections, 7793
that contains your name and current address. 7794

~~(4) If you fail to provide identification at this time,~~ 7795
~~you must go to the board of elections on or before the seventh-~~ 7796
~~day following this election to provide a qualifying form of-~~ 7797
~~identification in order for this ballot to count.~~ 7798

(E) Provide your telephone number: _____ (optional) 7799

(F) Provide your email address: _____ (optional) 7800

(G) If your right to vote has been challenged, you must 7801
provide any required additional information to the board of 7802
elections on or before the ~~seventh-~~tenth day following this 7803
election. 7804

~~(F)~~ (H) Sign and date the following statement: 7805

I solemnly swear or affirm that I am a citizen of the 7806
United States; that I will be at least 18 years of age at the 7807
time of the general election; that I have lived in this state 7808
for 30 days immediately preceding this election in which I am 7809
voting this ballot; that I am a registered voter in the precinct 7810
in which I am voting this provisional ballot; and that I am 7811
eligible to vote in the election in which I am voting this 7812
provisional ballot. 7813

I understand that, if the information I provide on this 7814
provisional ballot affirmation is not fully completed and 7815
correct, if the board of elections determines that I am not 7816
registered to vote, a resident of this precinct, or eligible to 7817
vote in this election, or if the board of elections determines 7818
that I have already voted in this election, my provisional 7819
ballot will not be counted. I understand that, if I am not 7820
currently registered to vote or if I am not registered at my 7821
current address or under my current name, this form will serve 7822
as an application to register to vote or update my registration 7823
for future elections, as long as I provide all of the 7824
information required to register to vote or update my 7825
registration. I further understand that knowingly providing 7826
false information is a violation of law and subjects me to 7827
possible criminal prosecution. 7828

I hereby declare, under penalty of election falsification, 7829
that the above statements are true and correct to the best of my 7830
knowledge and belief. 7831

_____ 7832

Signature of Voter 7833

_____ 7834

Date 7835

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 7836
FELONY OF THE ~~FIFTH~~-FOURTH DEGREE." 7837

In addition to any information required to be included on 7838
the written affirmation, an individual casting a provisional 7839
ballot may provide additional information to the election 7840
official to assist the board of elections in determining the 7841
individual's eligibility to vote in that election, including the 7842
date and location at which the individual registered to vote, if 7843
known. 7844

If the individual provided all of the information required 7845
under section 3503.14 of the Revised Code to register to vote or 7846
to update the individual's registration on the provisional 7847
ballot affirmation, the board of elections shall consider the 7848
individual's provisional ballot affirmation to also serve as a 7849
notice of change of name, change of residence, or both, or as a 7850
voter registration form, as applicable, for that individual only 7851
for the purposes of future elections. 7852

Sec. 3505.183. (A) When ~~the ballot boxes~~voted ballots are 7853
delivered to the board of elections from the ~~precincts~~other 7854
locations where ballots may be cast in person, the ~~board~~- 7855
election officials shall separate the provisional ballot 7856
envelopes from the rest of the ballots. ~~Teams of employees of~~ 7857
~~the board consisting of one member of each major political party~~ 7858
~~shall place the sealed provisional ballot envelopes~~ and store 7859
them in a ~~the~~ secure location within the office of the board 7860
ballot storage room described in section 3505.262 of the Revised 7861
Code. The sealed provisional ballot envelopes shall remain in 7862

that ~~secure location room~~ until the validity of those ballots is 7863
determined under division (B) of this section. While the 7864
provisional ballot is stored in that ~~secure location room~~, and 7865
prior to the counting of the provisional ballots, if the board 7866
receives information regarding the validity of a specific 7867
provisional ballot under division (B) of this section, the board 7868
may note, on the sealed provisional ballot envelope for that 7869
ballot, whether the ballot is valid and entitled to be counted. 7870

(B) (1) To determine whether a provisional ballot is valid 7871
and entitled to be counted, the board shall examine its records 7872
and determine whether the individual who cast the provisional 7873
ballot is registered and eligible to vote in the applicable 7874
election. The board shall examine the information contained in 7875
the written affirmation executed by the individual who cast the 7876
provisional ballot under division (B) (2) of section 3505.181 of 7877
the Revised Code. The following information shall be included in 7878
the written affirmation or in an addendum filed under division 7879
(H) (1) of this section in order for the provisional ballot to be 7880
eligible to be counted: 7881

(a) The individual's printed name, signature, date of 7882
birth, and current address; 7883

(b) A statement that the individual is a registered voter 7884
in the precinct in which the provisional ballot is being voted; 7885

(c) A statement that the individual is eligible to vote in 7886
the election in which the provisional ballot is being voted. 7887

(2) In addition to the information required to be included 7888
in an affirmation or an addendum under division (B) (1) of this 7889
section, in determining whether a provisional ballot is valid 7890
and entitled to be counted, the board also shall examine any 7891

additional information for determining ballot validity provided 7892
by the provisional voter on the affirmation, provided by the 7893
provisional voter to an election official under section 3505.182 7894
of the Revised Code, or provided to the board of elections 7895
during the ~~seven-ten~~ days after the day of the election ~~under~~ 7896
~~division (B) (7) of section 3505.181 of the Revised Code,~~ to 7897
assist the board in determining the individual's eligibility to 7898
vote. 7899

(3) If, in examining a provisional ballot affirmation, any 7900
addendum filed under division (H) (1) of this section, and 7901
additional information under divisions (B) (1) and (2) of this 7902
section and comparing the information required under division 7903
(B) (1) of this section with the elector's information in the 7904
statewide voter registration database, the board determines that 7905
all of the following apply, the provisional ballot envelope 7906
shall be opened, and the ballot shall be placed in a ballot box 7907
to be counted: 7908

(a) The individual ~~named on the affirmation who cast the~~ 7909
provisional ballot is properly registered to vote. 7910

(b) ~~The~~ Except as otherwise provided in divisions (D) and 7911
(E) of this section, the individual ~~named on the affirmation who~~ 7912
cast the provisional ballot is eligible to cast a ballot in the 7913
precinct and for the election in which the individual cast the 7914
provisional ballot. 7915

(c) The individual provided all of the information 7916
required under division (B) (1) of this section in the 7917
affirmation that the individual executed at the time the 7918
individual cast the provisional ballot or in an addendum filed 7919
under division (H) (1) of this section. 7920

(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. 7950

(4) (a) Except as otherwise provided in ~~division~~ divisions 7951
(D) and (E) of this section, if, in examining a provisional 7952
ballot affirmation, any addendum, and additional information 7953
under divisions (B) (1) and (2) of this section and comparing the 7954
information required under division (B) (1) of this section with 7955
the elector's information in the statewide voter registration 7956
database, the board determines that any of the following 7957
applies, the provisional ballot envelope shall not be opened, 7958
and the ballot shall not be counted: 7959

(i) The individual ~~named on the affirmation who cast the~~ 7960
provisional ballot is not qualified or is not properly 7961
registered to vote. 7962

(ii) The individual ~~named on the affirmation who cast the~~ 7963
provisional ballot is not eligible to cast a ballot in the 7964
precinct or for the election in which the individual cast the 7965
provisional ballot. 7966

(iii) The individual did not provide all of the 7967
information required under division (B) (1) of this section in 7968
the affirmation that the individual executed at the time the 7969
individual cast the provisional ballot or in an addendum filed 7970
under division (H) (1) of this section. 7971

(iv) The individual has already cast a regular ballot in 7972
person or returned a voted mail ballot for the election in which 7973
the individual cast the provisional ballot. 7974

(v) If applicable, the individual did not provide any 7975
additional information required ~~under division (B) (7) of section-~~ 7976
~~3505.181 of the Revised Code~~ within ~~seven~~ ten days after the day 7977
of the election. 7978

~~(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.~~

~~(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.

~~(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.

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 of the requirements of division (B) (3) of this section, other than the requirements of division (B) (3) (e) of this section.

~~(ix)~~ (viii) The elector's current address is different 8008
from the elector's address contained in the statewide voter 8009
registration database, unless the elector indicated that the 8010
elector is casting a provisional ballot because the elector has 8011
moved and has not submitted a notice of change of address, as 8012
described in division ~~(A) (6)~~ (A) (5) of section 3505.181 of the 8013
Revised Code. 8014

(b) If, in examining a provisional ballot affirmation, any 8015
addendum, and additional information under divisions (B) (1) and 8016
(2) of this section and comparing the information required under 8017
division (B) (1) of this section with the elector's information 8018
in the statewide voter registration database, the board is 8019
unable to determine either of the following, the provisional 8020
ballot envelope shall not be opened, and the ballot shall not be 8021
counted: 8022

(i) Whether the individual ~~named on the affirmation who~~ 8023
cast the provisional ballot is qualified or properly registered 8024
to vote; 8025

(ii) Whether the individual ~~named on the affirmation who~~ 8026
cast the provisional ballot is eligible to cast a ballot in the 8027
precinct or for the election in which the individual cast the 8028
provisional ballot. 8029

(C) For each provisional ballot rejected under division 8030
(B) (4) of this section, the board shall record the name of the 8031
provisional voter who cast the ballot, the ~~identification~~ 8032
tracking number of the provisional ballot envelope, the names of 8033
the election officials who determined the validity of that 8034
ballot, the date and time that the determination was made, and 8035
the reason that the ballot was not counted, ~~unless the board has~~ 8036
~~already recorded~~ and make that information available in another 8037

~~database the electronic ballot tracking system described in~~ 8038
~~section 3509.051 of the Revised Code.~~ 8039

(D) (1) If an individual cast a provisional ballot in a 8040
precinct in which the individual is not registered and eligible 8041
to vote, but in ~~the correct polling~~ a location where ballots may 8042
be cast in person for the precinct in which the individual is 8043
registered and eligible to vote, and the election official 8044
failed to direct the individual to vote in the correct precinct, 8045
the individual's ballot shall be remade under division (D) (2) of 8046
this section. The election official shall be deemed to have 8047
directed the individual to vote in the correct precinct if the 8048
election official correctly completed the form described in 8049
division (C) (2) of section 3505.181 of the Revised Code. 8050

(2) A board of elections that remakes a provisional ballot 8051
under division (D) (1) of this section shall remake the 8052
provisional ballot on a ballot for the appropriate precinct to 8053
reflect the offices, questions, and issues for which the 8054
individual was eligible to cast a ballot and for which the 8055
individual attempted to cast a provisional ballot. The remade 8056
ballot shall be counted for each office, question, and issue for 8057
which the individual was eligible to vote. 8058

(3) ~~If~~ Except as otherwise provided in division (E) (2) of 8059
this section, if an individual cast a provisional ballot in a 8060
precinct in which the individual is not registered and eligible 8061
to vote and in ~~the incorrect polling~~ a location where ballots 8062
could not be cast in person for the precinct in which the 8063
individual is registered and eligible to vote, the provisional 8064
ballot envelope shall not be opened, and the ballot shall not be 8065
counted. 8066

~~(E) Provisional~~ (1) If the board determines that a 8067

provisional ballot is not eligible to be counted under this 8068
section because the individual's address provided on the 8069
provisional ballot affirmation is different from the address 8070
contained in the statewide voter registration database, and both 8071
of the following are true, the board shall correct the 8072
individual's voter registration record to reflect the address 8073
provided in the provisional ballot affirmation, and the 8074
provisional ballot nonetheless shall be eligible to be counted: 8075

(a) The individual's voter registration was most recently 8076
updated under section 3503.111 of the Revised Code and not at 8077
the request of the individual or using information the 8078
individual submitted to the board of elections or the secretary 8079
of state. 8080

(b) The individual's voter registration correctly 8081
reflected the individual's address, as provided on the 8082
provisional ballot affirmation, immediately before that update 8083
occurred. 8084

(2) If an individual who cast a provisional ballot that is 8085
eligible to be counted under division (E) (1) of this section 8086
cast that ballot in the precinct indicated by the individual's 8087
voter registration record as updated under section 3503.111 of 8088
the Revised Code, and not in the precinct in which the 8089
individual resides, the board shall remake the provisional 8090
ballot on a ballot for the precinct in which the individual 8091
resides to reflect the offices, questions, and issues for which 8092
the individual was eligible to cast a ballot and for which the 8093
individual attempted to cast a provisional ballot. The remade 8094
ballot shall be counted for each office, question, and issue for 8095
which the individual was eligible to vote. 8096

(F) Provisional ballots that are rejected under division 8097

(B) (4) of this section shall not be counted but shall be 8098
preserved in their provisional ballot envelopes unopened until 8099
the time provided by section 3505.31 of the Revised Code for the 8100
destruction of all other ballots used at the election for which 8101
ballots were provided, at which time they shall be destroyed. 8102

~~(F)~~ (G) Provisional ballots that the board determines are 8103
eligible to be counted under ~~division (B) (3) or (D) of this~~ 8104
section shall be counted in the same manner as provided for 8105
other ballots under section 3505.27 of the Revised Code on or 8106
after the eleventh day after the day of the election. No 8107
provisional ballots shall be counted in a particular county 8108
until the board determines the eligibility to be counted of all 8109
provisional ballots cast in that county under ~~division (B) of~~ 8110
this section for that election. Observers, as provided in 8111
section 3505.21 of the Revised Code, may be present at all times 8112
that the board is determining the eligibility of provisional 8113
ballots to be counted and counting those provisional ballots 8114
determined to be eligible. No person shall recklessly disclose 8115
the count or any portion of the count of provisional ballots in 8116
such a manner as to jeopardize the secrecy of any individual 8117
ballot. 8118

~~(G) (1) Except as otherwise provided in (H) (1) (a) Subject~~ 8119
~~to division (G) (2) (H) (2) of this section, nothing in this~~ 8120
~~section shall prevent a the board of elections from examining~~ 8121
~~shall examine a provisional ballot affirmations affirmation and~~ 8122
additional information provided under ~~divisions (B) (1) and (2)~~ 8123
~~of this section to determine the eligibility of provisional~~ 8124
~~ballots to be counted during the ten days after the day of an~~ 8125
~~election promptly after the provisional ballot arrives at the~~ 8126
office of the board. 8127

(b) If the board determines that a provisional ballot 8128
affirmation is incomplete or that the information or signature 8129
in the affirmation does not match the information or signature 8130
in the elector's voter registration record, then not later than 8131
two days after the day of the election, the board shall notify 8132
the individual who cast the provisional ballot that in order for 8133
the individual's ballot to be counted, the individual must file 8134
an addendum containing the missing information or a correct 8135
signature, as applicable. The board shall make the notification 8136
by mail, electronic mail, or text message or by another method 8137
approved by the secretary of state. 8138

(c) The individual shall file the addendum containing the 8139
information or signature with the board in person or by mail to 8140
the office of the board, on a form prescribed by the secretary 8141
of state, not later than the tenth day after the day of the 8142
election. The addendum shall contain or be accompanied by one of 8143
the following: 8144

(i) The individual's driver's license or state 8145
identification card number; 8146

(ii) The last four digits of the individual's social 8147
security number; 8148

(iii) A copy of a current and valid photo identification, 8149
a copy of a military identification, or a copy of a current 8150
utility bill, bank statement, government check, paycheck, or 8151
other government document, other than an acknowledgment notice 8152
mailed by a board of elections under section 3503.19 of the 8153
Revised Code, that shows the individual's name and address. 8154

(2) ~~A~~The board of elections shall not ~~examine the~~ 8155
~~provisional ballot affirmation and additional information under~~ 8156

~~divisions (B) (1) and (2) of this section of any make a final~~ 8157
~~determination of whether a provisional ballot cast by an~~ 8158
~~individual who must provide additional information to the board~~ 8159
~~of elections under division (B) (7) of section 3505.181 of the~~ 8160
~~Revised Code for the board to determine the individual's~~ 8161
~~eligibility until the individual provides that information or is~~ 8162
~~eligible to be counted or, if applicable, open the provisional~~ 8163
~~ballot envelope until the eleventh day after the day of the~~ 8164
~~election, whichever is earlier.~~ 8165

(I) The board of elections may use computer software to 8166
determine whether the signature on a provisional ballot 8167
affirmation or addendum appears to match the signature in a 8168
voter registration record. If the software determines that a 8169
signature on a provisional ballot affirmation does not appear to 8170
match the signature in a voter registration record, the election 8171
officials personally shall determine whether those signatures 8172
match. 8173

Sec. 3505.20. ~~Any (A) (1) Except as otherwise provided in~~ 8174
~~division (A) (2) of this section, any person offering to vote may~~ 8175
~~be challenged at the polling place by any precinct election~~ 8176
~~official. If~~ 8177

(2) If the board of elections has ruled on the question 8178
presented by a challenge prior to election day, its finding and 8179
decision shall be final, and the voting location manager shall 8180
be notified in writing. If the board has not ruled, the question 8181
shall be determined as set forth in this section. 8182

(B) If any person is so challenged under division (A) (1) 8183
of this section as unqualified to vote, the voting location 8184
manager shall tender the person the following oath: "You do 8185
swear or affirm under penalty of election falsification that you 8186

will fully and truly answer all of the following questions put 8187
to you concerning your qualifications as an elector at this 8188
election." 8189

~~(A)-(C) (1) If the person is challenged under division (A)~~ 8190
~~(1) of this section as unqualified on the ground that the person~~ 8191
~~is not a citizen, the precinct election officials shall put the~~ 8192
~~following questions:~~ 8193

~~(1) question: Are you a citizen of the United States?~~ 8194

~~(2) Are you a native or naturalized citizen?~~ 8195

~~(3) Where were you born?~~ 8196

~~(4) What official documentation do you possess to prove~~ 8197
~~your citizenship? Please provide that documentation.~~ 8198

If the person offering to vote ~~claims to be a naturalized~~ 8199
~~citizen of the United States, the person shall, before the vote~~ 8200
~~is received, produce for inspection of the precinct election~~ 8201
~~officials a certificate of naturalization and declare under oath~~ 8202
~~that the person is the identical person named in the~~ 8203
~~certificate. If the person states under oath that, by reason of~~ 8204
~~the naturalization of the person's parents or one of them, the~~ 8205
~~person has become is a citizen of the United States, and when or~~ 8206
~~where the person's parents were naturalized, the certificate of~~ 8207
~~naturalization need not be produced. If the person is unable to~~ 8208
~~provide a certificate of naturalization on the day of the~~ 8209
~~election, the precinct election officials shall provide to~~ 8210
~~permit the person, and the person may to vote, a provisional~~ 8211
~~ballot under section 3505.181 of the Revised Code. The~~ 8212
~~provisional ballot shall not be counted unless it is properly~~ 8213
~~completed and the board of elections determines that the voter~~ 8214
~~is properly registered and eligible to vote in the election.~~ 8215

~~(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: 8245

~~(1)~~ (a) Do you reside in this precinct? 8246

~~(2)~~ (b) When did you move into this precinct? 8247

~~(3)~~ (c) When you came into this precinct, did you come for 8248
a temporary purpose merely or for the purpose of making it your 8249
home? 8250

~~(4)~~ (d) What is your current mailing address? 8251

~~(5)~~ (e) Do you have some official identification 8252
containing your current address in this precinct? Please provide 8253
that identification. 8254

~~(6)~~ (f) Have you voted or attempted to vote at any other 8255
location or in any other manner in this or in any other state at 8256
this election? 8257

~~(7)~~ (g) Have you applied for any absent voter's ballot in 8258
any state for this election? 8259

~~The precinct~~ If the individual is in a precinct polling 8260
place that is not the appropriate precinct polling place, the 8261
election officials shall direct ~~an~~ the individual who is not in 8262
~~the appropriate polling place~~ to the appropriate precinct 8263
polling place, to a voter service and polling center, or to the 8264
office of the board of elections. If the individual refuses to 8265
go to the appropriate precinct polling place, to a voter service 8266
and polling center, or to the office of the board, or if the 8267
~~precinct~~ election officials are unable to verify the person's 8268
eligibility to cast a ballot in the election, the ~~precinct~~ 8269
election officials shall provide to the person, and the person 8270
may vote, a provisional ballot under section 3505.181 of the 8271
Revised Code. The provisional ballot shall not be counted unless 8272

it is properly completed and the board of elections determines 8273
that the voter is properly registered and eligible to vote in 8274
the election. 8275

~~(D)~~ (4) If the person is challenged as unqualified on the 8276
ground that the person is not of legal voting age, the ~~precinct~~ 8277
election officials shall put the following questions: 8278

~~(1)~~ (a) Are you eighteen years of age or more? 8279

~~(2)~~ (b) What is your date of birth? 8280

~~(3)~~ (c) Do you have some official identification verifying 8281
your age? Please provide that identification. 8282

If the ~~precinct~~ election officials are unable to verify 8283
the person's age and eligibility to cast a ballot in the 8284
election, the ~~precinct~~ election officials shall provide to the 8285
person, and the person may vote, a provisional ballot under 8286
section 3505.181 of the Revised Code. The provisional ballot 8287
shall not be counted unless it is properly completed and the 8288
board of elections determines that the voter is properly 8289
registered and eligible to vote in the election. 8290

(D) The voting location manager shall put such other 8291
questions to the person challenged under division (A) (1) of this 8292
section as are necessary to determine the person's 8293
qualifications as an elector at the election. If a person 8294
challenged refuses to answer fully any question put to the 8295
person, is unable to answer the questions as they were answered 8296
on the registration form by the person under whose name the 8297
person offers to vote, or refuses to sign the person's ~~name~~ 8298
signature or make the person's mark, or if for any other reason 8299
a majority of the ~~precinct~~ election officials believes the 8300
person is not entitled to vote, the ~~precinct~~ election officials 8301

shall provide to the person, and the person may vote, a 8302
provisional ballot under section 3505.181 of the Revised Code. 8303
The provisional ballot shall not be counted unless it is 8304
properly completed and the board of elections determines that 8305
the voter is properly registered and eligible to vote in the 8306
election. 8307

(E) A qualified citizen who has certified the citizen's 8308
intention to vote for president and vice-president as provided 8309
by Chapter 3504. of the Revised Code shall be eligible to 8310
receive only the ballot containing presidential and vice- 8311
presidential candidates. 8312

~~However, not later than the thirtieth day before the day 8313
of an election and in accordance with section 3503.24 of the 8314
Revised Code, any person qualified to vote may challenge the 8315
right of any other person to be registered as a voter, or the 8316
right to cast an absent voter's ballot, or to make application 8317
for such ballot. Such challenge shall be made in accordance with 8318
section 3503.24 of the Revised Code, and the board of elections 8319
of the county in which the voting residence of the challenged 8320
voter is situated shall make a final determination relative to 8321
the legality of such registration or application. 8322~~

Sec. 3505.21. (A) As used in this section: 8323

(1) "During the casting of the ballots" includes any ~~of~~ 8324
~~the following:~~ 8325

~~(a) Any time during which a board of elections permits an 8326
elector to vote an absent voter's ballot ballots may be cast in 8327
person at the office of the board;~~ 8328

~~(b) Any time ballots may be cast in a precinct polling 8329
place on the day of for an election;~~ 8330

~~(c) Any time during which a board of elections processes
absent voter's ballots before the time for counting those
ballots.~~ 8331
8332
8333

(2) "During the counting of the ballots" includes any time 8334
during which the election officials examine mail ballots and 8335
provisional ballots before the time for counting those ballots, 8336
count and tally ballots, make the official canvass of election 8337
returns, or conduct an audit of the official results of an 8338
election. 8339

(B) (1) At any primary, special, or general election, the 8340
county executive committee of any political party supporting 8341
candidates to be voted upon at such election or, if the election 8342
is a primary election, participating in the election, and any 8343
group of five or more candidates may appoint ~~to the board of~~ 8344
~~elections or to any of the precincts in the county or city one~~ 8345
person, a qualified elector, ~~who shall~~ to serve as an observer 8346
for such party or such candidates during the casting of the 8347
ballots at any time at any location where ballots may be cast in 8348
person and at any time at the office of the board of elections 8349
during the counting of the ballots; ~~provided that separate~~ 8350
~~observers may be appointed to serve during the casting and~~ 8351
~~during the counting of the ballots.~~ No political party or group 8352
of candidates shall be represented by more than one observer at 8353
any location at any time. 8354

(2) None of the following persons shall serve as an 8355
observer: 8356

(a) A candidate, no other than a candidate who is a member 8357
of a party controlling committee, as defined in section 3517.03 8358
of the Revised Code; 8359

(b) A uniformed peace officer, as defined by section 2935.01 of the Revised Code, ~~no;~~ 8360
8361

(c) A uniformed state highway patrol trooper, ~~no;~~ 8362

(d) A uniformed member of any fire department, ~~no;~~ 8363

(e) A uniformed member of the armed services, ~~no;~~ 8364

(f) A uniformed member of the organized militia, ~~no;~~ 8365

(g) A person wearing any other uniform, ~~and no;~~ 8366

(h) A person carrying a firearm or other deadly weapon 8367
shall serve as an observer, nor shall any candidate be 8368
represented by more than one observer at any one precinct or at 8369
the board of elections except that a candidate who is a member 8370
of a party controlling committee, as defined in section 3517.03 8371
of the Revised Code, may serve as an observer. 8372

(C) Any political party or group of candidates appointing 8373
observers shall notify the board of elections of the names and 8374
addresses of its appointees and the ~~precincts times and~~ 8375
~~locations~~ at which they shall serve ~~or that they will serve at~~ 8376
~~the board of elections~~. Notification of observers appointed to 8377
serve ~~on the day of an election~~ shall take place not less than 8378
eleven days before the day ~~of the election~~ on which they have 8379
been appointed to serve on forms prescribed by the secretary of 8380
state and may be amended by filing an amendment with the board 8381
of elections at any time until four p.m. of the day before the 8382
election day the observer is appointed to serve. ~~Notification of~~ 8383
~~observers appointed to serve at the office of the board during~~ 8384
~~the time absent voter's ballots may be cast in person or during~~ 8385
~~the time in which the board processes absent voter's ballots~~ 8386
~~before the time for counting those ballots shall take place not~~ 8387
~~less than eleven days before absent voter's ballots are required~~ 8388

~~to be ready for use pursuant to section 3509.01 of the Revised Code 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. of the day before the observer is appointed to serve.~~ The observer serving on behalf of a political party shall be appointed in writing by the chairperson and secretary of the respective controlling party committee. Observers serving for any five or more candidates shall have their certificates signed by those candidates. Observers appointed to ~~a precinct~~ observe the casting of the ballots may file their certificates of appointment with the voting location manager ~~of the precinct at the meeting on the evening prior to the election, or with the voting location manager of the precinct on the day before or on the day of the election~~ observers are scheduled to serve. Observers appointed to the office of the board to observe the ~~casting counting of absent voter's~~ the ballots in person prior to the day of the election ~~or the processing of absent voter's ballots before the time for counting those ballots~~ may file their certificates with the director of the board of elections the day before or on the day that the observers are scheduled to serve ~~at the office of the board~~.

Upon the filing of a certificate, the person named as observer in the certificate shall be permitted to be in and about the applicable ~~polling place~~ location during the ~~casting of the time that ballots and may be cast in person,~~ shall be permitted to watch every proceeding of the ~~precinct~~ election officials ~~from the during that time of the opening until the closing of the polls.~~ The observer also, ~~and, if applicable,~~ may inspect the counting of all ballots in the ~~polling place or board of elections from the time of the closing of the polls~~.

~~until the counting is completed and the final returns are~~ 8420
~~certified and signed until all procedures for closing the~~ 8421
~~location for the day have been completed. Observers appointed to~~ 8422
~~serve at the board of elections on the day of an election under~~ 8423
~~this section may observe at the board of elections and may~~ 8424
~~observe at any precinct in the county. The precinct election~~ 8425
officials shall protect such observers in all of the rights and 8426
privileges granted to them by Title XXXV of the Revised Code. 8427

(D) No persons other than the ~~precinct~~ election officials, 8428
the observers, a police officer, other persons who are detailed 8429
to any ~~precinct location~~ on request of the board of elections, 8430
or the secretary of state or the secretary of state's legal 8431
representative shall be admitted to ~~the polling place any~~ 8432
location where ballots may be cast in person, or any room in 8433
which a board of elections is counting ballots, after the 8434
closing of the polls until the counting, certifying, and signing 8435
of the final returns of each election have been completed. 8436

(E) (1) Not later than four p.m. of the ~~twentieth thirtieth~~ 8437
day prior to an election at which questions are to be submitted 8438
to a vote of the people, any committee that in good faith 8439
advocates or opposes a measure may file a petition with the 8440
board of any county asking that the petitioners be recognized as 8441
the committee entitled to appoint observers ~~to the count at for~~ 8442
the election. If more than one committee alleging themselves to 8443
advocate or oppose the same measure file such a petition, the 8444
board shall decide and announce by registered mail to each 8445
committee not less than ~~twelve twenty-two~~ days immediately 8446
preceding the election which committee is recognized as being 8447
entitled to appoint observers. The decision shall not be final, 8448
but any aggrieved party may institute mandamus proceedings in 8449
the court of common pleas of the county in which the board has 8450

jurisdiction to compel the ~~precinct~~-election officials to accept 8451
the appointees of such aggrieved party. ~~Any~~ 8452

(2) Subject to division (E)(3) of this section, any such 8453
recognized committee may appoint an observer to the count in 8454
each precinct observers under this section in the same manner as 8455
a group of candidates. Committees appointing observers shall 8456
notify the board of elections of the names and addresses of its 8457
appointees and the precincts at which they shall serve. 8458
Notification shall take place not less than eleven days before 8459
the election on forms prescribed by the secretary of state and 8460
may be amended by filing an amendment with the board of 8461
elections at any time until four p.m. on the day before the 8462
election. A person so appointed shall file the person's 8463
certificate of appointment with the voting location manager in 8464
the precinct in which the person has been appointed to serve. 8465
Observers shall file their certificates before the polls are 8466
closed. In 8467

(3) In no case shall more than six observers be appointed 8468
by committees recognized under division (E)(1) of this section 8469
for any one election in any one precinct location at one time. 8470
If more than three questions are to be voted on, the committees 8471
which have appointed observers may agree upon not to exceed six 8472
observers, and the ~~precinct~~-election officials shall appoint 8473
such observers. If such committees fail to agree, the ~~precinct~~- 8474
election officials shall appoint six observers from the 8475
appointees so certified, in such manner that each side of the 8476
several questions shall be represented. 8477

(F) No person shall serve as an observer at any precinct 8478
or at the board of elections unless the board of elections of 8479
the county in which such observer is to serve has first been 8480

notified of the observer's name, and address, and the time and 8481
location at which such observer is to serve. Notification to the 8482
board of elections shall be given by the political party, group 8483
of candidates, or committee appointing such observer as 8484
prescribed in this section. No such observers shall receive any 8485
compensation from the county, municipal corporation, or 8486
township, and they shall take the following oath, to be 8487
administered by one of the precinct election officials: 8488

"You do solemnly swear that you will faithfully and 8489
impartially discharge the duties as an official observer, 8490
assigned by law; that you will not cause any delay to persons 8491
offering to vote; and that you will not disclose or communicate 8492
to any person how any elector has voted at such election." 8493

Sec. 3505.22. If any ~~precinct officer~~ election official 8494
has reason to believe that a person is impersonating an elector, 8495
that person, before being given a ballot, shall be questioned as 8496
to the person's right to vote, and shall be required to sign the 8497
person's ~~name~~ signature or make the person's mark in ink on a 8498
card to be provided. If, in the opinion of a majority of the 8499
~~precinct officers~~ election officials, the signature is not that 8500
of the person who signed the name in the registration forms, 8501
that person shall be permitted to cast a provisional ballot 8502
under section 3505.181 of the Revised Code. 8503

Sec. 3505.23. (A) (1) Except as otherwise provided in this 8504
section, no voter shall be allowed to occupy a voting 8505
compartment or use a ~~voting machine~~ marking device more than ten 8506
minutes when all the voting compartments or ~~machines~~ marking 8507
devices are in use and voters are waiting to occupy or use them. 8508
The ten-minute time limit shall not apply to any person who 8509
requires the use of a disabled-accessible ~~voting machine~~ marking 8510

device as required under the "~~Help America Vote Act of 2002,~~" 8511
~~116 Stat. 1704, 42 U.S.C. 15481.~~ 8512

(2) Except as otherwise provided by section 3505.24 of the 8513
Revised Code, no voter shall occupy a voting compartment or 8514
~~machine~~ use a marking device with another person or speak to 8515
anyone, nor shall anyone speak to the voter, while the voter is 8516
in a voting compartment or ~~machine~~ using a marking device. 8517

~~In precincts that do not use voting machines the following~~ 8518
~~procedure shall be followed:~~ 8519

(B) If a voter tears, soils, defaces, or erroneously marks 8520
a ballot the voter may return it to the ~~precinct~~ election 8521
officials and a second ballot shall be issued to the voter. 8522
Before returning a torn, soiled, defaced, or erroneously marked 8523
ballot, the voter shall fold it so as to conceal any marks the 8524
voter made upon it, but the voter shall not remove Stub A 8525
therefrom. If the voter tears, soils, defaces, or erroneously 8526
marks such second ballot, the voter may return it to the 8527
~~precinct~~ election officials, and a third ballot shall be issued 8528
to the voter. In no case shall more than three ballots be issued 8529
to a voter. Upon receiving a returned torn, soiled, defaced, or 8530
erroneously marked ballot the ~~precinct~~ election officials shall 8531
detach Stub A therefrom, write "Defaced" on the back of such 8532
ballot, and place the stub and the ballot in the separate 8533
containers provided therefor. 8534

(C) (1) No elector shall leave the ~~polling place location~~ 8535
until the elector returns to the ~~precinct~~ election officials 8536
every ballot issued to the elector with Stub A on each ballot 8537
attached thereto, regardless of whether the elector has or has 8538
not placed any marks upon the ballot. 8539

(2) Before leaving the voting compartment, the voter shall 8540
fold each ballot marked by the voter so that no part of the face 8541
of the ballot is visible, and so that the printing thereon 8542
indicating the kind of ballot it is and the facsimile signatures 8543
of the members of the board of elections are visible. The voter 8544
shall then leave the voting compartment, deliver the voter's 8545
ballots, and state the voter's name to the ~~precinct~~-election 8546
official having charge of the ballot box, who shall announce the 8547
name, detach Stub A from each ballot, and announce the number on 8548
the stubs. The ~~precinct~~-election officials in charge of the poll 8549
lists or poll books shall check to ascertain whether the number 8550
so announced is the number on Stub B of the ballots issued to 8551
such voter, and if no discrepancy appears to exist, the ~~precinct~~- 8552
election official in charge of the ballot box shall, in the 8553
presence of the voter, deposit each such ballot in the ballot 8554
box and shall place Stub A from each ballot in the container 8555
provided therefor. The voter shall then immediately leave the 8556
~~polling place location~~. 8557

(3) No ballot delivered by a voter to the ~~precinct~~- 8558
election official in charge of the ballot box with Stub A 8559
detached therefrom, and only ballots provided in accordance with 8560
Title XXXV of the Revised Code, shall be voted or deposited in 8561
the ballot box. 8562

(D) (1) In marking a presidential ballot, the voter shall 8563
record the vote in the manner provided on the ballot next to the 8564
names of the candidates for the offices of president and vice- 8565
president. Such ballot shall be considered and counted as a vote 8566
for each of the candidates for election as presidential elector 8567
whose names were certified to the secretary of state by the 8568
political party of such nominees for president and vice- 8569
president. 8570

(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: 8601

~~(A) (a) Appears to vote on the day of an election or
appears at the office of the board of elections to cast absent-
voter's ballots in person; and~~ 8602
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~~(B) (b) Declares to the presiding judge of elections or to
the election official who is accepting applications to cast
absent voter's ballots in person voting location manager that
the elector is unable to mark the elector's ballot by reason of
blindness, disability, or illiteracy.~~ 8605
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(2) The elector also may request and receive assistance in 8610
the marking of the elector's ballot from two election officials 8611
of different political parties. ~~Any~~ 8612

(B) Any person providing assistance in the marking of an 8613
elector's ballot under this section shall thereafter provide no 8614
information in regard to the marking of that ballot. 8615

(C) Any election official may require a declaration of 8616
inability to be made by the elector under oath before the 8617
election official. Assistance shall not be rendered for causes 8618
other than those specified in this section, and no candidate 8619
whose name appears on the ballot shall assist any person in 8620
marking that person's ballot. 8621

Sec. 3505.26. (A) (1) At the time for ~~closing the polls~~ the 8622
close of voting for the day at a location where ballots may be 8623
cast in person, the voting location manager shall by 8624
proclamation announce that ~~the polls are voting has~~ closed. 8625

(2) The ~~precinct~~ election officials shall then in the 8626
presence of observers proceed as follows: 8627

~~(A) (a)~~ Count the number of electors who voted at that 8628

location that day, as shown on the pollbooks; 8629

~~(B)~~ (b) Count the unused ballots without removing stubs; 8630

~~(C)~~ (c) Count the soiled and defaced ballots; 8631

~~(D)~~ (d) Insert the totals of divisions (A) (2) (a), ~~(B) (b),~~ 8632
and ~~(C) (c) of this section~~ on the report forms provided 8633
therefor in the pollbook; 8634

~~(E)~~ (e) Count the voted ballots. If the number of voted 8635
ballots exceeds the number of voters whose names appear upon the 8636
pollbooks, the voting location manager shall enter on the 8637
pollbooks an explanation of that discrepancy, and that 8638
explanation, if agreed to, shall be subscribed to by all of the 8639
~~precinct~~ election officials. Any ~~precinct~~ election official 8640
having a different explanation shall enter it in the pollbooks 8641
and subscribe to it. 8642

~~(F)~~ (f) Put the unused ballots with stubs attached, and 8643
soiled and defaced ballots with stubs attached, in the envelopes 8644
or containers provided therefor, and certify the number, ~~and.~~ 8645

(B) (1) If the location is a precinct polling place, the 8646
election officials then shall proceed, in the presence of 8647
observers, to count and tally the votes in the manner prescribed 8648
by section 3505.27 of the Revised Code and certify the result of 8649
the election to the board of elections. 8650

(2) From the time the ballot box is opened and the count 8651
of ballots begun until the ballots are counted and certificates 8652
of votes cast are made out, signed, certified and given to the 8653
voting location manager for delivery to the office of the board, 8654
the election officials in each precinct shall not separate, nor 8655
shall an election official leave the precinct polling place 8656
except from unavoidable necessity. In cases of illness or 8657

unavoidable necessity, the board may substitute another 8658
qualified person for any election official so incapacitated. 8659

(3) When the election officials have ascertained the 8660
results of the ballots cast at the precinct polling place, the 8661
election officials shall prepare and certify a summary statement 8662
embodying the results, in duplicate, on forms provided by the 8663
board of elections. 8664

(4) Immediately after preparing and certifying the summary 8665
statement, the election officials shall do all of the following: 8666

(a) (i) Place all of the regular ballots cast in person at 8667
the precinct polling place in a locked case that is secured with 8668
a numbered seal; 8669

(ii) Place any provisional ballots cast at the precinct 8670
polling place in a separate locked case that is secured with a 8671
numbered seal and ensure that the case is labeled as containing 8672
provisional ballots; 8673

(iii) Place any voted mail ballots returned to the 8674
election officials at the precinct polling place in a separate 8675
locked case that is secured with a numbered seal and ensure that 8676
the case is labeled as containing mail ballots. 8677

(b) Place all work sheets the election officials prepared 8678
inside the pollbook, poll list, or signature pollbook, seal it 8679
in a manner that the data cannot be seen without breaking the 8680
seal, and indicate plainly on the outside of the container that 8681
it is to be filed with the board. 8682

(c) Post one copy of the summary statement on the front of 8683
the precinct polling place and place the other copy in a sealed 8684
envelope for delivery to the board. 8685

(5) The voting location manager and an employee or 8686
appointee of the board of elections who has taken an oath to 8687
uphold the laws and constitution of this state, including an 8688
oath that the person will promptly and securely perform the 8689
duties required under this section and who is a member of a 8690
different political party than the voting location manager, then 8691
shall deliver the ballot cases, the pollbook, the summary 8692
statement, and all other election reports, materials, and 8693
supplies to the office of the board. The voting location manager 8694
and the board employee or appointee shall deposit the ballot 8695
cases in the secure ballot storage room described in section 8696
3505.262 of the Revised Code. 8697

(C) (1) If the location is a voter service and polling 8698
center, the election officials then shall, in the presence of 8699
observers, do all of the following: 8700

(a) Place all of the regular ballots cast in person at the 8701
voter service and polling center in a locked case that is 8702
secured with a numbered seal; 8703

(b) Place any provisional ballots cast at the voter 8704
service and polling center in a separate locked case that is 8705
secured with a numbered seal and ensure that the case is labeled 8706
as containing provisional ballots; 8707

(c) Place any voted mail ballots returned to the election 8708
officials at the voter service and polling center in a separate 8709
locked case that is secured with a numbered seal and ensure that 8710
the case is labeled as containing mail ballots. 8711

(2) The voting location manager and another election 8712
official who is not a member of the same political party 8713
immediately shall transport the ballot cases to the office of 8714

the board and deposit them in the secure ballot storage room 8715
described in section 3505.262 of the Revised Code. 8716

(D)(1) If the location is the office of the board, the 8717
election officials shall, in the presence of observers, do all 8718
of the following: 8719

(a) Place all of the regular ballots cast in person at the 8720
office of the board in a locked case that is secured with a 8721
numbered seal; 8722

(b) Place any provisional ballots cast at the office of 8723
the board in a separate locked case that is secured with a 8724
numbered seal and ensure that the case is labeled as containing 8725
provisional ballots; 8726

(c) Place any voted mail ballots returned in person to the 8727
election officials at the office of the board in a locked case 8728
that is secured with a numbered seal along with any other mail 8729
ballots that have been returned to the board. 8730

(2) The voting location manager and another election 8731
official who is not a member of the same political party 8732
immediately shall deposit the ballot cases in the secure ballot 8733
storage room described in section 3505.262 of the Revised Code. 8734

Sec. 3505.261. (A) Subject to division (B) of this 8735
section, each day on which electors may deposit voted mail 8736
ballots in a ballot drop box, at a time prescribed by the 8737
secretary of state, two election officials who are not members 8738
of the same political party shall remove all of the ballots 8739
deposited in the ballot drop box, place them in a locked case 8740
that is secured with a numbered seal, and immediately transport 8741
the case to the office of the board of elections and deposit it 8742
in the secure ballot storage room described in section 3505.262 8743

of the Revised Code. 8744

(B) On the day of the election, the election officials 8745
shall remove the ballots deposited in the ballot drop box and 8746
close the ballot drop box to any further deposits promptly at 8747
seven-thirty p.m., except that if there are persons waiting in 8748
line to deposit voted mail ballots at that time, those persons 8749
shall be permitted to deposit the voted mail ballots in the 8750
ballot drop box. 8751

Sec. 3505.262. (A) The board of elections shall maintain a 8752
secure ballot storage room at the office of the board. During 8753
the casting of the ballots and during the counting of the 8754
ballots, the board shall keep all voted ballots for that 8755
election that have been delivered to the office of the board in 8756
the secure ballot storage room. The election officials may 8757
remove voted ballots from the secure ballot storage room only as 8758
necessary to examine, process, or count them. 8759

(B) The board shall permit only election officials to 8760
enter the secure ballot storage room, and shall permit election 8761
officials to enter the room only for the purpose of depositing 8762
voted ballots, removing them as permitted under division (A) of 8763
this section, and replacing them. 8764

(C) The interior of the secure ballot storage room shall 8765
be monitored by video surveillance at all times while ballots 8766
are stored in the room. The board shall maintain all such video 8767
surveillance recordings in a secure manner for at least two 8768
years after the day of the election and shall make the 8769
recordings available to the secretary of state or to a law 8770
enforcement agency upon request. 8771

(D) As used in this section: 8772

(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. 8773
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(2) To "process" a ballot has the same meaning as in section 3505.27 of the Revised Code. 8776
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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. 8778
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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. 8783
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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. 8792
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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. 8798
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(C) Unless otherwise ordered by the secretary of state or 8802
the board of elections, the counting and tallying of ballots 8803
shall be conducted according to procedures prescribed by the 8804
board of elections that assure an accurate count of all votes 8805
cast and that include all of the following: 8806

~~(A)~~ (1) The counting and tallying of ballots ~~at the~~ 8807
~~appropriate office, as designated by the board,~~ in the full view 8808
of members of the board and observers; 8809

~~(B)~~ (2) The recording on a worksheet or other appropriate 8810
document of the number of votes cast for each candidate and the 8811
number of votes cast for and against each question or issue; 8812

~~(C)~~ (3) The periodic reporting to the public and the 8813
office of the secretary of state of the number of votes cast for 8814
each candidate and the number of votes cast for and against each 8815
question or issue as tallied at the time of the report; 8816

~~(D)~~ (4) An examination and verification by the appropriate 8817
authority, as designated by the board, of the ~~votes so tallied~~ 8818
~~and recorded in the pollbook under section 3505.26 of the~~ 8819
~~Revised Code~~ number of electors who cast ballots. 8820

(D) The board shall prescribe additional procedures as 8821
necessary to assure an accurate count of all votes cast. These 8822
procedures shall be followed until all of the ballots that are 8823
required to be counted on the day of the election ~~after the~~ 8824
~~close of the polls~~ have been counted. 8825

~~All work sheets that are prepared at the polling locations~~ 8826
~~shall be preserved and placed inside the pollbook and returned~~ 8827
~~to the board.~~ 8828

(E) If there is any disagreement as to how a ballot should 8829
be counted, it shall be submitted to the members of the board 8830

for a decision on whether or to what extent the ballot should be 8831
counted. If three of the members do not agree as to how any part 8832
of the ballot shall be counted, only that part of the ballot on 8833
which three of the members do agree shall be counted. A notation 8834
shall be made upon the ballot indicating what part has not been 8835
counted, and the ballot shall be placed in an envelope marked 8836
"Disputed Ballots." 8837

(F) When the election officials who are counting ballots 8838
at the office of the board have determined the results of the 8839
voting in a precinct, entered the results upon the proper forms, 8840
and certified the results, the election officials shall place 8841
all ballots that they have counted in a locked case that is 8842
secured with a numbered seal. They shall also seal the pollbook, 8843
poll list or signature pollbook, and tally sheet of electors who 8844
cast ballots in a manner that the data contained in these items 8845
the list cannot be seen without breaking the seal. Two election 8846
officials who are not members of the same political party 8847
immediately shall deposit the ballot case in the secure ballot 8848
storage room described in section 3505.262 of the Revised Code. 8849

Sec. 3505.28. No ballot shall be counted which is marked 8850
contrary to law, except that no ballot shall be rejected for any 8851
technical error unless it is impossible to determine the voter's 8852
choice. If two or more ballots are found folded together among 8853
the ballots removed from a ballot box, they shall be deemed to 8854
be fraudulent. Such ballots shall not be counted. They shall be 8855
marked "Fraudulent" and shall be placed in an envelope indorsed 8856
"Not Counted" with the reasons therefor, and such envelope shall 8857
be delivered to the board of elections together with other 8858
uncounted ballots. 8859

No ballot shall be rejected because of being marked with 8860

ink or by any writing instrument other than ~~one of the pencils~~ 8861
~~provided by the board of elections~~ a pencil. 8862

Sec. 3505.30. ~~When the results of the ballots have been~~ 8863
~~ascertained, such results shall be embodied in a summary~~ 8864
~~statement to be prepared by the precinct election officials in~~ 8865
~~duplicate, on forms provided by the board of elections. One copy~~ 8866
~~shall be certified by the precinct election officials and posted~~ 8867
~~on the front of the polling place, and one copy, similarly~~ 8868
~~certified, shall be transmitted without delay to the board in a~~ 8869
~~sealed envelope along with the other returns of the election.~~ 8870
~~The board shall, immediately~~ Immediately ~~upon receipt of such~~ 8871
receiving the relevant summary statements from the election 8872
officials containing the results of the ballots cast in a 8873
precinct, the board of elections shall compile and prepare an 8874
unofficial count and upon its completion shall transmit prepaid, 8875
immediately by telephone, facsimile machine, or other 8876
telecommunications device, the results of such unofficial count 8877
to the secretary of state, or to the board of the most populous 8878
county of the district which is authorized to canvass the 8879
returns. Such count, in no event, shall be made later than 8880
twelve noon on the day following the election. The board shall 8881
also, at the same time, certify the results thereof to the 8882
secretary of state by certified mail. The board shall remain in 8883
session from ~~the time of the opening of the polls~~ seven-thirty 8884
p.m. on the day of the election, continuously, until the results 8885
of the election are received ~~from~~ concerning every precinct in 8886
the county and such results are communicated to the secretary of 8887
state. 8888

Sec. 3505.31. ~~When the results of the voting in a polling~~ 8889
~~place on the day of an election have been determined and entered~~ 8890
~~upon the proper forms and the certifications of those results~~ 8891

~~have been signed by the precinct officials, those officials, 8892
before leaving the polling place, shall place all ballots that 8893
they have counted in containers provided for that purpose by the 8894
board of elections, and shall seal each container in a manner 8895
that it cannot be opened without breaking the seal or the 8896
material of which the container is made. They shall also seal 8897
the pollbook, poll list or signature pollbook, and tally sheet 8898
in a manner that the data contained in these items cannot be 8899
seen without breaking the seals. On the outside of these items 8900
shall be a plain indication that they are to be filed with the 8901
board. The voting location manager and an employee or appointee 8902
of the board of elections who has taken an oath to uphold the 8903
laws and constitution of this state, including an oath that the 8904
person will promptly and securely perform the duties required 8905
under this section and who is a member of a different political 8906
party than the voting location manager, shall then deliver to 8907
the board the containers of ballots and the sealed pollbook, 8908
poll list, and tally sheet, together with all other election 8909
reports, materials, and supplies required to be delivered to the 8910
board.— 8911~~

The board shall carefully preserve all ballots prepared 8912
and provided by it for use in an election, whether used or 8913
unused, for sixty days after the day of the election, except 8914
that, if an election includes the nomination or election of 8915
candidates for any of the offices of president, vice-president, 8916
presidential elector, member of the senate of the congress of 8917
the United States, or member of the house of representatives of 8918
the congress of the United States, the board shall carefully 8919
preserve all ballots prepared and provided by it for use in that 8920
election, whether used or unused, for twenty-two months after 8921
the day of the election. If an election is held within that 8922

sixty-day period, the board shall have authority to transfer 8923
those ballots to other containers to preserve them until the 8924
sixty-day period has expired. After that sixty-day period, the 8925
ballots shall be disposed of by the board in a manner that the 8926
board orders, ~~or where voting machines have been used the~~ 8927
~~counters may be turned back to zero;~~ provided that the secretary 8928
of state, within that sixty-day period, may order the board to 8929
preserve the ballots or any part of the ballots for a longer 8930
period of time, in which event the board shall preserve those 8931
ballots for that longer period of time. 8932

~~In counties where voting machines are used, if an election~~ 8933
~~is to be held within the sixty days immediately following a~~ 8934
~~primary, general, or special election or within any period of~~ 8935
~~time within which the ballots have been ordered preserved by the~~ 8936
~~secretary of state or a court of competent jurisdiction, the~~ 8937
~~board, after giving notice to all interested parties and~~ 8938
~~affording them an opportunity to have a representative present,~~ 8939
~~shall open the compartments of the machines and, without~~ 8940
~~unlocking the machines, shall recanvass the vote cast in them as~~ 8941
~~if a recount were being held. The results shall be certified by~~ 8942
~~the board, and this certification shall be filed in the board's~~ 8943
~~office and retained for the remainder of the period for which~~ 8944
~~ballots must be kept. After preparation of the certificate, the~~ 8945
~~counters may be turned back to zero, and the machines may be~~ 8946
~~used for the election.~~ 8947

The board shall carefully preserve the ~~pollbook~~ pollbooks, 8948
~~poll list or lists,~~ signature ~~pollbook~~ pollbooks, and tally 8949
~~sheet delivered to it from each polling place~~ sheets until it 8950
has completed the official canvass of the election returns from 8951
all precincts in which electors were entitled to vote at an 8952
election, and has prepared and certified the abstracts of 8953

election returns, as required by law. The board shall not break, 8954
or permit anyone to break, the seals upon the ~~pollbook~~ 8955
~~pollbooks~~, poll ~~list or lists~~, signature ~~pollbook~~ pollbooks, and 8956
or tally sheet sheets, or make, or permit ~~any one~~ anyone to 8957
make, any changes or notations in these items, while they are in 8958
its custody, except as provided by section 3505.32 of the 8959
Revised Code. 8960

Pollbooks and poll lists or signature pollbooks of a party 8961
primary election ~~delivered to the board from polling places~~ 8962
shall be carefully preserved by ~~it~~ the board for two years after 8963
the day of election in which they were used, and shall then be 8964
disposed of by the board in a manner that the board orders. 8965

Pollbooks, poll lists or signature pollbooks, tally 8966
sheets, summary statements, and other records and returns of an 8967
election ~~delivered to it from polling places~~ shall be carefully 8968
preserved by the board for two years after the day of the 8969
election in which they were used, and shall then be disposed of 8970
by the board in a manner that the board orders. 8971

Sec. 3505.32. (A) Except as otherwise provided in division 8972
(D) of this section, not earlier than the eleventh day or later 8973
than the fifteenth day after a general or special election, the 8974
board of elections shall begin to canvass the election returns 8975
from the precincts in which electors were entitled to vote at 8976
that election. It shall continue the canvass daily until it is 8977
completed and the results of the voting in that election in each 8978
of the precincts are determined. 8979

The board shall complete the canvass not later than the 8980
twenty-first day after the day of the election. Eighty-one days 8981
after the day of the election, the canvass of election returns 8982
shall be deemed final, and no amendments to the canvass may be 8983

made after that date. The secretary of state may specify an 8984
earlier date upon which the canvass of election returns shall be 8985
deemed final, and after which amendments to the final canvass 8986
may not be made, if so required by federal law. 8987

(B) The county executive committee of each political 8988
party, each committee designated in a petition nominating an 8989
independent or nonpartisan candidate for election at an 8990
election, each committee designated in a petition to represent 8991
the petitioners pursuant to which a question or issue was 8992
submitted at an election, and any committee opposing a question 8993
or issue submitted at an election that was permitted by section 8994
3505.21 of the Revised Code to have a qualified elector serve as 8995
an observer during the counting of the ballots ~~at each polling-~~ 8996
~~place~~ at an election may designate a qualified elector who may 8997
be present and may observe the making of the official canvass. 8998
Each candidate in a primary election also may observe the making 8999
of the official canvass. 9000

(C) The board shall first open all envelopes containing 9001
uncounted ballots and shall count and tally them. 9002

In connection with its investigation of any apparent or 9003
suspected error or defect in the election returns ~~from a polling-~~ 9004
~~place~~, the board may cause subpoenas to be issued and served 9005
requiring the attendance before it of the election officials ~~of~~ 9006
~~that polling place~~, and it may examine them under oath regarding 9007
the manner in which the votes were cast and counted ~~in that~~ 9008
~~polling place~~, or the manner in which the returns were prepared 9009
and certified, or as to any other matters bearing upon the 9010
voting and the counting of the votes ~~in that polling place~~ at 9011
that election. 9012

Finally, the board shall open the sealed container 9013

containing the ballots that were counted ~~in the polling place~~ at 9014
the election and count those ballots, during the official 9015
canvass, in the presence of all of the members of the board and 9016
any other persons who are entitled to witness the official 9017
canvass. 9018

(D) Prior to the tenth day after a primary, general, or 9019
special election, the board may examine the pollbooks, poll 9020
lists, and tally sheets ~~received from each polling place~~ for its 9021
files and may compare the results of the voting in any ~~polling~~ 9022
~~place precinct~~ with the summary ~~statement~~ statements received 9023
~~from for the polling place precinct~~. If the board finds that any 9024
of these records or any portion of them is missing, or that they 9025
are incomplete, not properly certified, or ambiguous, or that 9026
the results of the voting in the ~~polling place precinct~~ as shown 9027
on the summary ~~statement from statements for the polling place~~ 9028
~~precinct~~ are different from the results of the voting in the 9029
~~polling place precinct~~ as shown by the ~~pollbook~~ pollbooks, poll 9030
~~list lists~~, or tally ~~sheet~~ sheets from the ~~polling place~~ 9031
~~precinct~~, or that there is any other defect in the records, the 9032
board may make whatever changes to the ~~pollbook~~ pollbooks, poll 9033
~~list lists~~, or tally ~~sheets~~ sheets it determines to be proper in 9034
order to correct the errors or defects. 9035

Sec. 3505.331. (A) After declaring the official results of 9036
a general election ~~or of a primary election held in an even~~ 9037
~~numbered year~~, as described in section 3505.33 of the Revised 9038
Code, the board of elections shall audit those results in 9039
accordance with this section. Except as otherwise provided in 9040
this division, the board shall begin the audit not earlier than 9041
six days after it declares the official results and shall 9042
complete the audit not later than the twenty-first day after it 9043
declares the official results. If the board conducts a recount, 9044

the board shall begin the audit immediately after the board 9045
certifies the results of the recount and shall complete the 9046
audit not later than the fourteenth day after it certifies the 9047
results of the recount. 9048

(B) The board shall conduct the audit in accordance with 9049
procedures prescribed by the secretary of state, which shall 9050
include all of the following: 9051

(1) (a) Except as otherwise provided in division (B) (1) (b) 9052
of this section, a requirement that the board audit not less 9053
than three contested races, questions, or issues, as directed by 9054
the secretary of state. If fewer than three contested races, 9055
questions, or issues appear on the ballot at the election, then 9056
the board shall audit every contested race, question, and issue. 9057
In any election, every contested race, question, or issue shall 9058
be eligible to be audited. 9059

(b) If the board ordered a countywide recount of the 9060
results of a race, question, or issue under section 3515.011 of 9061
the Revised Code, the recount shall be considered an audit for 9062
purposes of meeting the requirement that the board audit not 9063
less than three contested races, questions, or issues. 9064

(2) A requirement that every ballot that was included in 9065
the canvass of the election returns be eligible to be audited, 9066
including regular ballots cast ~~on the day of the election in~~ 9067
person, absent voter's mail ballots, and provisional ballots. 9068

~~(3) Either a provision allowing the board to choose one of~~ 9069
~~the following protocols to use in conducting the audit or a~~ 9070
~~provision requiring the board to use a protocol selected by the~~ 9071
~~secretary of state from the following protocols in conducting~~ 9072
~~the audit:~~ 9073

~~(a) A requirement that the board use a risk-limiting audit protocol, which shall use statistical methods to limit to acceptable levels the risk of certifying an incorrect outcome for a particular race, question, or issue. The protocol shall require bipartisan teams of election officials to physically examine and hand count randomly sampled ballots and to continue the hand counting until the results of the hand count provide sufficiently strong evidence that a hand count of all of the ballots would confirm the election result declared under section 3505.33 of the Revised Code or until all of the ballots have been hand counted, whichever occurs first.~~

~~(b) (i) A percentage-based audit protocol, which shall require bipartisan teams of election officials to physically examine and hand count a number of randomly sampled ballots equal to a given percentage of the total number of ballots cast in the county at that election, as prescribed by the secretary of state. After the election officials complete the initial audit, the board shall calculate, as a percentage, the accuracy rate of each audited race, question, or issue by dividing the sum of any discrepancies for the race, question, or issue discovered during the audit by the total number of ballots audited for the race, question, or issue and subtracting the resulting number from one.~~

~~(ii) If the accuracy rate for an audited race, question, or issue is less than the acceptable accuracy rate prescribed by the secretary of state, the board shall escalate the audit of that race, question, or issue by requiring bipartisan teams of election officials to physically examine and hand count a second set of randomly sampled ballots equal to a given percentage of the total number of ballots cast in the county at that election, as prescribed by the secretary of state. The second set of~~

~~ballots shall not include any ballots that were included in the first set of audited ballots. After the election officials have counted the second set of ballots, the board shall calculate the combined accuracy rate for both audited sets of ballots for that race, question, or issue.~~

~~(c) Another audit protocol approved by the secretary of state.~~

(C) The board shall give public notice of the times and places for preparing for and conducting the audit in accordance with section 121.22 of the Revised Code. At all times while the board prepares for and conducts the audit, the board shall permit observers appointed under section 3505.21 of the Revised Code.

No person other than a member of the board or a designated employee of the board shall be permitted to handle a ballot.

(D) (1) Not later than five days after completing the audit, the board shall certify the results of the audit to the secretary of state in the form and by the method prescribed by the secretary of state. The secretary of state shall make the results of the audit available to the public on the secretary of state's official web site.

~~(2) If the board conducted a percentage-based audit and was required to escalate the audit of a race, question, or issue under division (B) (3) (b) (ii) of this section, and the combined accuracy rate for that race, question, or issue is less than the acceptable combined accuracy rate prescribed by the secretary of state, the secretary of state may require the board to order bipartisan teams of election officials to physically examine and hand count all ballots cast for that race, question, or issue.~~

~~The requirements of division (C) of this section apply to any full hand count conducted under this division.~~ 9134
9135

~~(3) If the results of the completed audit or the results of any full hand count ordered under division (D) (2) of this section indicate that the canvass or the previously declared official election results must be amended, the board promptly shall amend the canvass or issue an amended declaration of the official results, as applicable.~~ 9136
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(E) The secretary of state shall, in accordance with directives issued by the secretary of state, reimburse boards of elections for costs incurred to conduct an audit under this section. 9142
9143
9144
9145

~~(F) As used in this section:~~ 9146

~~(1) "Ballot" means either a paper ballot or the relevant entry on a voter verified paper audit trail.~~ 9147
9148

~~(2) "Voter verified paper audit trail" has the same meaning as in section 3506.01 of the Revised Code.~~ 9149
9150

Sec. 3506.01. As used in this chapter and Chapters 3501., 3503., 3505., 3509., 3511., 3513., 3515., 3517., 3519., 3521., 3523., and 3599. of the Revised Code: 9151
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9153

(A) "Marking device" means an apparatus operated by a voter to record the voter's choices through the marking of ballots enabling them to be examined and counted by automatic tabulating equipment. 9154
9155
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(B) "Ballot" means a paper containing the official election presentation of offices and candidates, including write-in candidates, and of questions and issues, and ~~the means by on~~ which votes are recorded. 9158
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9161

(C) "Automatic tabulating equipment" means a machine or 9162
electronic device, or interconnected or interrelated machines or 9163
electronic devices, that will automatically examine and count 9164
votes recorded on ballots. Automatic tabulating equipment may 9165
allow for the voter's selections to be indicated by marks made 9166
on a paper record by an electronic marking device. 9167

~~(D) "Central counting station" means a location, or one of-~~ 9168
~~a number of locations, designated by the board of elections for~~ 9169
~~the automatic examining, sorting, or counting of ballots.~~ 9170

~~(E) "Voting machines" means mechanical or electronic~~ 9171
~~equipment for the direct recording and tabulation of votes.~~ 9172

~~(F) "Direct recording electronic voting machine" means a~~ 9173
~~voting machine that records votes by means of a ballot display~~ 9174
~~provided with mechanical or electro-optical components that can~~ 9175
~~be actuated by the voter, that processes the data by means of a~~ 9176
~~computer program, and that records voting data and ballot images~~ 9177
~~in internal or external memory components. A "direct recording-~~ 9178
~~electronic voting machine" produces a tabulation of the voting~~ 9179
~~data stored in a removable memory component and in printed copy.~~ 9180
~~"Direct recording electronic voting machine" does not include a~~ 9181
~~voting machine that captures votes by means of a ballot display~~ 9182
~~but that transfers those votes onto an optical scan ballot or~~ 9183
~~other paper record for tabulation.~~ 9184

~~(G) "Help America Vote Act of 2002" means the "Help-~~ 9185
~~America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666.~~ 9186

~~(H) "Voter verified paper audit trail" means a physical~~ 9187
~~paper printout on which the voter's ballot choices, as~~ 9188
~~registered by a direct recording electronic voting machine, are~~ 9189
~~recorded. The voter shall be permitted to visually or audibly~~ 9190

~~inspect the contents of the physical paper printout. The~~ 9191
~~physical paper printout shall be securely retained at the~~ 9192
~~polling place until the close of the polls on the day of the~~ 9193
~~election; the secretary of state shall adopt rules under Chapter~~ 9194
~~119. of the Revised Code specifying the manner of storing the~~ 9195
~~physical paper printout at the polling place. After the physical~~ 9196
~~paper printout is produced, but before the voter's ballot is~~ 9197
~~recorded, the voter shall have an opportunity to accept or~~ 9198
~~reject the contents of the printout as matching the voter's~~ 9199
~~ballot choices. If a voter rejects the contents of the physical~~ 9200
~~paper printout, the system that produces the voter verified~~ 9201
~~paper audit trail shall invalidate the printout and permit the~~ 9202
~~voter to recast the voter's ballot. On and after the first~~ 9203
~~federal election that occurs after January 1, 2006, unless~~ 9204
~~required sooner by the Help America Vote Act of 2002, any system~~ 9205
~~that produces a voter verified paper audit trail shall be~~ 9206
~~accessible to disabled voters, including visually impaired~~ 9207
~~voters, in the same manner as the direct recording electronic~~ 9208
~~voting machine that produces it. "Electronic pollbook" means a~~ 9209
~~portable electronic list of registered electors for a particular~~ 9210
~~precinct or county.~~ 9211

Sec. 3506.02. ~~Voting machines, marking~~ Marking devices, 9212
and automatic tabulating equipment may be adopted for use in 9213
elections in any county in the following manner: 9214

(A) By the board of elections; 9215

(B) By the board of county commissioners of such county on 9216
the recommendation of the board of elections; 9217

(C) By the affirmative vote of a majority of the electors 9218
of such county voting upon the question of the adoption of such 9219
equipment in such county. 9220

If a petition signed by electors equal in number to two 9221
per cent of the total votes cast in the county for the office of 9222
governor at the most recent general election for that office is 9223
filed with the board of elections, such board shall submit to 9224
the electors of such county at the next general election 9225
occurring not less than ninety days thereafter the question 9226
"Shall ~~voting machines, marking devices,~~ and automatic 9227
tabulating equipment be adopted in the county of 9228
_____?" Upon the filing of such petition, the 9229
board of elections shall forthwith notify the board of county 9230
commissioners, and the board of county commissioners shall 9231
forthwith determine whether it would prefer to purchase or lease 9232
such equipment in whole or in part for cash and if so whether it 9233
will be necessary or advisable to issue bonds to provide funds 9234
for the purchase of such equipment, if adopted. If the board of 9235
county commissioners determines that it is necessary or 9236
advisable to issue bonds therefor, it shall by resolution 9237
provide for the submission on the same ballot, but as a separate 9238
issue, the question of issuing such bonds. The question of 9239
issuing such bonds shall be submitted as required by division 9240
(A) of section 3506.03 of the Revised Code. 9241

Sec. 3506.021. (A) A board of elections may adopt the use 9242
of any electronic pollbook that has been certified for use in 9243
this state in accordance with section 3506.05 of the Revised 9244
Code, instead of using poll lists or signature pollbooks. A 9245
board of elections that opts to use electronic pollbooks shall 9246
notify the secretary of state of that decision. 9247

(B) The secretary of state shall provide each board of 9248
elections that adopts the use of electronic pollbooks under 9249
division (A) of this section with rules, instructions, 9250
directives, and advisories regarding the examination, testing, 9251

and use of electronic pollbooks, including rules regarding the 9252
sealing of the information in those pollbooks as required under 9253
~~section sections 3505.26 and 3505.31 of the Revised Code.~~ 9254

~~(C) As used in this section, "electronic pollbook" has the 9255
same meaning as in section 3506.05 of the Revised Code.~~ 9256

Sec. 3506.03. Upon the adoption of ~~voting machines,~~ 9257
marking devices, and automatic tabulating equipment either by 9258
the action of the board of elections or by the board of county 9259
commissioners, on the recommendation of the board of elections 9260
or by the affirmative vote of a majority of the electors voting 9261
on the question of the adoption of such equipment, such board of 9262
county commissioners shall acquire the equipment by any one or 9263
by any combination of the following methods: 9264

(A) By purchasing in whole or in part such equipment and 9265
paying the purchase price therefor in cash; or out of the 9266
proceeds of the issuance and sale of bonds, provided the 9267
question of issuing bonds for such purpose was submitted to the 9268
vote of the electors of the county pursuant to section 133.18 of 9269
the Revised Code and provided the issuance of such bonds was 9270
approved; 9271

(B) By purchasing in whole or in part such equipment and 9272
paying the purchase price in a series of consecutive annual 9273
approximately equal installments the number of which shall not 9274
exceed the estimated number of years of usefulness of such 9275
equipment, as determined by the fiscal officer of the county and 9276
by issuing to the seller negotiable promissory notes of the 9277
county, evidencing the annual installments to become due, 9278
specifying the terms of purchase, and bearing interest at a rate 9279
not exceeding the rate determined as provided in section 9.95 of 9280
the Revised Code, which notes shall be public obligations as 9281

defined in division (GG) (2) of section 133.01 of the Revised 9282
Code and shall not be subject to Chapter 133. of the Revised 9283
Code, provided the legislation authorizing the issuance of such 9284
notes shall make provision for levying and collecting annually 9285
by taxation amounts sufficient to pay the interest on such notes 9286
and to provide for the payment of the principal thereof when 9287
due, and provided that the amounts of such tax so levied each 9288
year may be reduced by the amount by which revenues available 9289
for appropriation for the payment of the expenses of conducting 9290
elections are appropriated for, and applied to, the payment of 9291
such interest and principal of such notes; 9292

(C) By leasing such equipment in whole or in part under 9293
contract of lease which shall provide for the rental, and also 9294
may provide for an option to purchase them or parts of them at a 9295
fixed price with the rentals paid to be applied to the purchase 9296
price, and payments under such contracts of lease may be made by 9297
the county out of funds of the county not otherwise 9298
appropriated; or which may be appropriated by the board of 9299
county commissioners, out of funds appropriated by the board of 9300
county commissioners to the board of elections for the costs and 9301
expenses of elections, with the approval of the board of 9302
elections; or out of the funds the board of county commissioners 9303
is authorized to provide by a levy and collection thereof 9304
annually by taxation. 9305

Sec. 3506.04. (A) If it is impracticable to supply each 9306
election precinct location where ballots may be cast in person 9307
with ~~voting machines or marking devices~~ for use at the next 9308
election following the adoption of such equipment, as many shall 9309
be supplied for that election and the succeeding elections as it 9310
is practicable to procure either by purchase or lease, or by a 9311
combination of both, and such equipment may be used in ~~election~~ 9312

~~precincts~~ locations within the county as the board of elections 9313
directs until such time as it is practicable to provide the 9314
total number of ~~voting machines or~~ marking devices necessary to 9315
supply all ~~precincts~~ locations within the county, provided that 9316
the total number of ~~voting machines or~~ marking devices necessary 9317
to supply all ~~precincts~~ locations shall be procured by purchase 9318
or lease, or by a combination of both as soon as practicable 9319
after their adoption. 9320

(B) The board of elections shall be charged with the 9321
custody of all equipment acquired by the county, and shall see 9322
that all such equipment is kept in proper working order and in 9323
good repair. The board of county commissioners of any county or 9324
the board of elections, upon recommendation of the board of 9325
elections, may, prior to the adoption of such equipment, acquire 9326
by purchase or lease or by loan, for the experimental use in a 9327
limited number of precincts, such equipment, and such 9328
experimental use shall be valid for all purposes as if such 9329
equipment had been formally adopted, provided that such 9330
equipment has been approved by the board of voting ~~machine-~~ 9331
equipment examiners for experimental use. 9332

(C) All equipment acquired by any county by any of the 9333
methods provided for in this section shall be exempt from levy 9334
and taxation. 9335

Sec. 3506.05. (A) As used in this section: 9336

(1) ~~"Electronic pollbook" means an electronic list of~~ 9337
~~registered voters for a particular precinct or polling location~~ 9338
~~that may be transported to a polling location.~~ 9339

~~(2)~~ Except when used as part of the phrase "tabulating 9340
equipment" or "automatic tabulating equipment," "equipment" 9341

means a ~~voting machine~~, marking device, automatic tabulating 9342
equipment, software, or an electronic pollbook. 9343

~~(3)~~ (2) "Vendor" means the person that owns, manufactures, 9344
distributes, or has the legal right to control the use of 9345
equipment, or the person's agent. 9346

(B) No ~~voting machine~~, marking device, automatic 9347
tabulating equipment, or software for the purpose of casting or 9348
tabulating votes or for communications among systems involved in 9349
the tabulation, ~~storage~~, or casting of votes, and no electronic 9350
pollbook, shall be purchased, leased, put in use, or continued 9351
to be used, except for experimental use as provided in division 9352
(B) of section 3506.04 of the Revised Code, unless it, a manual 9353
of procedures governing its use, and training materials, 9354
service, and other support arrangements have been certified by 9355
the secretary of state and unless the board of elections of each 9356
county where the equipment will be used has assured that a 9357
demonstration of the use of the equipment has been made 9358
available to all interested electors. The secretary of state 9359
shall appoint a board of voting ~~machine~~ equipment examiners to 9360
examine and approve equipment and its related manuals and 9361
support arrangements. The board shall consist of four members, 9362
who shall be appointed as follows: 9363

(1) Two members appointed by the secretary of state; 9364

(2) One member appointed by either the speaker of the 9365
house of representatives or the minority leader of the house of 9366
representatives, whichever is a member of the opposite political 9367
party from the one to which the secretary of state belongs; 9368

(3) One member appointed by either the president of the 9369
senate or the minority leader of the senate, whichever is a 9370

member of the opposite political party from the one to which the 9371
secretary of state belongs. 9372

In all cases of a tie vote or a disagreement in the board, 9373
if no decision can be arrived at, the board shall submit the 9374
matter in controversy to the secretary of state, who shall 9375
summarily decide the question, and the secretary of state's 9376
decision shall be final. Each member of the board shall be a 9377
competent and experienced election officer or a person who is 9378
knowledgeable about the operation of voting equipment and shall 9379
serve during the secretary of state's term. Any vacancy on the 9380
board shall be filled in the same manner as the original 9381
appointment. The secretary of state shall provide staffing 9382
assistance to the board, at the board's request. 9383

For the member's service, each member of the board shall 9384
receive three hundred dollars per day for each combination of 9385
marking device, tabulating equipment, ~~voting machine,~~ or 9386
electronic pollbook examined and reported, but in no event shall 9387
a member receive more than six hundred dollars to examine and 9388
report on any one marking device, item of tabulating equipment, 9389
~~voting machine,~~ or electronic pollbook. Each member of the board 9390
shall be reimbursed for expenses the member incurs during an 9391
examination or during the performance of any related duties that 9392
may be required by the secretary of state. Reimbursement of 9393
these expenses shall be made in accordance with, and shall not 9394
exceed, the rates provided for under section 126.31 of the 9395
Revised Code. 9396

Neither the secretary of state nor the board, nor any 9397
public officer who participates in the authorization, 9398
examination, testing, or purchase of equipment, shall have any 9399
pecuniary interest in the equipment or any affiliation with the 9400

vendor. 9401

(C) (1) A vendor who desires to have the secretary of state 9402
certify equipment shall first submit the equipment, all current 9403
related procedural manuals, and a current description of all 9404
related support arrangements to the board of voting ~~machine-~~ 9405
equipment examiners for examination, testing, and approval. The 9406
submission shall be accompanied by a fee of two thousand four 9407
hundred dollars and a detailed explanation of the construction 9408
and method of operation of the equipment, a full statement of 9409
its advantages, and a list of the patents and copyrights used in 9410
operations essential to the processes of vote recording and 9411
tabulating, ~~vote storage,~~ system security, pollbook storage and 9412
security, and other crucial operations of the equipment as may 9413
be determined by the board. An additional fee, in an amount to 9414
be set by rules promulgated by the board, may be imposed to pay 9415
for the costs of alternative testing or testing by persons other 9416
than board members, record-keeping, and other extraordinary 9417
costs incurred in the examination process. Moneys not used shall 9418
be returned to the person or entity submitting the equipment for 9419
examination. 9420

(2) Fees collected by the secretary of state under this 9421
section shall be deposited into the state treasury to the credit 9422
of the board of voting ~~machine-~~equipment examiners fund, which 9423
is hereby created. All moneys credited to this fund shall be 9424
used solely for the purpose of paying for the services and 9425
expenses of each member of the board or for other expenses 9426
incurred relating to the examination, testing, reporting, or 9427
certification of equipment, the performance of any related 9428
duties as required by the secretary of state, or the 9429
reimbursement of any person submitting an examination fee as 9430
provided in this chapter. 9431

(D) Within sixty days after the submission of the 9432
equipment and payment of the fee, or as soon thereafter as is 9433
reasonably practicable, but in any event within not more than 9434
ninety days after the submission and payment, the board of 9435
voting ~~machine~~equipment examiners shall examine the equipment 9436
and file with the secretary of state a written report on the 9437
equipment with its recommendations and, if applicable, its 9438
determination or condition of approval regarding whether the 9439
equipment, manual, and other related materials or arrangements 9440
meet the criteria set forth in ~~sections~~section 3506.07 ~~and~~ 9441
~~3506.10~~ of the Revised Code and can be safely used by the voters 9442
at elections under the conditions prescribed in Title XXXV of 9443
the Revised Code, or a written statement of reasons for which 9444
testing requires a longer period. The board may grant temporary 9445
approval for the purpose of allowing experimental use of 9446
equipment. If the board finds that the equipment meets any 9447
applicable criteria set forth in sections 3506.06, and 3506.07, 9448
~~and 3506.10~~ of the Revised Code, can be used safely and, if 9449
applicable, can be depended upon to record and count accurately 9450
and continuously the votes of electors, and has the capacity to 9451
be warranted, maintained, and serviced, it shall approve the 9452
equipment and recommend that the secretary of state certify the 9453
equipment. The secretary of state shall notify all boards of 9454
elections of any such certification. Equipment of the same model 9455
and make, if it operates in an identical manner, may then be 9456
adopted for use at elections. 9457

(E) The vendor shall notify the secretary of state, who 9458
shall then notify the board of voting ~~machine~~equipment 9459
examiners, of any enhancement and any significant adjustment to 9460
the hardware or software that could result in a patent or 9461
copyright change or that significantly alters the methods of 9462

recording voter intent, system security, voter privacy, 9463
~~retention of the vote,~~ communication of records, and connections 9464
between the system and other systems. The vendor shall provide 9465
the secretary of state with an updated operations manual for the 9466
equipment, and the secretary of state shall forward the manual 9467
to the board. Upon receiving such a notification and manual, the 9468
board may require the vendor to submit the equipment to an 9469
examination and test in order for the equipment to remain 9470
certified. The board or the secretary of state shall 9471
periodically examine, test, and inspect certified equipment to 9472
determine continued compliance with the requirements of this 9473
chapter and the initial certification. Any examination, test, or 9474
inspection conducted for the purpose of continuing certification 9475
of any equipment in which a significant problem has been 9476
uncovered or in which a record of continuing problems exists 9477
shall be performed pursuant to divisions (C) and (D) of this 9478
section, in the same manner as the examination, test, or 9479
inspection is performed for initial approval and certification. 9480

(F) If, at any time after the certification of equipment, 9481
the board of voting ~~machine-equipment~~ examiners or the secretary 9482
of state is notified by a board of elections of any significant 9483
problem with the equipment or determines that the equipment 9484
fails to meet the requirements necessary for approval or 9485
continued compliance with the requirements of this chapter, or 9486
if the board of voting ~~machine-equipment~~ examiners determines 9487
that there are significant enhancements or adjustments to the 9488
hardware or software, or if notice of such enhancements or 9489
adjustments has not been given as required by division (E) of 9490
this section, the secretary of state shall notify the users and 9491
vendors of that equipment that certification of the equipment 9492
may be withdrawn. 9493

(G) (1) The notice given by the secretary of state under 9494
division (F) of this section shall be in writing and shall 9495
specify both of the following: 9496

(a) The reasons why the certification may be withdrawn; 9497

(b) The date on which certification will be withdrawn 9498
unless the vendor takes satisfactory corrective measures or 9499
explains why there are no problems with the equipment or why the 9500
enhancements or adjustments to the equipment are not 9501
significant. 9502

(2) A vendor who receives a notice under division (F) of 9503
this section shall, within thirty days after receiving it, 9504
submit to the board of voting ~~machine~~-equipment examiners in 9505
writing a description of the corrective measures taken and the 9506
date on which they were taken, or the explanation required under 9507
division (G) (1) (b) of this section. 9508

(3) Not later than fifteen days after receiving a written 9509
description or explanation under division (G) (2) of this section 9510
from a vendor, the board shall determine whether the corrective 9511
measures taken or the explanation is satisfactory to allow 9512
continued certification of the equipment, and the secretary of 9513
state shall send the vendor a written notice of the board's 9514
determination, specifying the reasons for it. If the board has 9515
determined that the measures taken or the explanation given is 9516
unsatisfactory, the notice shall include the effective date of 9517
withdrawal of the certification. This date may be different from 9518
the date originally specified in division (G) (1) (b) of this 9519
section. 9520

(4) A vendor who receives a notice under division (G) (3) 9521
of this section indicating a decision to withdraw certification 9522

may, within thirty days after receiving it, request in writing 9523
that the board hold a hearing to reconsider its decision. Any 9524
interested party shall be given the opportunity to submit 9525
testimony or documentation in support of or in opposition to the 9526
board's recommendation to withdraw certification. Failure of the 9527
vendor to take appropriate steps as described in division (G) (1) 9528
(b) or to comply with division (G) (2) of this section results in 9529
a waiver of the vendor's rights under division (G) (4) of this 9530
section. 9531

(H) (1) The secretary of state, in consultation with the 9532
board of voting ~~machine equipment~~ examiners, shall establish, by 9533
rule, guidelines for the approval, certification, and continued 9534
certification of the ~~voting machines,~~ marking devices, 9535
tabulating equipment, and electronic pollbooks to be used under 9536
Title XXXV of the Revised Code. The guidelines shall establish 9537
procedures requiring vendors or computer software developers to 9538
place in escrow with an independent escrow agent approved by the 9539
secretary of state a copy of all source code and related 9540
documentation, together with periodic updates as they become 9541
known or available. The secretary of state shall require that 9542
the documentation include a system configuration and that the 9543
source code include all relevant program statements in low- or 9544
high-level languages. As used in this division, "source code" 9545
does not include variable codes created for specific elections. 9546

(2) Nothing in any rule adopted under division (H) of this 9547
section shall be construed to limit the ability of the secretary 9548
of state to follow or adopt, or to preclude the secretary of 9549
state from following or adopting, any guidelines proposed by the 9550
federal election commission, any entity authorized by the 9551
federal election commission to propose guidelines, the election 9552
assistance commission, or any entity authorized by the election 9553

assistance commission to propose guidelines. 9554

~~(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:~~ 9555
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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;~~ 9562
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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;~~ 9566
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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;~~ 9569
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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;~~ 9573
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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;~~ 9576
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~~(vi) A requirement, for office type ballots, that the~~ 9582

~~voter verified paper audit trail include the name of each
candidate selected by the voter;~~ 9583
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~~(vii) A requirement, for questions and issues ballots,
that the voter verified paper audit trail include the title of
the question or issue, the name of the entity that placed the
question or issue on the ballot, and the voter's ballot
selection on that question or issue, but not the entire text of
the question or issue.~~ 9585
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~~(b) The secretary of state, by rule adopted under Chapter
119. of the Revised Code, may waive the requirement under
division (H) (3) (a) (v) of this section, if the secretary of state
determines that the requirement is cost prohibitive.~~ 9591
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~~(4) (a) Except as otherwise provided in divisions (H) (4) (b)
(H) (3) (b) and (c) of this section, any voting machine, marking
device, or automatic tabulating equipment used in this state
shall meet, as a condition of continued certification and use,
the voting system standards adopted by the federal election
commission in 2002 or the voluntary voting system guidelines
most recently adopted by the federal election assistance
commission. A voting machine, marking device, or automatic
tabulating equipment initially certified or acquired on or after
December 1, 2008, also shall have the most recent federal
certification number issued by the election assistance
commission.~~ 9595
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~~(b) Division (H) (4) (a) (H) (3) (a) of this section does not
apply to any voting machine, marking device, or automatic
tabulating equipment that the federal election assistance
commission does not certify as part of its testing and
certification program.~~ 9607
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(c) A county that acquires additional ~~voting machines,~~ 9612
marking devices~~,~~ or automatic tabulating equipment on or after 9613
December 1, 2008, shall not be considered to have acquired those 9614
~~machines,~~ devices~~,~~ or equipment on or after December 1, 2008, 9615
for the purpose of division ~~(H) (4) (a)~~ (H) (3) (a) of this section 9616
if all of the following apply: 9617

(i) The ~~voting machines,~~ marking devices~~,~~ or automatic 9618
tabulating equipment acquired are the same as the ~~machines,~~ 9619
devices~~,~~ or equipment currently used in that county. 9620

(ii) The acquisition of the ~~voting machines,~~ marking 9621
devices~~,~~ or automatic tabulating equipment does not replace or 9622
change the primary voting system used in that county. 9623

(iii) The acquisition of the ~~voting machines,~~ marking 9624
devices~~,~~ or automatic tabulating equipment is for the purpose of 9625
replacing inoperable ~~machines,~~ devices~~,~~ or equipment or for the 9626
purpose of providing additional ~~machines,~~ devices~~,~~ or equipment 9627
required to meet the allocation requirements established 9628
pursuant to division (I) of section 3501.11 of the Revised Code. 9629

Sec. 3506.06. No marking device shall be approved by the 9630
board of voting ~~machine equipment~~ examiners or certified by the 9631
secretary of state, or be purchased, rented, or otherwise 9632
acquired, or used, unless it fulfills the following 9633
requirements: 9634

(A) It shall permit and require voting in absolute 9635
secrecy, and shall be so constructed that no person can see or 9636
know for whom any other elector has voted or is voting, except 9637
an elector who is assisting a voter as prescribed by section 9638
3505.24 of the Revised Code. 9639

(B) It shall permit each elector to vote at any election 9640

for all persons and offices for whom and for which the elector 9641
is lawfully entitled to vote, whether or not the name of any 9642
such person appears on a ballot as a candidate; to vote for as 9643
many persons for an office as the elector is entitled to vote 9644
for; and to vote for or against any question upon which the 9645
elector is entitled to vote. 9646

(C) It shall permit each elector to write in the names of 9647
persons for whom the elector desires to vote, whose names do not 9648
appear upon the ballot, if such write-in candidates are 9649
permitted by law. 9650

(D) It shall permit each elector, at all presidential 9651
elections, by one mark to vote for candidates of one party for 9652
president, vice president, and presidential electors. 9653

(E) It shall be durably constructed of material of good 9654
quality in a neat and workerlike manner, and in form that shall 9655
make it safely transportable. 9656

(F) It shall be so constructed that a voter may readily 9657
learn the method of operating it and may expeditiously cast the 9658
voter's vote for all candidates of the voter's choice. 9659

(G) It shall not provide to a voter any type of receipt or 9660
voter confirmation that the voter legally may retain after 9661
leaving the polling place. 9662

Sec. 3506.07. No automatic tabulating equipment shall be 9663
approved by the board of voting ~~machine~~equipment examiners or 9664
certified by the secretary of state, or be purchased, rented, or 9665
otherwise acquired, or used, unless it has been or is capable of 9666
being manufactured for use and distribution beyond a prototype 9667
and can be set by election officials, to examine ballots and to 9668
count votes accurately for each candidate, question, and issue, 9669

excluding any ballots marked contrary to the instructions 9670
printed on such ballots, provided that such equipment shall not 9671
be required to count write-in votes ~~or the votes on any ballots~~ 9672
~~that have been voted other than at the regular polling place on~~ 9673
~~election day.~~ 9674

Sec. 3506.12. In counties where marking devices, ~~automatic~~ 9675
~~tabulating equipment, voting machines, or any combination of~~ 9676
~~these~~ are in use or are to be used, both of the board of 9677
elections following shall apply: 9678

(A) ~~May~~ The board of elections may combine, rearrange, and 9679
enlarge precincts; but the board shall arrange for a sufficient 9680
number of ~~these marking devices~~ to accommodate the number of 9681
electors in assigned to each precinct polling place as 9682
determined by the number of votes cast in that precinct at the 9683
most recent election for the office of governor, taking into 9684
consideration the size and location of each selected precinct 9685
polling place, available parking, handicap accessibility and 9686
other accessibility to the precinct polling place, and the 9687
number of candidates and issues to be voted on. Notwithstanding 9688
section 3501.22 of the Revised Code, the board may appoint more 9689
than four ~~precinct officers to election officials for each~~ 9690
precinct at a precinct polling place if this is made necessary 9691
by the number of ~~voting machines marking devices~~ to be used ~~in~~ 9692
that precinct at that location. 9693

(B) ~~Except as otherwise provided in this division, shall~~ 9694
~~establish one or more counting stations to receive voted ballots~~ 9695
~~and other precinct election supplies after the polling precincts~~ 9696
~~are closed. Those stations shall be under the supervision and~~ 9697
~~direction of the board of elections. Processing and counting of~~ 9698
~~voted ballots, and the preparation of summary sheets, shall be~~ 9699

~~done in the presence of observers approved by the board. A~~ 9700
~~certified copy of the summary sheet for the precinct shall be~~ 9701
~~posted at each counting station immediately after completion of~~ 9702
~~the summary sheet.~~ The board of elections shall arrange for a 9703
sufficient number of marking devices in each voter service and 9704
polling center and at the office of the board to accommodate the 9705
number of electors in the county as determined by the number of 9706
votes cast in the county at the most recent election for the 9707
office of governor, taking into consideration the size and 9708
location of each selected voter service and polling center and 9709
of the office of the board, available parking, handicap 9710
accessibility and other accessibility to the location, and the 9711
number of candidates and issues to be voted on. 9712

Sec. 3506.14. (A) Prior to each election, the board of 9713
elections shall test and audit the variable codes applicable to 9714
that election to verify the accuracy of any computer program 9715
that will be used for tallying the ~~ballot cards~~ ballots for ~~each~~ 9716
~~precinct in which an~~ the ~~election will be held.~~ 9717

(B) Prior to the start of the count of the ballots, the 9718
board of elections shall have the ~~voting machine or~~ automatic 9719
tabulating equipment tested to ascertain that it will accurately 9720
count the votes cast for all offices and on all questions and 9721
issues. Public notice of the time and place of the test shall be 9722
given by proclamation or posting as in the case of notice of 9723
elections. The test shall be conducted by processing a pre- 9724
audited group of ballots so marked as to record a predetermined 9725
number of valid votes for each candidate and on each question 9726
and issue, and shall include for each office one or more ballots 9727
that have votes in excess of the number allowed by law in order 9728
to test the ability of the automatic tabulating equipment to 9729
reject those votes. In that test a different number of valid 9730

votes shall be assigned to each candidate for an office, and for 9731
and against each question and issue. If an error is detected, 9732
the cause for the error shall be ascertained and corrected and 9733
an errorless count shall be made and certified to by the board 9734
before the count is started. The tabulating equipment shall pass 9735
the same test at the beginning and conclusion of the election 9736
day count before the election returns are approved as official. 9737
On completion of the election day count, the programs, test 9738
materials, and ballots shall be sealed and retained as provided 9739
for paper ballots in section 3505.31 of the Revised Code. 9740

Sec. 3506.15. The secretary of state shall provide each 9741
board of elections with rules, instructions, directives, and 9742
advisories regarding the examination, testing, and use of ~~the~~ 9743
~~voting machine~~ marking devices and automatic tabulating 9744
equipment, the assignment of duties of booth officials, the 9745
procedure for casting a vote on the ~~machine~~ devices, and how the 9746
vote shall be tallied and reported to the board, and with other 9747
rules, instructions, directives, and advisories the secretary of 9748
state finds necessary to ensure the adequate care and custody of 9749
~~voting~~ marking devices and automatic tabulating equipment, and 9750
the accurate registering, counting, and canvassing of the votes 9751
as required by this chapter. The boards of elections shall be 9752
charged with the responsibility of providing for the adequate 9753
instruction of voters and election officials in the proper use 9754
of ~~the voting machine and~~ marking devices and automatic 9755
tabulating equipment. 9756

The secretary of state's rules, instructions, directives, 9757
and advisories provided under this section shall comply, insofar 9758
as practicable, with this chapter. The provisions of Title XXXV 9759
of the Revised Code, not inconsistent with the provisions 9760
relating to ~~voting machines~~ marking devices, apply in any county 9761

using ~~a voting machine~~ marking devices. 9762

Sec. 3506.19. ~~On and after the first federal election that~~ 9763
~~occurs after January 1, 2006, unless required sooner by the Help~~ 9764
~~America Vote Act of 2002, each polling location~~ The board of 9765
elections shall have available for use at all elections ~~each~~ 9766
location where ballots may be cast in person for an election at 9767
least one ~~direct recording electronic voting machine or marking~~ 9768
device that is accessible for individuals with disabilities, 9769
including nonvisual accessibility for the blind and visually 9770
impaired, in a manner that provides the same opportunity for 9771
access and participation, including privacy and independence, as 9772
for other voters. 9773

Sec. 3506.21. (A) As used in this section, "optical scan 9774
ballot" means a ballot that is marked manually by using a 9775
specified writing instrument, and not by using a marking device, 9776
to fill in a designated position to record a voter's candidate, 9777
question, or issue choice and that can be scanned and 9778
electronically read in order to tabulate the vote. 9779

(B) (1) In addition to marks that can be scanned and 9780
electronically read by automatic tabulating equipment, any of 9781
the following marks, if a majority of those marks are made in a 9782
consistent manner throughout an optical scan ballot, shall be 9783
counted as a valid vote: 9784

(a) A candidate, question, or issue choice that has been 9785
circled by the voter; 9786

(b) An oval beside the candidate, question, or issue 9787
choice that has been circled by the voter; 9788

(c) An oval beside the candidate, question, or issue 9789
choice that has been marked by the voter with an "x," a check 9790

mark, or other recognizable mark; 9791

(d) A candidate, question, or issue choice that has been 9792
marked with a writing instrument that cannot be recognized by 9793
automatic tabulating equipment. 9794

(2) Marks made on an optical scan ballot in accordance 9795
with division (B) (1) of this section shall be counted as valid 9796
votes only if that optical scan ballot contains no marks that 9797
can be scanned and electronically read by automatic tabulating 9798
equipment. 9799

(3) If automatic tabulating equipment detects that more 9800
marks were made on an optical scan ballot for a particular 9801
office, question, or issue than the number of selections that a 9802
voter is allowed by law to make for that office, question, or 9803
issue, the voter's ballot shall be invalidated for that office, 9804
question, or issue. The ballot shall not be invalidated for any 9805
other office, question, or issue for which the automatic 9806
tabulating equipment detects a vote to have been cast, in 9807
accordance with the law. 9808

(C) The secretary of state may adopt rules under Chapter 9809
119. of the Revised Code to authorize additional types of 9810
optical scan ballots and to specify the types of marks on those 9811
ballots that shall be counted as a valid vote to ensure 9812
consistency in the counting of ballots throughout the state. 9813

~~(D) (1) A board of elections of a county that uses optical-~~ 9814
~~scan ballots and automatic tabulating equipment as the primary-~~ 9815
~~voting system for the county shall not tabulate the unofficial-~~ 9816
~~results of optical scan ballots voted on election day at a-~~ 9817
~~central location.~~ 9818

~~(2) A board of elections that provides for the tabulation~~ 9819

~~at each precinct of voted ballots, and then, at a central- 9820
location, combines those precinct ballot totals with ballot 9821
totals from other precincts, including optical scan ballots 9822
voted by absent voters, shall not be considered to be tabulating- 9823
the unofficial results of optical scan ballots at a central- 9824
location for the purpose of division (D)(1) of this section. 9825~~

~~Sec. 3506.23. A voting machine No marking device and no 9826
automatic tabulating equipment shall ~~not~~ be connected to the 9827
internet. 9828~~

~~Sec. 3509.01. (A) The board of elections of each county 9829
shall provide ~~absent voter's~~ mail ballots for use at every 9830
primary and general election, or special election to be held on 9831
the day specified by division (E) of section 3501.01 of the 9832
Revised Code for the holding of a primary election, designated 9833
by the general assembly for the purpose of submitting 9834
constitutional amendments proposed by the general assembly to 9835
the voters of the state. Those ballots shall be the same size, 9836
shall be printed on the same kind of paper, and shall be in the 9837
same form as has been approved for use in person at the election 9838
for which those ballots are to be voted; except that, in 9839
counties using marking devices, ballot cards may be used for 9840
~~absent voter's~~ mail ballots, and ~~those absent voters~~ casting 9841
mail ballots shall be instructed to record the vote in the 9842
manner provided on the ballot cards. 9843~~

~~(B) The rotation of names of candidates and questions and 9844
issues shall be substantially complied with on ~~absent voter's~~ 9845
mail ballots, within the limitation of time allotted. Those 9846
ballots shall be designated as "~~Absent Voter's~~ Mail Ballots." 9847
Except as otherwise provided in division (D) of this section, 9848
the board of elections shall deliver those ballots ~~shall be~~ 9849~~

~~printed and ready for use as follows:~~ 9850

(1) ~~For~~ Not later than the forty-sixth day before the day 9851
of the election, and thereafter upon request, the board shall 9852
mail uniformed services and overseas voters and absent uniformed- 9853
services voters eligible to vote under mail ballots to each 9854
elector of the county who has applied for those ballots, in 9855
accordance with the Uniformed and Overseas Citizens Absentee 9856
Voting Act, Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, 9857
et seq., as amended, ballots shall be printed and ready for use- 9858
other than in person on the forty-sixth day before the day of- 9859
the election. 9860

(2) ~~For all voters, other than overseas voters and absent-~~ 9861
~~uniformed services voters, who are applying to vote absent-~~ 9862
~~voter's ballots other than in person, ballots shall be printed-~~ 9863
~~and ready for use on the first day after the close of voter-~~ 9864
~~registration before the election.~~ Except as otherwise provided in 9865
divisions (B) (3) and (4) of this section, not earlier than the 9866
twentieth day before the day of the election and not later than 9867
the fourteenth day before the day of the election, the board 9868
shall mail ballots by special delivery mail, air mail, or 9869
regular mail, postage prepaid, to each elector of the county who 9870
is an active elector as of the twenty-first day before the day 9871
of the election and who has not applied to receive ballots in 9872
another manner as of that day. 9873

(3) ~~For all voters who are applying to vote absent voter's-~~ 9874
~~ballots in person, ballots shall be printed and ready for use-~~ 9875
~~beginning on the first day after the close of voter registration-~~ 9876
~~before the election.~~ 9877

~~If, at the time for the close of in person absent voting-~~ 9878
~~on a particular day, there are voters waiting in line to cast-~~ 9879

~~their ballots, the in-person absent voting location shall be~~ 9880
~~kept open until such waiting voters have cast their absent-~~ 9881
~~voter's ballots. If the board determines that an elector of the~~ 9882
county who is an active elector as of the twenty-first day 9883
before the day of the election and who has not applied to 9884
receive ballots in another manner as of that day does not 9885
receive daily mail service from the United States postal 9886
service, the board shall send mail ballots to that elector by 9887
special delivery mail, air mail, or regular mail, postage 9888
prepaid, not earlier than the twentieth day before the day of 9889
the election and not later than the eighteenth day before the 9890
day of the election. 9891

(4) If an elector has submitted a valid application under 9892
section 3509.03 or 3509.08 of the Revised Code to receive mail 9893
ballots at an address that is outside this state, the board 9894
shall send the appropriate ballots to that elector by special 9895
delivery mail, air mail, or regular mail, postage prepaid, not 9896
earlier than the twenty-ninth day before the day of the election 9897
and not later than the fourteenth day before the day of the 9898
election. 9899

(C) ~~Absent voter's Mail~~ ballots provided for use at a 9900
general or primary election, or special election to be held on 9901
the day specified by division (E) of section 3501.01 of the 9902
Revised Code for the holding of a primary election, designated 9903
by the general assembly for the purpose of submitting 9904
constitutional amendments proposed by the general assembly to 9905
the voters of the state, shall include only those questions, 9906
issues, and candidacies that have been lawfully ordered 9907
submitted to the electors voting at that election. 9908

(D) If the laws governing the holding of a special 9909

election on a day other than the day on which a primary or 9910
general election is held make it impossible for ~~absent voter's~~ 9911
mail ballots to be printed and ~~ready for use sent~~ by the 9912
deadlines established in division (B) of this section, ~~absent~~ 9913
~~voter's~~ mail ballots for those special elections shall be ~~ready~~ 9914
~~for use sent~~ as many days before the day of the election as 9915
reasonably possible under the laws governing the holding of that 9916
special election. 9917

(E) A copy of the ~~absent voter's~~ mail ballots shall be 9918
forwarded by the director of the board in each county to the 9919
secretary of state at least ~~twenty-five~~ fifty-six days before 9920
the election. 9921

Sec. 3509.021. All identification envelopes containing 9922
~~absent voter's~~ mail ballots for former resident voters who are 9923
entitled to vote for presidential and vice-presidential electors 9924
only, shall have printed or stamped thereon the words, 9925
"Presidential Ballot." 9926

Sec. 3509.03. (A) ~~Except as provided in division (B) of~~ 9927
~~section 3509.08 of the Revised Code, any qualified elector~~ 9928
~~desiring to vote absent voter's ballots at an election shall~~ 9929
~~make~~ Any of the following electors may submit a written 9930
application for ~~those~~ mail ballots under this section to the 9931
~~director board~~ of elections of the county in which the elector's 9932
voting residence is located. 9933

(1) An elector who is not an active elector; 9934

(2) An elector who wishes to have the elector's mail 9935
ballots sent to an address other than the elector's current 9936
residence address; 9937

(3) An elector who has moved within a precinct and has not 9938

submitted a notice of change of address not later than the 9939
thirtieth day before the day of the election; 9940

(4) An elector who has had a change of name, has remained 9941
within a precinct, has not submitted a notice of change of name 9942
not later than the thirtieth day before the day of the election, 9943
and provides proof of a legal name change in accordance with 9944
division (B) (1) (b) of section 3503.16 of the Revised Code; 9945

(5) An elector who wishes to cast the primary election 9946
ballot of a political party with which the elector is not 9947
currently registered as affiliated and has not submitted a 9948
notice of change of political party affiliation not later than 9949
the thirtieth day before the day of the primary election; 9950

(6) An elector who would qualify to cast a provisional 9951
ballot under division (B) or (C) of section 3503.16 of the 9952
Revised Code but is unable to cast ballots in person on account 9953
of personal illness, physical disability, or infirmity, as 9954
permitted under division (E) of that section; 9955

(7) An elector who is requesting replacement ballots 9956
because the ballots sent to the elector were destroyed, spoiled, 9957
or lost or because the elector did not receive those ballots. 9958

(B) Except as otherwise provided in division (C) of this 9959
section, the application need not be in any particular form but 9960
shall contain all of the following: 9961

(1) The elector's name; 9962

(2) The elector's signature; 9963

(3) The elector's current residence ~~address at which the~~ 9964
~~elector is registered to vote;~~ 9965

(4) The address at which the elector wishes to receive 9966

| | |
|--|------|
| <u>mail ballots, if that address is different from the elector's</u> | 9967 |
| <u>current residence address;</u> | 9968 |
| <u>(5) The elector's date of birth;</u> | 9969 |
| (5) One of the following: | 9970 |
| (a) The elector's driver's license number; | 9971 |
| (b) The last four digits of the elector's social security | 9972 |
| number; | 9973 |
| (c) A copy of the elector's current and valid photo | 9974 |
| identification, a copy of a military identification, or a copy | 9975 |
| of a current utility bill, bank statement, government check, | 9976 |
| paycheck, or other government document, other than a notice of | 9977 |
| voter registration mailed by a board of elections under section | 9978 |
| 3503.19 of the Revised Code, that shows the name and address of | 9979 |
| the elector. | 9980 |
| (6) A statement identifying the election for which absent | 9981 |
| voter's <u>mail ballots</u> are requested; | 9982 |
| (7)-(8) <u>(8)</u> A statement that the person requesting the ballots | 9983 |
| is a qualified elector; | 9984 |
| (8)-(9) <u>(9)</u> If the request is for primary election ballots, | 9985 |
| the elector's <u>one of the following:</u> | 9986 |
| <u>(a) The political party affiliation with which the elector</u> | 9987 |
| <u>is registered as affiliated;</u> | 9988 |
| (9) If the elector desires ballots to be mailed to the | 9989 |
| elector, the address to which those ballots shall be mailed | 9990 |
| <u>(b) A statement that the elector wishes to vote only for</u> | 9991 |
| <u>the questions and issues appearing on the ballot in a special</u> | 9992 |
| <u>election held on the day of the primary election.</u> | 9993 |

(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 10024
to the applicant, except that if the applicant has a 10025
confidential voter registration record, the secretary of state 10026
or a board of elections shall not preprint the applicant's 10027
address on the application. 10028

(F) If the election officials receive an application for 10029
mail ballots that does not contain all of the required 10030
information, the election officials promptly shall notify the 10031
applicant of the additional information required to be provided 10032
by the applicant to complete that application. 10033

(G) (1) Except as provided in division (G) (2) of this 10034
section, if the election officials receive an application for 10035
mail ballots that contains all of the required information and 10036
the election officials find that the applicant is a qualified 10037
elector, the election officials shall provide mail ballots to 10038
the elector. If the elector is requesting to receive mail 10039
ballots by mail, the board shall send mail ballots to the 10040
applicant by special delivery mail, air mail, or regular mail, 10041
postage prepaid, and in accordance with section 3509.04 of the 10042
Revised Code. If the elector is requesting to receive mail 10043
ballots in person at the office of the board or at a voter 10044
service and polling center, the election officials shall provide 10045
mail ballots to the elector in person, in accordance with 10046
section 3509.04 of the Revised Code. 10047

(2) If the elector has previously been provided mail 10048
ballots for the election, the election officials shall do all of 10049
the following before providing additional mail ballots to the 10050
elector: 10051

(a) Verify that the elector has not voted and returned any 10052
previous mail ballots to the board of elections for the election 10053

and has not cast a ballot in person for the election; 10054

(b) If the elector has the elector's previous mail 10055
ballots, request the elector to surrender those ballots to the 10056
election officials, who shall retain the ballots and mark them 10057
as void; 10058

(c) Note in the appropriate pollbook or list of electors 10059
that the elector has requested replacement ballots; 10060

(d) Clearly mark the identification envelope as containing 10061
replacement ballots. 10062

(H) If a board of elections receives an application for 10063
mail ballots under this section and it is apparent to the board 10064
that the applicant is a uniformed services voter or overseas 10065
voter, as defined in section 3511.01 of the Revised Code, the 10066
board shall consider that applicant to have applied for 10067
uniformed services or overseas mail ballots under Chapter 3511. 10068
of the Revised Code and shall provide those ballots to that 10069
voter in accordance with the timelines and procedures applicable 10070
to uniformed services and overseas voters. 10071

Sec. 3509.04. ~~(A) If a director of a board of elections~~ 10072
~~receives an application for absent voter's ballots that does not~~ 10073
~~contain all of the required information, the director promptly~~ 10074
~~shall notify the applicant of the additional information~~ 10075
~~required to be provided by the applicant to complete that~~ 10076
~~application.~~ 10077

~~(B) Upon receipt by the director of elections of an~~ 10078
~~application for absent voter's ballots that contains all of the~~ 10079
~~required information, as provided by section 3509.03 and~~ 10080
~~division (C) of section 3503.16 of the Revised Code, the~~ 10081
~~director, if the director finds that the applicant is a~~ 10082

~~qualified elector, shall deliver to the applicant in person or~~ 10083
~~mail directly to the applicant by special delivery mail, air~~ 10084
~~mail, or regular mail, postage prepaid, proper absent voter's~~ 10085
~~ballots. The director~~ When the election officials deliver mail 10086
ballots to an elector, the election officials shall deliver or 10087
mail include with the ballots an unsealed identification 10088
envelope upon the face of which shall be printed a form 10089
substantially as follows: 10090

"Identification Envelope Statement of Voter 10091

I, _____ (Name of voter), declare under 10092
penalty of election falsification that the within ballot or 10093
ballots contained no voting marks of any kind when I received 10094
them, and I caused the ballot or ballots to be marked, enclosed 10095
in the identification envelope, and sealed in that envelope. 10096

My voting residence in Ohio is 10097

_____ 10098

(Street and Number, if any, or Rural Route and Number) 10099

of _____ (City, Village, or Township) 10100

Ohio, ~~which is in Ward~~ _____ ~~Precinct~~ _____ 10101

~~in that city, village, or township.~~ 10102

If I have a confidential voter registration record, I am 10103

providing my program participant identification number instead 10104

of my residence address: _____ 10105

The primary election ballots, if any, within this envelope 10106

are primary election ballots of the _____ Party. 10107

Ballots contained within this envelope are to be voted at 10108

the _____ (general, special, or primary) election to be 10109

held on the _____ day of 10110

_____, _____ 10111

My date of birth is _____ (Month and Day), 10112
_____ (Year). 10113

~~(Voter must provide one of the following:)~~ 10114

My driver's license number is _____ (Driver's 10115
license number). 10116

The last four digits of my Social Security Number are 10117
_____ (Last four digits of Social Security Number). 10118

_____ In lieu of providing a driver's license number or 10119
the last four digits of my Social Security Number, I am 10120
enclosing a copy of one of the following in the return envelope 10121
in which this identification envelope will be mailed: a current 10122
and valid photo identification, a military identification, or a 10123
current utility bill, bank statement, government check, 10124
paycheck, or other government document, other than a notice of 10125
voter registration mailed by a board of elections, that shows my 10126
name and address. My telephone number is: _____ (optional) 10127

My email address is: _____ (optional) 10128

I hereby declare, under penalty of election falsification, 10129
that the statements above are true, as I verily believe. 10130

_____ (Signature of Voter) 10131

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 10132
THE ~~FIFTH~~ FOURTH DEGREE." 10133

(B) The director election officials shall mail deliver 10134
with the ballots and the unsealed identification envelope an 10135
unsealed return envelope, return postage prepaid, upon the face 10136
of which shall be printed the official title and post-office 10137

address of the ~~director~~office of the board. In the upper left 10138
corner on the face of the return envelope, several blank lines 10139
shall be printed upon which the voter may write the voter's name 10140
and return address. The return envelope shall be of such size 10141
that the identification envelope can be conveniently placed 10142
within it for returning the identification envelope ~~to the~~ 10143
~~director~~. 10144

~~A board of elections that mails or otherwise delivers~~ 10145
~~absent voter's ballots to an elector under this section shall~~ 10146
~~not prepay the return postage for those ballots.~~ 10147

(C) Except as otherwise provided in this section and in 10148
~~sections 3505.24 and section 3509.08~~ of the Revised Code, an 10149
election official shall not fill out any portion of an 10150
identification envelope statement of voter or ~~an absent voter's~~ 10151
a ballot on behalf of an elector. ~~A board of elections~~ An 10152
election official may preprint only an elector's name and 10153
address on an identification envelope statement of voter before 10154
~~mailing absent voter's~~ delivering ballots to the elector, except 10155
that if the elector has a confidential voter registration 10156
record, as described in section 111.44 of the Revised Code, the 10157
~~board of elections~~ election officials shall not preprint the 10158
elector's address on the identification envelope statement of 10159
voter. 10160

(D) The election officials shall include with the mail 10161
ballots instructions for the voter to ascertain the status of 10162
the voter's mail ballots using the tracking number printed on or 10163
affixed to the identification envelope, as described in section 10164
3509.051 of the Revised Code. 10165

Sec. 3509.05. (A) When an elector receives ~~an absent~~ 10166
~~voter's a mail ballot pursuant to the elector's application or~~ 10167

~~request~~, the elector shall, before placing any marks on the 10168
ballot, note whether there are any voting marks on it. If there 10169
are any voting marks, the ballot shall be returned immediately 10170
to the ~~board of elections~~ election officials; otherwise, the 10171
elector shall cause the ballot to be marked, folded in a manner 10172
that the stub on it and the indorsements and facsimile 10173
signatures of the members of the board of elections on the back 10174
of it are visible, and placed and sealed within the 10175
identification envelope received from the ~~director of elections~~ 10176
election officials for that purpose. Then, the elector shall 10177
cause the statement of voter on the outside of the 10178
identification envelope to be completed and signed, under 10179
penalty of election falsification. 10180

~~If the elector does not provide the elector's driver's~~ 10181
~~license number or the last four digits of the elector's social~~ 10182
~~security number on the statement of voter on the identification~~ 10183
~~envelope, the elector also shall include in the return envelope~~ 10184
~~with the identification envelope a copy of the elector's current~~ 10185
~~valid photo identification, a copy of a military identification,~~ 10186
~~or a copy of a current utility bill, bank statement, government~~ 10187
~~check, paycheck, or other government document, other than a~~ 10188
~~notice of voter registration mailed by a board of elections~~ 10189
~~under section 3503.19 of the Revised Code, that shows the name~~ 10190
~~and address of the elector.~~ 10191

~~The~~ (B) Except as provided in section 3509.08 of the 10192
Revised Code, an elector shall return the elector's voted mail 10193
ballots in the identification envelope and the return envelope 10194
by one of the following methods: 10195

(1) Mailing the identification envelope to the ~~director~~ 10196
office of the board of elections from ~~whom~~ which it was received 10197

in the return envelope, ~~postage prepaid, or the elector may~~ 10198
~~personally deliver it;~~ 10199

(2) Personally delivering the identification envelope in 10200
the return envelope, or having another person deliver the 10201
identification envelope in the return envelope, to the director, 10202
~~or the spouse of the elector, the father, mother, father-in-law,~~ 10203
~~mother-in-law, grandfather, grandmother, brother, or sister of~~ 10204
~~the whole or half blood, or the son, daughter, adopting parent,~~ 10205
~~adopted child, stepparent, stepchild, uncle, aunt, nephew, or~~ 10206
~~niece of the elector may deliver it to the director. The return~~ 10207
~~envelope shall be transmitted to the director in no other~~ 10208
~~manner, except as provided in section 3509.08 of the Revised~~ 10209
~~Code.~~ 10210

~~When absent voter's ballots are delivered to an elector at~~ 10211
~~the office of the board, the elector may retire to a voting~~ 10212
~~compartment provided by the board and there mark the ballots.~~ 10213
~~Thereupon, the elector shall fold them, place them in the~~ 10214
~~identification envelope provided, seal the envelope, fill in and~~ 10215
~~sign the statement on the envelope under penalty of election~~ 10216
~~falsification, and deliver the envelope to the director of the~~ 10217
~~board.~~ 10218

~~Except as otherwise provided in division (B) of this~~ 10219
~~section, all other envelopes containing marked absent voter's~~ 10220
~~ballots shall be delivered to the director not later than the~~ 10221
~~close of the polls on the day of an election. Absent voter's~~ 10222
~~ballots delivered to the director later than the times specified~~ 10223
~~shall not be counted, but shall be kept by the board in the~~ 10224
~~sealed identification envelopes in which they are delivered to~~ 10225
~~the director, until the time provided by section 3505.31 of the~~ 10226
~~Revised Code for the destruction of all other ballots used at~~ 10227

~~the election for which ballots were provided, at which time they shall be destroyed.~~ 10228
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~~(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.~~ 10230
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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.~~ 10244
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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 10255
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center in the county, to a ballot drop box in the county, or to 10258
a precinct polling place in the county not later than seven- 10259
thirty p.m. on the day of the election. 10260

(2) An elector's mail ballots shall be considered to have 10261
been delivered to the office of the board of elections, to a 10262
voter service and polling center, to a ballot drop box, or to a 10263
precinct polling place not later than seven-thirty p.m. on the 10264
day of the election if the elector or a person designated by the 10265
elector was waiting in line to deliver the ballots at that 10266
location as of that time. 10267

(D) Mail ballots delivered later than the deadline 10268
specified by division (C) of this section shall not be counted, 10269
but shall be kept by the board in the sealed identification 10270
envelopes in which they are delivered, until the time provided 10271
by section 3505.31 of the Revised Code for the destruction of 10272
all other ballots used at that election, at which time they 10273
shall be destroyed. 10274

Sec. 3509.051. (A) The board of elections shall establish 10275
an electronic ballot tracking system. The system shall allow the 10276
election officials to record the status of mail ballots and 10277
provisional ballots using a unique tracking number printed on, 10278
or affixed to, the identification envelope or provisional ballot 10279
envelope, as applicable, whenever the election officials do any 10280
of the following: 10281

(1) Receive the ballots at the office of the board; 10282

(2) Determine that an identification envelope statement of 10283
voter or a provisional ballot affirmation is incomplete or that 10284
the signature on the statement or affirmation does not match the 10285
signature in the elector's voter registration record. The 10286

election officials shall record in the system the reason the 10287
statement or affirmation is incomplete. 10288

(3) Determine that the voter has filed an addendum with 10289
the required information or corrected signature after being 10290
notified that the statement or affirmation is incomplete or that 10291
the signature on the statement or affirmation does not match the 10292
signature in the elector's voter registration record; 10293

(4) Determine that the ballots are eligible to be counted; 10294

(5) Determine that the ballots are ineligible to be 10295
counted. The election officials shall record in the system the 10296
reason the ballots are ineligible to be counted. 10297

(6) Count the ballots. 10298

(B) (1) The electronic ballot tracking system shall permit 10299
a voter to ascertain the status of the voter's ballots at any 10300
time using the tracking number on the board's official web site 10301
or on the secretary of state's official web site. If the 10302
electronic ballot tracking system is available on the board's 10303
official web site, the secretary of state shall include a link 10304
to the system on the secretary of state's official web site. The 10305
system also shall be accessible to voters via a toll-free 10306
telephone number. 10307

(2) The system shall provide to an individual whose ballot 10308
was not counted information explaining how the individual may 10309
contact the board of elections to register to vote or to resolve 10310
problems with the individual's voter registration. 10311

(C) The secretary of state and the board of elections 10312
shall establish and maintain reasonable procedures necessary to 10313
protect the security, confidentiality, and integrity of 10314
confidential personal information that is collected, stored, or 10315

otherwise used by the electronic ballot tracking system. The 10316
system shall permit an individual only to gain access to 10317
information about the individual's own ballot. To the extent 10318
practicable, the procedures shall protect the security and 10319
integrity of the process and protect the privacy of the identity 10320
and personal data of the person. 10321

Sec. 3509.06. ~~(A) The board of elections shall determine~~ 10322
~~whether absent voter's ballots shall be processed and counted in~~ 10323
~~each precinct, at the office of the board, or at some other~~ 10324
~~location designated by the board, and shall proceed accordingly~~ 10325
~~under division (B), (C), or (E) of this section, as applicable.~~ 10326

~~(B) (1) Except as otherwise provided in division (B) (2) of~~ 10327
~~this section, when the board of elections determines that absent~~ 10328
~~voter's ballots shall be processed and counted in each precinct,~~ 10329
~~the director shall deliver to the voting location manager of~~ 10330
~~each precinct on election day identification envelopes~~ 10331
~~purporting to contain absent voter's ballots of electors whose~~ 10332
~~voting residence appears from the statement of voter on the~~ 10333
~~outside of each of those envelopes, to be located in that~~ 10334
~~manager's precinct, and which were received by the director not~~ 10335
~~later than the close of the polls on election day. The director~~ 10336
~~shall deliver to the voting location manager a list containing~~ 10337
~~the name and voting residence of each person whose voting~~ 10338
~~residence is in such precinct to whom absent voter's ballots~~ 10339
~~were mailed.~~ 10340

~~(2) The director shall not deliver to the voting location~~ 10341
~~manager identification envelopes cast by electors who provided a~~ 10342
~~program participant identification number instead of a residence~~ 10343
~~address on the identification envelope and shall not inform the~~ 10344
~~voting location manager of the names and voting residences of~~ 10345

~~persons who have confidential voter registration records. Those
identification envelopes shall be examined and processed as
described in division (E) of this section.~~ 10346
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~~(C) When the board of elections determines that absent
voter's ballots shall be processed and counted at the office of
the board of elections or at another location designated by the
board, special election officials shall be appointed by the
board for that purpose having the same authority as is exercised
by precinct election officials. The votes so cast shall be added
to the vote totals by the board, and the absent voter's ballots
shall be preserved separately by the board, in the same manner
and for the same length of time as provided by section 3505.31
of the Revised Code.~~ 10349
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~~(D) Each of the identification envelopes envelope
purporting to contain absent voter's mail ballots delivered to
the voting location manager of the precinct or the special
election official appointed by the board of elections shall be
handled as follows:~~ 10359
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(1) The election officials shall compare the signature of 10364
the elector on the outside of the identification envelope with 10365
the signature of that elector on the elector's registration form 10366
and verify that the ~~absent voter's~~ ballot is eligible to be 10367
counted under section 3509.07 of the Revised Code. 10368

(2) (a) Any of the ~~precinct election~~ officials may 10369
challenge the right of the elector named on the identification 10370
envelope to vote the ~~absent voter's~~ ballots upon the ground that 10371
the signature on the envelope is does not the same as match the 10372
signature ~~on the~~ in the elector's voter registration form 10373
record, that the identification envelope statement of voter is 10374
incomplete, or upon any other of the grounds upon which the 10375

right of persons to vote may be lawfully challenged. The board 10376
of elections may use computer software to determine whether the 10377
signature on an identification envelope appears to match the 10378
signature in a voter registration record. If the software 10379
determines that a signature on an identification envelope does 10380
not appear to match the signature in a voter registration 10381
record, the election officials personally shall determine 10382
whether those signatures match. 10383

(b) If the elector's name does not appear in the pollbook 10384
or poll list or signature pollbook, the ~~precinct election~~ 10385
officials shall deliver the ~~absent voter's~~ ballots to the 10386
director of the board of elections to be examined and processed 10387
in the manner described in division ~~(E)~~ (B) of this section. 10388

(3) (a) An identification envelope statement of voter shall 10389
be considered incomplete if it does not include all of the 10390
following: 10391

(i) The voter's name; 10392

(ii) The voter's residence address or, if the voter has a 10393
confidential voter registration record, as described in section 10394
111.44 of the Revised Code, the voter's program participant 10395
identification number; 10396

(iii) The voter's date of birth. The requirements of this 10397
division are satisfied if the voter provided a date of birth and 10398
any of the following is true: 10399

(I) The month and day of the voter's date of birth on the 10400
identification envelope statement of voter are not different 10401
from the month and day of the voter's date of birth contained in 10402
the statewide voter registration database. 10403

(II) The voter's date of birth contained in the statewide 10404

voter registration database is January 1, 1800. 10405

(III) The board of elections has found, by a vote of at 10406
least three of its members, that the voter has met the 10407
requirements of divisions ~~(D)~~ (A) (3) (a) (i), (ii), and (iv), ~~and~~ 10408
~~(v)~~ of this section. 10409

(iv) The voter's signature; ~~and~~ 10410

~~(v) One of the following forms of identification:~~ 10411

~~(I) The voter's driver's license number;~~ 10412

~~(II) The last four digits of the voter's social security
number; or~~ 10413
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~~(III) A copy of a current and valid photo identification,
a military identification, or 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, that shows the voter's name and address.~~ 10415
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(b) (i) If the election officials find that the 10420
identification envelope statement of voter is incomplete ~~or,~~ 10421
that the information or signature contained in that statement 10422
does not ~~conform to match~~ the information contained or signature 10423
in the ~~statewide voter registration database concerning the~~ 10424
~~voter~~ voter's registration record, then not later than the 10425
second day after the day of the election, the election officials 10426
shall ~~mail a written notice to the voter, informing the voter of~~ 10427
~~the nature of the defect. The notice shall inform~~ notify the 10428
voter that in order for the voter's ballot to be counted, the 10429
voter must ~~provide~~ file an addendum containing the necessary 10430
information ~~to the~~ or a corrected signature, as applicable. The 10431
board shall make the notification by mail, electronic mail, or 10432
text message or by another method approved by the secretary of 10433

state. 10434

(ii) The voter shall file the addendum containing the 10435
information or signature with the board in person or by mail to 10436
the office of the board of elections in writing and, on a form 10437
prescribed by the secretary of state, not later than the seventh- 10438
tenth day after the day of the election. The voter may deliver- 10439
the form to the office of the board in person or by mail. The 10440
addendum shall contain or be accompanied by one of the 10441
following: 10442

(I) The voter's driver's license or state identification 10443
card number; 10444

(II) The last four digits of the voter's social security 10445
number; 10446

(III) A copy of a current and valid photo identification, 10447
a copy of a military identification, or a copy of a current 10448
utility bill, bank statement, government check, paycheck, or 10449
other government document, other than a notice of voter 10450
registration mailed by a board of elections under section 10451
3503.19 of the Revised Code, that shows the voter's name and 10452
address. 10453

(iii) If the voter provides files an addendum containing 10454
the necessary information to with the board of elections not 10455
later than the seventh-tenth day after the day of the election 10456
and the ballot is not successfully challenged on another basis, 10457
the voter's ballot shall be processed and counted in accordance 10458
with this section. 10459

(4) If no such challenge is made, or if such a challenge 10460
is made and not sustained, the ~~voting location manager~~ election 10461
official shall open the envelope without defacing the statement 10462

of voter and without mutilating the ballots in it, and shall 10463
remove the ballots contained in it and proceed to count them in 10464
accordance with section 3505.27 of the Revised Code. 10465

(5) (a) Except as otherwise provided in division ~~(D)~~ (A) (5) 10466
(b) of this section, the name of each person voting who is 10467
entitled to vote only ~~an absent voter's~~ a presidential ballot 10468
shall be entered in a pollbook or poll list or signature 10469
pollbook followed by the words "~~Absentee~~ Presidential Ballot." 10470
The name of each person voting ~~an absent voter's~~ a mail ballot, 10471
other than such persons entitled to vote only a presidential 10472
ballot, shall be entered in the pollbook or poll list or 10473
signature pollbook and the person's registration card marked to 10474
indicate that the person has voted. 10475

(b) If the person voting has a confidential voter 10476
registration record, the person's registration card shall be 10477
marked to indicate that the person has voted, but the person's 10478
name shall not be entered in the pollbook or poll list or 10479
signature pollbook. 10480

(6) The date of such election shall also be entered on the 10481
elector's registration form. If any such challenge is made and 10482
sustained, the identification envelope of such elector shall not 10483
be opened, and shall be endorsed "Not Counted" with the reasons 10484
the ballots were not counted, ~~and shall be delivered to the~~ 10485
~~board.~~ 10486

~~(E) (1)~~ (B) When the board of elections receives ~~absent~~ 10487
~~voter's~~ mail ballots from an elector who has provided a program 10488
participant identification number instead of a residence address 10489
on the identification envelope statement of voter, the director 10490
and the deputy director personally shall ~~examine and process~~ 10491
handle the identification envelope statement of voter in the 10492

manner prescribed in division ~~(D)~~(A) of this section. 10493

~~(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.~~ 10494
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~~(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.~~ 10512
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~~(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~~ 10520
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~~envelope without defacing the statement of voter and without
mutilating the ballots in it, shall remove the ballots contained
in it, and shall transmit the ballots to the election officials
to be counted with other absent voter's ballots from that
precinct.~~ 10523
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~~(F) Observers and election officials other than the
members of the board of elections and the director and deputy
director of the board shall not be permitted to witness the
examination and opening of identification envelopes and addenda
returned by, and the processing and counting of mail ballots
cast by, electors who have confidential voter registration
records in a manner that would permit the observers or election
officials to learn the identities or residence addresses of
those electors.~~ 10528
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~~(C) The board of elections may ~~process absent voter's
ballots~~ examine the identification envelope statement of voter
to determine whether it is incomplete and whether the signature
on the statement matches the signature in the elector's voter
registration record before the time for counting those ballots
seven-thirty p.m. on the day of the election, but the board
shall not open the identification envelope or tabulate or count
the votes on ~~those~~ the mail ballots before that time. ~~As used in
this section and section 3511.11 of the Revised Code, processing
an absent voter's ballot means any of the following:~~~~ 10537
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~~(1) Examining the identification envelope statement of
voter in order to verify that the absent voter's ballot is
eligible to be counted under section 3509.07 of the Revised
Code;~~ 10547
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~~(2) Opening the identification envelope, if the absent
voter's ballot is eligible to be counted;~~ 10551
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~~(3) Determining the validity of the absent voter's ballot under section 3509.07 of the Revised Code;~~ 10553
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~~(4) Preparing and sorting the absent voter's ballot for scanning by automatic tabulating equipment;~~ 10555
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~~(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.~~ 10557
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~~(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.~~ 10561
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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.~~ 10568
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~~(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.~~ 10573
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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, 10579
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the person did not ~~provide any required additional information~~ 10582
~~to file an addendum with~~ the board of elections not later than 10583
the ~~seventh~~ tenth day after the day of the election, as 10584
permitted under ~~division (D) (3) (b) or (E) (2) of~~ section 3509.06 10585
of the Revised Code, the ballot shall not be accepted or 10586
counted: 10587

~~(A) (1) The identification envelope statement accompanying~~ 10588
~~the ballot is of voter and any addendum are incomplete as~~ 10589
described in ~~division (D) (3) (a) of that~~ section 3509.06 of the 10590
Revised Code or ~~is~~ are insufficient; 10591

~~(B) (2) The signatures do signature on the identification~~ 10592
~~envelope statement of voter or, if applicable, the addendum does~~ 10593
not ~~correspond with~~ match the signature in the person's voter 10594
registration signature record; 10595

~~(C) (3) The applicant is not a qualified elector in the~~ 10596
precinct; 10597

~~(D) (4) The ballot envelope contains more than one ballot~~ 10598
of any one kind, or any voted ballot that the elector is not 10599
entitled to vote; 10600

~~(E) (5) Stub A is detached from the absent voter's ballot~~ 10601
~~or absent voter's presidential ballot; or~~ 10602

~~(F) The elector has not included with the elector's ballot~~ 10603
~~any identification required under section 3509.05 or 3511.09 of~~ 10604
the Revised Code 10605

(6) The elector has cast a regular ballot in person for 10606
the election. 10607

(B) The vote of any absent mail voter may be challenged 10608
for cause in the same manner as other votes are challenged, and 10609

the election officials shall determine the legality of that 10610
ballot. Every ballot not counted shall be endorsed on its back 10611
"Not Counted" with the reasons the ballot was not counted, and 10612
shall be ~~enclosed and returned to or~~ retained by the board of 10613
elections along with the contested ballots. 10614

(C) In the case of an elector who has requested mail 10615
ballots under section 3509.03 or 3509.08 of the Revised Code or 10616
requested uniformed services or overseas mail ballots, the 10617
following standards shall apply in counting the elector's 10618
ballot: 10619

(1) If the board of elections receives a sealed 10620
identification envelope purporting to contain mail ballots that 10621
were sent to the elector before the elector requested mail 10622
ballots and the board determines that the former ballots are 10623
valid, the former ballots shall be eligible to be counted and 10624
any other mail ballots received by the board from that elector 10625
shall not be counted. 10626

(2) If the board receives a sealed identification envelope 10627
purporting to contain mail ballots the elector requested and 10628
either of the following applies, the requested mail ballots 10629
shall be eligible to be counted, subject to the requirements of 10630
this section, instead of any mail ballots received by the board 10631
that were sent to the elector before the elector requested mail 10632
ballots: 10633

(a) The board receives a sealed identification envelope 10634
purporting to contain the mail ballots that were sent to the 10635
elector before the elector requested a ballot and the board 10636
determines that the signature of the elector on the 10637
identification envelope of the former ballot does not match the 10638
signature on the elector's registration form; 10639

(b) The board does not receive a sealed identification envelope purporting to contain the mail ballots that were sent to the elector before the elector requested mail ballots by seven-thirty p.m. on the day of the election. 10640
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(3) If the board receives more than one sealed identification envelope purporting to contain mail ballots the elector requested, the first valid mail ballots received by the board shall be eligible to be counted under this section, and any subsequent mail ballots the board receives shall not be counted. 10644
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Sec. 3509.08. ~~(A) (1) Any qualified elector, who, on account of the elector's own personal illness, physical disability, or infirmity, or on account of the elector's confinement in a jail or workhouse under sentence for a misdemeanor or awaiting trial on a felony or misdemeanor, will be unable to travel from the elector's home or place of confinement to the voting booth in the elector's precinct on the day of any general, special, or primary election may make application in writing for an absent voter's ballot of the following electors may apply to the director of the board of elections of the elector's county to vote by mail ballots with the assistance of election officials:~~ 10650
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(a) An elector who is located within the county, wishes to cast mail ballots, is unable to mark the elector's mail ballots without assistance by reason of blindness, disability, or illiteracy, and wishes to have election officials assist in marking the elector's mail ballots; 10662
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(b) An elector who is unable to cast ballots in person or to obtain and return mail ballots because the elector is confined in a jail within the county; 10667
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(c) An elector who is unable to cast ballots in person or 10670
to obtain and return mail ballots because the elector or the 10671
elector's minor child is confined in a hospital within the 10672
county as a result of an accident or unforeseeable medical 10673
emergency occurring before the election. The 10674

(2) An application for mail ballots submitted under this 10675
section shall be on a form prescribed by the secretary of state, 10676
shall include all of the information and documents required 10677
under section 3509.03 of the Revised Code, and shall state the 10678
nature of the elector's illness, physical disability, or 10679
infirmity, or the fact that reason the elector is confined in a 10680
jail or workhouse and the elector's resultant inability to 10681
travel to the election booth in the elector's precinct on 10682
election day qualifies to vote by mail ballots with the 10683
assistance of election officials. The 10684

If the elector is applying under division (B) (1) (b) or (c) 10685
of this section, the application also shall indicate the jail 10686
where the elector is confined or the hospital where the elector 10687
or the elector's child is confined and the date of the elector's 10688
or the elector's child's admission to the hospital, as 10689
applicable. 10690

(3) An application to vote by mail ballots with the 10691
assistance of election officials shall not be valid if it is 10692
delivered to the director board before the ninetieth day or 10693
after twelve noon of the third day before the day of the 10694
election at which the ballot is to be voted, except that an 10695
application submitted under division (B) (1) (b) or (c) of this 10696
section may be delivered to the board not later than three p.m. 10697
on the day of the election. 10698

The absent voter's ballot may be mailed directly to the 10699

~~applicant at the applicant's voting residence or place of~~ 10700
~~confinement as stated in the applicant's application, or the~~ 10701
~~board may~~ (C) (1) Upon receiving a valid application to vote by 10702
mail ballots with the assistance of election officials, the 10703
board shall designate two board employees belonging to the two 10704
major political parties for the purpose of delivering the ~~ballot~~ 10705
~~ballots~~ to the ~~disabled or confined~~ elector and returning it- 10706
them to the board, ~~unless the applicant is confined to a public~~ 10707
~~or private institution within the county, in which case the~~ 10708
~~board shall designate two board employees belonging to the two~~ 10709
~~major political parties for the purpose of delivering the ballot~~ 10710
~~to the disabled or confined elector and returning it to the~~ 10711
~~board. In all other instances, the ballot shall be returned to~~ 10712
~~the office of the board in the manner prescribed in section~~ 10713
~~3509.05 of the Revised Code.~~ 10714

~~Any disabled or confined elector who declares to the two~~ 10715
~~board employees belonging to the two major political parties~~ 10716
~~that~~ If the elector declares to the election officials that the 10717
elector is unable to mark the elector's ~~ballot~~ ballots by reason 10718
of ~~physical infirmity that is apparent to the employees to be~~ 10719
~~sufficient to incapacitate the voter from marking the elector's~~ 10720
~~ballot properly~~ blindness, disability, or illiteracy, may 10721
~~receive, upon request, the assistance of the employees~~ shall 10722
assist the elector in marking the elector's ~~ballot~~ ballots, and 10723
they shall thereafter give no information in regard to this 10724
matter. Such assistance shall not be rendered for any other 10725
cause. 10726

~~When two board employees belonging to the two major~~ 10727
~~political parties deliver a ballot to a disabled or confined~~ 10728
~~elector, each~~ Each of the employees shall be present when the 10729
~~ballot is~~ ballots are delivered, when assistance is given, and 10730

when the ~~ballot is~~ ballots are returned to the office of the 10731
board, and shall subscribe to the declaration on the 10732
identification envelope. 10733

~~The secretary of state shall prescribe the form of~~ 10734
~~application for absent voter's ballots under this division.~~ 10735

(D) This chapter applies to disabled and confined absent 10736
voter's mail ballots cast under this section except as otherwise 10737
provided in this section. 10738

~~(B) (1) Any qualified elector who is unable to travel to~~ 10739
~~the voting booth in the elector's precinct on the day of any~~ 10740
~~general, special, or primary election may apply to the director~~ 10741
~~of the board of elections of the county where the elector is a~~ 10742
~~qualified elector to vote in the election by absent voter's~~ 10743
~~ballot if either of the following apply:~~ 10744

~~(a) The elector is confined in a hospital as a result of~~ 10745
~~an accident or unforeseeable medical emergency occurring before~~ 10746
~~the election;~~ 10747

~~(b) The elector's minor child is confined in a hospital as~~ 10748
~~a result of an accident or unforeseeable medical emergency~~ 10749
~~occurring before the election.~~ 10750

~~(2) The application authorized under division (B) (1) of~~ 10751
~~this section shall be made in writing, shall include all of the~~ 10752
~~information required under section 3509.03 of the Revised Code,~~ 10753
~~and shall be delivered to the director not later than three p.m.~~ 10754
~~on the day of the election. The application shall indicate the~~ 10755
~~hospital where the applicant or the applicant's child is~~ 10756
~~confined, the date of the applicant's or the applicant's child's~~ 10757
~~admission to the hospital, and the offices for which the~~ 10758
~~applicant is qualified to vote. The applicant may also request~~ 10759

~~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)
(1) of this section who needs no assistance to vote or to return
absent voter's ballots to the board of elections may apply for
absent voter's ballots under section 3509.03 of the Revised Code
instead of applying for them under this section.~~

(E) As used in this section, "jail" has the same meaning
as in section 2929.01 of the Revised Code.

Sec. 3511.01. As used in this chapter: 10798

(A) "Dependent" means a person who is recognized as a 10799
dependent by one of the uniformed services. 10800

(B) "Overseas voter" means any of the following: 10801

(1) A person who is outside of the United States and who, 10802
before leaving the United States, was last eligible to vote in 10803
this state, who may be considered a state resident using the 10804
standards for residency established in sections 3503.02 and 10805
3511.011 of the Revised Code, and who otherwise satisfies the 10806
requirements to vote in this state; 10807

(2) A person who is outside of the United States and who, 10808
before leaving the United States, would have been eligible to 10809
vote in this state had the person then been eighteen years of 10810
age or older, who may be considered a state resident using the 10811
standards for residency established in sections 3503.02 and 10812
3511.011 of the Revised Code, and who otherwise satisfies the 10813
requirements to vote in this state; 10814

(3) A person who was born outside of the United States, 10815
who may be considered a state resident using the standards for 10816
residency established in sections 3503.02 and 3511.011 of the 10817
Revised Code, and who otherwise satisfies the requirements to 10818
vote in this state, if both of the following apply: 10819

(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, 10847
the service member may vote only in the precinct in which the 10848
service member has a voting residence in the state, and that 10849
voting residence shall be that place in the precinct in which 10850
the service member resided immediately preceding the 10851
commencement of such service, provided that the time during 10852
which the service member continuously resided in the state 10853
immediately preceding the commencement of such service plus the 10854
time subsequent to such commencement and prior to the day of 10855
such general, special, or primary election is equal to or 10856
exceeds thirty days. 10857

(B) If the spouse or dependent of ~~an absent~~a uniformed 10858
services member is the voter, the spouse or dependent may vote 10859
only in the precinct in which the spouse or dependent has a 10860
voting residence in the state, and that voting residence shall 10861
be that place in the precinct in which the spouse or dependent 10862
resided immediately preceding the time of leaving the state for 10863
the purpose of being with or near the service member, provided 10864
that the time during which the spouse or dependent continuously 10865
resided in the state immediately preceding the time of leaving 10866
the state for the purpose of being with or near the service 10867
member plus the time subsequent to such leaving and prior to the 10868
day of such general, special, or primary election is equal to or 10869
exceeds thirty days. 10870

(C) If ~~an absent~~a uniformed services member or the 10871
service member's spouse or dependent establishes a permanent 10872
residence in a precinct other than the precinct in which the 10873
person resided immediately preceding the commencement of the 10874
service member's service, the voting residence of both the 10875
service member and the service member's spouse or dependent 10876
shall be the precinct of such permanent residence, provided that 10877

the time during which the service member continuously resided in 10878
the state immediately preceding the commencement of such service 10879
plus the time subsequent to such commencement and prior to the 10880
day of such general, special, or primary election is equal to or 10881
exceeds thirty days. 10882

(D) (1) Except as otherwise provided in division (D) (2) of 10883
this section, if an overseas voter who is not ~~an absent a~~ 10884
uniformed services voter or the spouse or dependent of ~~an absent~~ 10885
a uniformed services voter is the voter, the overseas voter may 10886
vote only in the precinct in which the overseas voter has a 10887
voting residence in the state, and that voting residence shall 10888
be that place in the precinct in which the overseas voter 10889
resided immediately before leaving the United States, provided 10890
that the time during which the overseas voter continuously 10891
resided in the state immediately preceding such departure and 10892
prior to the day of such general, special, or primary election 10893
is equal to or exceeds thirty days. 10894

(2) A person who was born outside of the United States and 10895
who meets the definition of "overseas voter" under division (B) 10896
(3) of section 3511.01 of the Revised Code shall be deemed to 10897
have a voting residence in this state at that place in the 10898
precinct in which the person's parent or guardian last resided 10899
immediately before leaving the United States, provided that the 10900
time during which the person's parent or guardian continuously 10901
resided in the state immediately preceding such departure and 10902
prior to the day of the general, special, or primary election is 10903
equal to or exceeds thirty days. 10904

Sec. 3511.02. (A) Notwithstanding any section of the 10905
Revised Code to the contrary, whenever any person applies for 10906
registration as a voter on a form adopted in accordance with 10907

federal regulations relating to the "Uniformed and Overseas
Citizens Absentee Voting Act," ~~100 Stat. 924, 42 U.S.C.A. 1973ff-~~
~~(1986)~~, this application shall be sufficient for voter
registration and as a request for ~~an absent voter's ballot~~
uniformed services or overseas mail ballots. Uniformed services
or overseas ~~absent voter's mail~~ ballots may be obtained by any
person meeting the requirements of section 3511.011 of the
Revised Code by applying electronically to the secretary of
state or to the board of elections of the county in which the
person's voting residence is located in accordance with section
3511.021 of the Revised Code or by applying to ~~the director of~~
the board of elections of the county in which the person's
voting residence is located, in one of the following ways:

(1) That person may make written application for those
ballots. The person may personally deliver the application to
the ~~director office of the board of elections or to a voter~~
service and polling center or may mail it, send it by facsimile
machine, send it by electronic mail, send it through internet
delivery if such delivery is offered by the board of elections
or the secretary of state, or otherwise send it to the ~~director~~
office of the board. Except as otherwise provided in division
(B) of this section, the application need not be in any
particular form but shall contain all of the following
information:

- (a) The elector's name;
- (b) The elector's signature;
- (c) The address at which the elector is registered to
vote;
- (d) The elector's date of birth;

- (e) ~~One of the following:~~ 10937
- ~~(i) The elector's driver's license number;~~ 10938
- ~~(ii) The last four digits of the elector's social security number;~~ 10939
10940
- ~~(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.~~ 10941
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- ~~(f) A statement identifying the election for which absent voter's mail ballots are requested;~~ 10948
10949
- ~~(g) (f) A statement that the person requesting the ballots is a qualified elector;~~ 10950
10951
- ~~(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;~~~~ 10952
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10954
- ~~(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;~~ 10955
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- ~~(j) (i) If the request is for primary election ballots, the elector's one of the following:~~ 10963
10964

(i) The political party affiliation whose ballot the 10965
elector wishes to cast, which shall operate as an instruction to 10966
register the elector as affiliated with that political party if 10967
the elector is not currently registered as affiliated with that 10968
political party; or 10969

(ii) A statement that the elector wishes to vote only for 10970
the questions and issues appearing on the ballot in a special 10971
election held on the day of the primary election. 10972

~~(k)~~ (j) If the elector desires ballots to be mailed to the 10973
elector, the address to which those ballots shall be mailed; 10974

~~(l)~~ (k) If the elector desires ballots to be sent to the 10975
elector by facsimile machine, the telephone number to which they 10976
shall be so sent; 10977

~~(m)~~ (l) If the elector desires ballots to be sent to the 10978
elector by electronic mail or, if offered by the board of 10979
elections or the secretary of state, through internet delivery, 10980
the elector's electronic mail address or other internet contact 10981
information. 10982

(2) A voter or any relative of a voter listed in division 10983
(A) (3) of this section may use a single federal post card 10984
application to apply for uniformed services or overseas ~~absent-~~ 10985
~~voter's mail~~ ballots for use at the primary and general 10986
elections in a given year and any special election to be held on 10987
the day in that year specified by division (E) of section 10988
3501.01 of the Revised Code for the holding of a primary 10989
election, designated by the general assembly for the purpose of 10990
submitting constitutional amendments proposed by the general 10991
assembly to the voters of the state. A single federal postcard 10992
application shall be processed by the board of elections 10993

pursuant to section 3511.04 of the Revised Code the same as if 10994
the voter had applied separately for uniformed services or 10995
overseas ~~absent voter's mail~~ ballots for each election. 10996

(3) Application to have uniformed services or overseas 10997
~~absent voter's mail~~ ballots mailed or sent by facsimile machine 10998
to such a person may be made by the spouse, father, mother, 10999
father-in-law, mother-in-law, grandfather, grandmother, brother 11000
or sister of the whole blood or half blood, son, daughter, 11001
adopting parent, adopted child, stepparent, stepchild, daughter- 11002
in-law, son-in-law, uncle, aunt, nephew, or niece of such a 11003
person. The application shall be in writing upon a blank form 11004
furnished only by the ~~director board of elections~~ or on a single 11005
federal post card as provided in division (A) (2) of this 11006
section. The form of the application shall be prescribed by the 11007
secretary of state. The ~~director board~~ shall furnish that blank 11008
form to any of the relatives specified in this division desiring 11009
to make the application, only upon the request of such a 11010
relative made in person at the office of the board or at a voter 11011
service and polling center or upon the written request of such a 11012
relative mailed to the office of the board. Except as otherwise 11013
provided in division (B) of this section, the application, 11014
subscribed and sworn to by the applicant, shall contain all of 11015
the following: 11016

(a) The full name of the elector for whom ballots are 11017
requested; 11018

(b) A statement that the elector is an absent-a uniformed 11019
services voter or overseas voter ~~as defined in 42 U.S.C. 1973ff-~~ 11020
~~6~~; 11021

(c) The address at which the elector is registered to 11022
vote; 11023

(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 11052
the elector is not currently registered as affiliated with that 11053
political party; or 11054

(ii) A statement that the elector wishes to vote only for 11055
the questions and issues appearing on the ballot in a special 11056
election held on the day of the primary election. 11057

~~(j)~~(i) A statement that the applicant bears a 11058
relationship to the elector as specified in division (A) (3) of 11059
this section; 11060

~~(k)~~(j) The address to which ballots shall be mailed, the 11061
telephone number to which ballots shall be sent by facsimile 11062
machine, the electronic mail address to which ballots shall be 11063
sent by electronic mail, or, if internet delivery is offered by 11064
the board of elections or the secretary of state, the internet 11065
contact information to which ballots shall be sent through 11066
internet delivery; 11067

~~(l)~~(k) The signature and address of the person making the 11068
application. 11069

(B) If the elector has a confidential voter registration 11070
record, as described in section 111.44 of the Revised Code, the 11071
application may include the elector's program participant 11072
identification number instead of the address at which the 11073
elector is registered to vote. 11074

(C) (1) Each application for uniformed services or overseas 11075
~~absent voter's mail~~ ballots shall be delivered to the ~~director-~~ 11076
office of the board of elections or to a voter service and 11077
polling center not earlier than the first day of January of the 11078
year of the elections for which the uniformed services or 11079
overseas ~~absent voter's mail~~ ballots are requested or not 11080

earlier than ninety days before the day of the election at which 11081
the ballots are to be voted, whichever is earlier, ~~and. If the~~ 11082
elector is requesting to receive uniformed services or overseas 11083
mail ballots by mail, the application shall be delivered to the 11084
office of the board or to a voter service and polling center not 11085
later than twelve noon of the third day preceding the day of the 11086
election, ~~or not later than six p.m. on the last Friday before~~ 11087
~~the day of the election at which those ballots are to be voted~~ 11088
~~if the application is delivered in person to the office of the~~ 11089
~~board.~~ 11090

(D) If the voter for whom the application is made is 11091
entitled to vote for presidential and vice-presidential electors 11092
only, the applicant shall submit to the ~~director board~~ in 11093
addition to the requirements of division (A) of this section, a 11094
statement to the effect that the voter is qualified to vote for 11095
presidential and vice-presidential electors and for no other 11096
offices. 11097

(E) ~~A board of elections that mails a federal post card~~ 11098
~~application or other absent voter's ballot application to an~~ 11099
~~elector under this section shall not prepay the return postage~~ 11100
~~for that application.~~ 11101

~~(F)~~ Except as otherwise provided in this section and in 11102
sections 3505.24 and 3509.08 of the Revised Code, an election 11103
official shall not fill out any portion of a federal post card 11104
application or other application for ~~absent voter's mail~~ ballots 11105
on behalf of an applicant. The secretary of state or a board of 11106
elections may preprint only an applicant's name and address on a 11107
federal post card application or other application for ~~absent~~ 11108
~~voter's mail~~ ballots before mailing providing that application 11109
to the applicant, except that if the applicant has a 11110

confidential voter registration record, the secretary of state 11111
or the board of elections shall not preprint the applicant's 11112
address on the application. 11113

Sec. 3511.021. (A) (1) The secretary of state shall 11114
establish procedures that allow any person who is eligible to 11115
vote as a uniformed services voter or an overseas voter ~~in~~ 11116
~~accordance with 42 U.S.C. 1973ff-6~~ to apply by electronic means 11117
to the office of the secretary of state or to the board of 11118
elections of the county in which the person's voting residence 11119
is located for a uniformed services or overseas absent voter's 11120
ballot. 11121

(2) The procedures shall allow such a person who requests 11122
a uniformed services or overseas absent voter's ballot 11123
application to express a preference for the manner in which the 11124
person will receive the requested application, whether by mail, 11125
facsimile transmission, electronic mail, or, if offered by the 11126
board of elections or the secretary of state, through internet 11127
delivery. If the person completes and timely returns the 11128
application and the applicant is eligible to receive a ballot, 11129
the procedures shall allow the applicant to express a preference 11130
for the manner in which the person will receive the requested 11131
blank, unvoted ballots, whether by mail, facsimile transmission, 11132
electronic mail, or, if offered by the board of elections or the 11133
secretary of state, through internet delivery. The requested 11134
items shall be transmitted by the board of elections of the 11135
county in which the person's voting residence is located by the 11136
preferred method. If the requestor does not express a preferred 11137
method, the requested items shall be delivered via standard 11138
mail. 11139

(3) To the extent practicable, the procedures shall 11140

protect the security and integrity of the ballot request and 11141
delivery process, and protect the privacy of the identity and 11142
personal data of the person when such applications and ballots 11143
are requested, processed, and sent. 11144

(4) ~~No~~ Except as permitted under division (B) of this 11145
section, no person shall return by electronic means to the 11146
secretary of state, a board of elections, or any other entity a 11147
completed or voted uniformed services or overseas absent voter's 11148
ballot. If a ballot is ~~so~~ returned in violation of this 11149
division, the ballot shall not be accepted, processed, or 11150
counted. 11151

(B) ~~(1)~~ The secretary of state shall establish a pilot 11152
program to permit a uniformed services voter who is currently 11153
stationed outside the United States to return a voted ballot to 11154
the board of elections by electronic means and for the board to 11155
create a paper version of the voted ballot for counting 11156
purposes. The pilot program shall use encrypted blockchain 11157
technology to transmit ballots in a manner that protects the 11158
security and integrity of the process and protects the voter's 11159
privacy. The secretary of state shall select the boards of 11160
elections that shall participate in the pilot program. 11161

(C) The secretary of state, in coordination with the 11162
boards of elections, shall establish a free access system by 11163
which ~~an absent~~ a uniformed services voter or overseas voter may 11164
determine ~~the following~~: 11165

~~(a)~~ Whether ~~whether~~ that person's request for a uniformed 11166
services or overseas ~~absent voter's~~ mail ballot was received and 11167
processed? 11168

~~(b)~~ If the person's request was received and processed, 11169

~~and if so, when the uniformed services or overseas absent voter's mail ballot was sent;~~ 11170
11171

~~(c) Whether any uniformed services or overseas absent voter's ballot returned by that person has been received by election officials;~~ 11172
11173
11174

~~(d) Whether the board of elections found any error on the identification envelope containing the person's returned uniformed services or overseas absent voter's ballot and, if so, how the person may correct any error within ten days after the day of an election; and~~ 11175
11176
11177
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~~(e) Whether the person's uniformed services or overseas absent voter's ballot was counted.~~ 11180
11181

~~(2) The appropriate state or local election official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information that is confidential under state or federal law that is collected, stored, or otherwise used by the free access system established under division (B) of this section. Access to information about the votes cast on an individual ballot shall be restricted to the person who cast the ballot. To the extent practicable, the procedures shall protect the security and integrity of the process and protect the privacy of the identity and personal data of the person. The electronic ballot tracking system described in section 3509.051 of the Revised Code shall permit a uniformed services voter or overseas voter to track the voter's mail ballots after the voter returns the ballots to the board in the same manner as other mail ballots.~~ 11182
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Sec. 3511.03. The board of elections of each county shall provide uniformed services or overseas ~~absent voter's mail~~ 11197
11198

ballots for use at each election. Such ballots for general or 11199
primary elections shall be prescribed on the seventieth day 11200
before the day of such elections and shall be the same as the 11201
mail ballots provided for absent voters in under section 3509.01 11202
of the Revised Code. 11203

Sec. 3511.04. (A) If a director of a board of elections 11204
receives an application for uniformed services or overseas 11205
~~absent voter's mail~~ ballots that does not contain all of the 11206
required information, the director promptly shall notify the 11207
applicant of the additional information required to be provided 11208
by the applicant to complete that application. 11209

(B) Not later than the forty-sixth day before the day of 11210
each general or primary election, and at the earliest possible 11211
time before the day of a special election held on a day other 11212
than the day on which a general or primary election is held, the 11213
director of the board of elections shall mail, send by facsimile 11214
machine, send by electronic mail, send through internet delivery 11215
if such delivery is offered by the board of elections or the 11216
secretary of state, or otherwise send uniformed services or 11217
overseas ~~absent voter's mail~~ ballots then ready for use as 11218
provided for in section 3511.03 of the Revised Code and for 11219
which the director has received valid applications prior to that 11220
time. Thereafter, and until twelve noon of the third day 11221
preceding the day of election, the director shall promptly, upon 11222
receipt of valid applications for them, mail, send by facsimile 11223
machine, send by electronic mail, send through internet delivery 11224
if such delivery is offered by the board of elections or the 11225
secretary of state, or otherwise send to the proper persons all 11226
uniformed services or overseas ~~absent voter's mail~~ ballots then 11227
ready for use. 11228

If, after the seventieth day before the day of a general 11229
or primary election, any other question, issue, or candidacy is 11230
lawfully ordered submitted to the electors voting at the general 11231
or primary election, the board shall promptly provide a separate 11232
official issue, special election, or other election ballot for 11233
submitting the question, issue, or candidacy to those electors, 11234
and the director shall promptly mail, send by facsimile machine, 11235
send by electronic mail, send through internet delivery if such 11236
delivery is offered by the board of elections or the secretary 11237
of state, or otherwise send each such separate ballot to each 11238
person to whom the director has previously mailed or sent other 11239
uniformed services or overseas ~~absent voter's mail~~ ballots. 11240

A board of elections that mails ~~or otherwise delivers~~ 11241
uniformed services or overseas absent voter's ballots to an 11242
elector under this section shall ~~not~~ prepay the return postage 11243
for those ballots, unless, under 39 U.S.C. 3406, no postage 11244
payment is required. In mailing uniformed services or overseas 11245
absent voter's ballots, the director shall use the fastest mail 11246
service available, but the director shall not mail them by 11247
certified mail. 11248

Sec. 3511.05. (A) (1) The ~~director of the~~ board of 11249
elections shall place uniformed services or overseas ~~absent~~ 11250
~~voter's mail~~ ballots sent by mail in an unsealed identification 11251
envelope, gummed ready for sealing. The ~~director board shall~~ 11252
insert a sheet of waxed paper or other appropriate insert 11253
between the gummed flap and the back of the envelope to minimize 11254
the possibility that the flap may become firmly stuck to the 11255
back of the envelope by reason of moisture, humid atmosphere, or 11256
other conditions to which it may be subjected. The board shall 11257
include with the ballots instructions for the voter to ascertain 11258
the status of the voter's ballots using the tracking number 11259

printed on or affixed to the identification envelope, as 11260
described in section 3509.051 of the Revised Code. 11261

(2) Except for ballots to be returned to the board 11262
electronically under division (B) of section 3511.021 of the 11263
Revised Code, the board shall include all of the following with 11264
uniformed services or overseas ~~absent voter's mail~~ ballots sent 11265
electronically, including by facsimile machine,~~an~~: 11266

(a) An instruction sheet for preparing a gummed envelope 11267
in which the ballots shall be returned; 11268

(b) The tracking number assigned to the ballots under 11269
section 3509.051 of the Revised Code; 11270

(c) Instructions for the voter to write the tracking 11271
number on, or affix the tracking number to, the envelope and 11272
instructions for the voter to ascertain the status of the 11273
voter's ballots using the tracking number, as described in that 11274
section. The 11275

(3) The envelope for returning ballots sent by either 11276
means shall have printed or written on its face a form 11277
substantially as follows: 11278

"Identification Envelope Statement of Voter 11279

I, _____ (Name of voter), declare under 11280
penalty of election falsification that the within ballot or 11281
ballots contained no voting marks of any kind when I received 11282
them, and I caused the ballot or ballots to be marked, enclosed 11283
in the identification envelope, and sealed in that envelope. 11284

My voting residence in Ohio is 11285

11286

(Street and Number, if any, or Rural Route and Number) 11287

of _____ (City, Village, or Township) 11288

Ohio, which is in Ward _____ Precinct _____ 11289

~~in that city, village, or township.~~ 11290

If I have a confidential voter registration record, I am 11291

providing my program participant identification number instead 11292

of my residence address: _____ 11293

The primary election ballots, if any, within this envelope 11294

are primary election ballots of the _____ Party. 11295

Ballots contained within this envelope are to be voted at 11296

the _____ (general, special, or primary) election to be 11297

held on the _____ day of 11298

_____, _____, _____ 11299

My date of birth is _____ (Month and Day), 11300

_____ (Year). 11301

~~(Voter must provide one of the following:)~~ 11302

~~My driver's license number is _____ (Driver's~~ 11303

~~license number).~~ 11304

~~The last four digits of my Social Security Number are~~ 11305

~~_____ (Last four digits of Social Security Number).~~ 11306

~~_____ In lieu of providing a driver's license number or~~ 11307

~~the last four digits of my Social Security Number, I am~~ 11308

~~enclosing a copy of one of the following in the return envelope~~ 11309

~~in which this identification envelope will be mailed: a current~~ 11310

~~and valid photo identification, a military identification, or a~~ 11311

~~current utility bill, bank statement, government check,~~ 11312

~~paycheck, or other government document, other than a notice of~~ 11313

~~voter registration mailed by a board of elections, that shows my~~ 11314

~~name and address.~~ My telephone number is: _____ (optional) 11315

My email address is: _____ (optional) 11316

I hereby declare, under penalty of election falsification, 11317
that the statements above are true, as I verily believe. 11318

_____ 11319

(Signature of Voter) 11320

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 11321

THE ~~FIFTH~~ FOURTH DEGREE." 11322

(B) (1) The ~~director~~ board shall also mail with the ballots 11323

and the unsealed identification envelope sent by mail an 11324

unsealed return envelope, gummed, ready for sealing, for use by 11325

the voter in returning the voter's marked ballots to the 11326

director. ~~The director shall send with the ballots and the~~ 11327

~~instruction sheet for preparing a gummed envelope sent~~ 11328

~~electronically, including by facsimile machine, an instruction~~ 11329

~~sheet for preparing a second gummed envelope as described in~~ 11330

~~this division, for use by the voter in returning that voter's~~ 11331

~~marked ballots to the director.~~ The return envelope shall be of 11332

such size that the identification envelope can be conveniently 11333

placed within it for returning the identification envelope to 11334

the board and shall have two parallel lines, each one quarter of 11335

an inch in width, printed across its face paralleling the top, 11336

with an intervening space of one quarter of an inch between such 11337

lines. The top line shall be one and one-quarter inches from the 11338

top of the envelope. Between the parallel lines shall be 11339

printed: "OFFICIAL ELECTION UNIFORMED SERVICES OR OVERSEAS 11340

~~ABSENT VOTER'S MAIL~~ BALLOTS -- VIA AIR MAIL." Three blank lines 11341

shall be printed in the upper left corner on the face of the 11342

envelope for the use by the voter in placing the voter's 11343

complete military, naval, or mailing address on these lines, and 11344
beneath these lines there shall be printed a box beside the 11345
words "check if out-of-country." The voter shall check this box 11346
if the voter will be outside the United States on the day of the 11347
election. The official title and the post-office address of the 11348
~~director office of the board to whom~~which the envelope shall be 11349
returned shall be printed on the face of such envelope in the 11350
lower right portion below the bottom parallel line. The board 11351
shall insert a sheet of waxed paper or other appropriate insert 11352
between the gummed flap and the back of the envelope to minimize 11353
the possibility that the flap may become firmly stuck to the 11354
back of the envelope by reason of moisture, humid atmosphere, or 11355
other conditions to which it may be subjected. 11356

(2) Except for ballots to be returned to the board 11357
electronically under division (B) of section 3511.021 of the 11358
Revised Code, the board shall send with the ballots and the 11359
instruction sheet for preparing a gummed envelope sent 11360
electronically, including by facsimile machine, an instruction 11361
sheet for preparing a second gummed envelope for use by the 11362
voter in returning that voter's marked ballots to the board. 11363

(C) On the back of each identification envelope and each 11364
return envelope shall be printed the following: 11365

"Instructions to voter: 11366

If the flap on this envelope is so firmly stuck to the 11367
back of the envelope when received by you as to require forcible 11368
opening in order to use it, open the envelope in the manner 11369
least injurious to it, and, after marking your ballots and 11370
enclosing same in the envelope for mailing them to the director 11371
of the board of elections, reclose the envelope in the most 11372
practicable way, by sealing or otherwise, and sign the blank 11373

form printed below. 11374

The flap on this envelope was firmly stuck to the back of 11375
the envelope when received, and required forced opening before 11376
sealing and mailing. 11377

_____ 11378

(Signature of voter)" 11379

(D) Division (C) of this section does not apply when 11380
~~absent voter's mail~~ ballots are sent electronically, including 11381
by facsimile machine. 11382

(E) Except as otherwise provided in this division and in 11383
sections 3505.24 and 3509.08 of the Revised Code, an election 11384
official shall not fill out any portion of an identification 11385
envelope statement of voter or ~~an absent voter's a mail~~ ballot 11386
on behalf of an elector. A board of elections may preprint only 11387
an elector's name and address on an identification envelope 11388
statement of voter before mailing or electronically transmitting 11389
absent voter's ballots to the elector, except that if the 11390
elector has a confidential voter registration record, as 11391
described in section 111.44 of the Revised Code, the board of 11392
elections shall not preprint the elector's address on the 11393
identification envelope statement of voter. 11394

Sec. 3511.051. All identification envelopes containing 11395
~~absent voter's mail~~ ballots for uniformed services or overseas 11396
voters who are entitled to vote for presidential and vice- 11397
presidential electors only shall have printed or stamped thereon 11398
the words, "Presidential Ballots Only." 11399

Sec. ~~3501.012~~ 3511.06. Notwithstanding any provision of 11400
the Revised Code to the contrary, the secretary of state or a 11401
board of elections shall not refuse to accept and process an 11402

otherwise valid voter registration application, ~~absent voter's~~ 11403
~~mail ballot~~ application, ~~uniformed services and overseas absent~~ 11404
~~voter's ballot application, or~~ returned ~~absent voter's mail~~ 11405
~~ballot, returned uniformed services and overseas absent voter's~~ 11406
~~ballot, or federal write in absentee ballot~~ from an individual 11407
who is eligible to vote as a uniformed services voter or an 11408
overseas voter in accordance with ~~42 U.S.C. 1973ff-6~~ the 11409
Uniformed and Overseas Citizens Absentee Voting Act due to any 11410
requirements regarding notarization, paper type, paper weight 11411
and size, envelope type, or envelope weight and size. 11412

Sec. 3511.08. (A) ~~The director of the board of elections~~ 11413
shall keep a record of the name and address of each person to 11414
whom the director mails or delivers uniformed services or 11415
overseas ~~absent voter's mail~~ ballots, the kinds of ballots so 11416
mailed or delivered, and the name and address of the person who 11417
made the application for such ballots. ~~After the director has~~ 11418
~~mailed or delivered such ballots the director shall not mail or~~ 11419
~~deliver additional ballots of the same kind to such person~~ 11420
~~pursuant to a subsequent request unless such subsequent request~~ 11421
~~contains the statement that an earlier request had been sent to~~ 11422
~~the director prior to the thirtieth day before the election and~~ 11423
~~that the uniformed services or overseas absent voter's ballots~~ 11424
~~so requested had not been received by such person prior to the~~ 11425
~~fifteenth day before the election, and provided that the~~ 11426
~~director has not received an identification envelope purporting~~ 11427
~~to contain marked uniformed services or overseas absent voter's~~ 11428
~~ballots from such person.~~ 11429

(B) A uniformed services or overseas voter may request 11430
replacement uniformed services or overseas mail ballots in the 11431
same manner as any other voter may request replacement mail 11432
ballots under division (A) (7) of section 3509.03 of the Revised 11433

Code. 11434

Sec. 3511.09. (A) Upon receiving uniformed services or 11435
overseas ~~absent voter's mail~~ ballots, the elector shall cause 11436
the questions on the face of the identification envelope to be 11437
answered, and, by writing the elector's usual signature in the 11438
proper place on the identification envelope, the elector shall 11439
declare under penalty of election falsification that the answers 11440
to those questions are true and correct to the best of the 11441
elector's knowledge and belief. Then, the elector shall note 11442
whether there are any voting marks on the ballot. If there are 11443
any voting marks, the ballot shall be returned immediately to 11444
the board of elections; otherwise, the elector shall cause the 11445
ballot to be marked, folded separately so as to conceal the 11446
markings on it, deposited in the identification envelope, and 11447
securely sealed in the identification envelope. The elector then 11448
shall cause the identification envelope to be placed within the 11449
return envelope, sealed in the return envelope, and mailed to 11450
the ~~director of the~~ board of elections to ~~whom~~ which it is 11451
addressed. ~~The~~ 11452

(B) The ballot shall be submitted for mailing not later 11453
than 12:01 a.m. at the place where the voter completes the 11454
ballot, on the date of the election. ~~If the elector does not~~ 11455
~~provide the elector's driver's license number or the last four~~ 11456
~~digits of the elector's social security number on the statement~~ 11457
~~of voter on the identification envelope, the elector also shall~~ 11458
~~include in the return envelope with the identification envelope~~ 11459
~~a copy of the elector's current valid photo identification, a~~ 11460
~~copy of a military identification, or a copy of a current~~ 11461
~~utility bill, bank statement, government check, paycheck, or~~ 11462
~~other government document, other than a notice of voter~~ 11463
~~registration mailed by a board of elections under section~~ 11464

~~3503.19 of the Revised Code, that shows the name and address of
the elector. Each~~ 11465
11466

(C) Each elector who will be outside the United States on 11467
the day of the election shall check the box on the return 11468
envelope indicating this fact and shall mail the return envelope 11469
to the ~~director board~~ prior to ~~the close of the polls seven-~~ 11470
thirty p.m. on election day. 11471

~~Every uniformed services or overseas absent voter's ballot
identification envelope shall be accompanied by the following
statement in boldface capital letters: WHOEVER COMMITS ELECTION-
FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.~~ 11472
11473
11474
11475

Sec. 3511.11. (A) Upon receipt of any return envelope 11476
bearing the designation "Official Election Uniformed Services or 11477
Overseas ~~Absent Voter's Mail~~ Ballot" prior to the eleventh day 11478
after the day of any election, the ~~director of the board of~~ 11479
~~elections~~ election officials shall open it but shall not open 11480
the identification envelope contained in it. If, upon so opening 11481
the return envelope, the ~~director finds~~ election officials find 11482
ballots in it that are not enclosed in and properly sealed in 11483
the identification envelope, the ~~director~~ election officials 11484
shall not look at the markings upon the ballots and shall 11485
promptly place them in the identification envelope and promptly 11486
seal it. If, upon so opening the return envelope, the ~~director~~ 11487
~~finds~~ election officials find that ballots are enclosed in the 11488
identification envelope but that it is not properly sealed, the 11489
~~director~~ election officials shall not look at the markings upon 11490
the ballots and shall promptly seal the identification envelope. 11491

(B) Uniformed services or overseas ~~absent voter's mail~~ 11492
ballots delivered to the ~~director office of the board of~~ 11493
elections, to a voter service and polling center in the county, 11494

or to a ballot drop box in the county, or, subject to section 11495
3501.291 of the Revised Code, to any precinct polling place in 11496
the county, not later than the close of the polls seven-thirty 11497
p.m. on election day shall be processed and counted in the 11498
manner provided in section 3509.06 of the Revised Code. 11499
Uniformed services or overseas mail ballots shall be considered 11500
to have been delivered to the office of the board, to a voter 11501
service and polling center, to a ballot drop box, or to a 11502
precinct polling place not later than seven-thirty p.m. on 11503
election day if the voter or a person designated by the voter 11504
was waiting in line to deliver the ballots at that location as 11505
of that time. 11506

(C) A return envelope is not required to be postmarked in 11507
order for a uniformed services or overseas ~~absent voter's mail~~ 11508
ballot contained in it to be valid. Except as otherwise provided 11509
in this division, whether or not the return envelope containing 11510
the ballot is postmarked, contains a late postmark, or contains 11511
an illegible postmark, a uniformed services or overseas absent 11512
voter's ballot that is received by mail ~~after the close of the~~ 11513
~~polls seven-thirty p.m. on election day through the tenth day~~ 11514
after the election day shall be processed and counted on the 11515
eleventh day after the election day ~~at the office of the board~~ 11516
~~of elections~~ in the manner provided in section 3509.06 of the 11517
Revised Code if the voter signed the identification envelope by 11518
the time specified in section 3511.09 of the Revised Code. 11519
~~However, if a return envelope containing a uniformed services or~~ 11520
~~overseas absent voter's ballot is so received and so indicates,~~ 11521
~~but the identification envelope in it is signed after the close~~ 11522
~~of the polls on election day, the uniformed services or overseas~~ 11523
~~absent voter's ballot shall not be counted.~~ 11524

(D) The following types of uniformed services or overseas 11525

~~absent voter's mail~~ ballots shall not be counted: 11526

(1) Uniformed services or overseas ~~absent voter's mail~~ 11527
ballots contained in return envelopes that bear the designation 11528
"Official Election Uniformed Services or Overseas ~~Absent Voter's~~ 11529
~~Mail~~ Ballots," that are received by the ~~director board~~ after ~~the~~ 11530
~~close of the polls~~ seven-thirty p.m. on the day of the election, 11531
and that contain an identification envelope that is signed after 11532
the time specified in section 3511.09 of the Revised Code; 11533

(2) Uniformed services or overseas ~~absent voter's mail~~ 11534
ballots contained in return envelopes that bear that designation 11535
and that are received after the tenth day following the 11536
election. 11537

(E) The uncounted ballots shall be preserved in their 11538
identification envelopes unopened until the time provided by 11539
section 3505.31 of the Revised Code for the destruction of all 11540
other ballots used at the election for which ballots were 11541
provided, at which time they shall be destroyed. 11542

Sec. 3511.12. In counting uniformed services or overseas 11543
~~absent voter's mail~~ ballots pursuant to section 3511.11 of the 11544
Revised Code, the name of each voter, followed by "Uniformed 11545
Services or Overseas ~~Absent Voter's~~ Mail Ballot," shall be 11546
written in the poll book or poll list together with such 11547
notations as will indicate the kinds of ballots the envelope 11548
contained, except that if the voter has a confidential voter 11549
registration record, as described in section 111.44 of the 11550
Revised Code, that information shall be marked in the voter's 11551
registration record but not in the poll book or poll list. If 11552
any challenge is made and sustained, the identification envelope 11553
of such voter shall not be opened and shall be indorsed "not 11554
counted" with the reasons therefor. 11555

Sec. 3511.14. (A) A board of elections shall accept and 11556
process federal write-in absentee ballots for all elections for 11557
office and for all ballot questions and issues as required under 11558
~~"The the Uniformed and Overseas Citizens Absentee Voting Act,"~~ 11559
~~Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, et seq., as~~ 11560
~~amended.~~ 11561

(B) A uniformed services or overseas voter may use the 11562
declaration accompanying a federal write-in absentee ballot to 11563
apply to register to vote simultaneously with the submission of 11564
the federal write-in absentee ballot, if the declaration is 11565
received not later than thirty days before the day of the 11566
election. If the declaration is received after that date, the 11567
declaration shall be considered an application to register to 11568
vote for all subsequent elections. 11569

Sec. 3511.15. If an international, national, state, or 11570
local emergency or other situation arises that makes substantial 11571
compliance with the ~~"Uniformed and Overseas Citizens Absentee~~ 11572
~~Voting Act," 42 U.S.C. 1973ff, et seq., as amended,~~ impossible 11573
or impracticable, as confirmed by the existence of armed 11574
conflict involving United States armed forces or the 11575
mobilization of those forces, including Ohio national guard and 11576
reserve component members of this state, or by the occurrence of 11577
a natural disaster or the existence of a state of emergency, 11578
civil unrest, war, or other exigency in a foreign country, or by 11579
an official declaration by the governor that a state of 11580
emergency exists, the governor directly, or by delegation to the 11581
secretary of state, may prescribe, by emergency order or rule, a 11582
special procedure or requirement as may be necessary to 11583
facilitate ~~absent-mail~~ voting by those ~~absent~~-uniformed services 11584
voters or overseas voters directly affected who are eligible to 11585
vote in this state. The secretary of state shall take reasonable 11586

steps to provide ~~absent~~-uniformed services or overseas voters 11587
with timely notice of any special procedure or requirement 11588
prescribed under this section. 11589

Sec. 3511.16. (A) At least one hundred days before the day 11590
of a regularly scheduled election and as soon as practicable 11591
before an election that is not regularly scheduled, the board of 11592
elections of each county shall prepare an election notice for 11593
each precinct in which the election is to be conducted, to be 11594
used in conjunction with a federal write-in absentee ballot. The 11595
election notice shall contain a list of all of the ballot 11596
questions and issues and all federal, state, and local offices 11597
that, as of that date, the board expects to be on the ballot at 11598
that election. The notice also shall contain specific 11599
instructions on how a uniformed services or overseas voter is to 11600
indicate on the federal write-in absentee ballot the voter's 11601
choice for each office to be filled and for each ballot question 11602
and issue to be contested. 11603

(B) A uniformed services or overseas voter may request a 11604
copy of an election notice prepared under division (A) of this 11605
section. The board of elections shall send the notice to the 11606
voter by facsimile transmission, electronic mail, or regular 11607
mail, as the voter requests. 11608

(C) As soon as the form of the ballot is certified, and 11609
not later than the date uniformed services and overseas mail 11610
ballots are required to be transmitted to voters under section 11611
3509.01 of the Revised Code, the board shall update the notice 11612
with the certified candidates for each office and ballot 11613
questions and issues and make the updated notice publicly 11614
available. 11615

(D) A board of elections that maintains an internet web 11616

site shall make the election notice prepared under division (A) 11617
of this section and updated versions of the election notice 11618
regularly available on that web site. 11619

Sec. 3513.05. Each person desiring to become a candidate 11620
for a party nomination at a primary election or for election to 11621
an office or position to be voted for at a primary election, 11622
except persons desiring to become joint candidates for the 11623
offices of governor and lieutenant governor and except as 11624
otherwise provided in section 3513.051 of the Revised Code, 11625
shall, not later than four p.m. of the ninetieth day before the 11626
day of the primary election, file a declaration of candidacy and 11627
petition and pay the fees required under divisions (A) and (B) 11628
of section 3513.10 of the Revised Code. The declaration of 11629
candidacy and all separate petition papers shall be filed at the 11630
same time as one instrument. When the offices are to be voted 11631
for at a primary election, persons desiring to become joint 11632
candidates for the offices of governor and lieutenant governor 11633
shall, not later than four p.m. of the ninetieth day before the 11634
day of the primary election, comply with section 3513.04 of the 11635
Revised Code. The prospective joint candidates' declaration of 11636
candidacy and all separate petition papers of candidacies shall 11637
be filed at the same time as one instrument. The secretary of 11638
state or a board of elections shall not accept for filing a 11639
declaration of candidacy and petition of a person seeking to 11640
become a candidate if that person, for the same election, has 11641
already filed a declaration of candidacy or a declaration of 11642
intent to be a write-in candidate, or has become a candidate by 11643
the filling of a vacancy under section 3513.30 of the Revised 11644
Code for any federal, state, or county office, if the 11645
declaration of candidacy is for a state or county office, or for 11646
any municipal or township office, if the declaration of 11647

candidacy is for a municipal or township office. 11648

If the declaration of candidacy declares a candidacy which 11649
is to be submitted to electors throughout the entire state, the 11650
petition, including a petition for joint candidates for the 11651
offices of governor and lieutenant governor, shall be signed by 11652
at least one thousand qualified electors who are members of the 11653
same political party as the candidate or joint candidates, and 11654
the declaration of candidacy and petition shall be filed with 11655
the secretary of state; provided that the secretary of state 11656
shall not accept or file any such petition appearing on its face 11657
to contain signatures of more than three thousand electors. 11658

Except as otherwise provided in this paragraph, if the 11659
declaration of candidacy is of one that is to be submitted only 11660
to electors within a district, political subdivision, or portion 11661
thereof, the petition shall be signed by not less than fifty 11662
qualified electors who are members of the same political party 11663
as the political party of which the candidate is a member. If 11664
the declaration of candidacy is for party nomination as a 11665
candidate for member of the legislative authority of a municipal 11666
corporation elected by ward, the petition shall be signed by not 11667
less than twenty-five qualified electors who are members of the 11668
political party of which the candidate is a member. 11669

No such petition, except the petition for a candidacy that 11670
is to be submitted to electors throughout the entire state, 11671
shall be accepted for filing if it appears to contain on its 11672
face signatures of more than three times the minimum number of 11673
signatures. When a petition of a candidate has been accepted for 11674
filing by a board of elections, the petition shall not be deemed 11675
invalid if, upon verification of signatures contained in the 11676
petition, the board of elections finds the number of signatures 11677

accepted exceeds three times the minimum number of signatures 11678
required. A board of elections may discontinue verifying 11679
signatures on petitions when the number of verified signatures 11680
equals the minimum required number of qualified signatures. 11681

If the declaration of candidacy declares a candidacy for 11682
party nomination or for election as a candidate of a minor 11683
party, the minimum number of signatures on such petition is one- 11684
half the minimum number provided in this section, except that, 11685
when the candidacy is one for election as a member of the state 11686
central committee or the county central committee of a political 11687
party, the minimum number shall be the same for a minor party as 11688
for a major party. 11689

If a declaration of candidacy is one for election as a 11690
member of the state central committee or the county central 11691
committee of a political party, the petition shall be signed by 11692
five qualified electors of the district, county, ward, township, 11693
or precinct within which electors may vote for such candidate. 11694
The electors signing such petition shall be members of the same 11695
political party as the political party of which the candidate is 11696
a member. 11697

For purposes of signing or circulating a petition of 11698
candidacy for party nomination or election, an elector is 11699
considered to be a member of a political party if the ~~elector~~ 11700
~~voted in that party's primary election within the preceding two~~ 11701
~~calendar years, or if the elector did not vote in any other~~ 11702
~~party's primary election within the preceding two calendar years~~ 11703
elector's voter registration record indicates that the elector 11704
is affiliated with that political party. 11705

If the declaration of candidacy is of one that is to be 11706
submitted only to electors within a county, or within a district 11707

or subdivision or part thereof smaller than a county, the 11708
petition shall be filed with the board of elections of the 11709
county. If the declaration of candidacy is of one that is to be 11710
submitted only to electors of a district or subdivision or part 11711
thereof that is situated in more than one county, the petition 11712
shall be filed with the board of elections of the county within 11713
which the major portion of the population thereof, as 11714
ascertained by the next preceding federal census, is located. 11715

A petition shall consist of separate petition papers, each 11716
of which shall contain signatures of electors of only one 11717
county. Petitions or separate petition papers containing 11718
signatures of electors of more than one county shall not thereby 11719
be declared invalid. In case petitions or separate petition 11720
papers containing signatures of electors of more than one county 11721
are filed, the board shall determine the county from which the 11722
majority of signatures came, and only signatures from such 11723
county shall be counted. Signatures from any other county shall 11724
be invalid. 11725

Each separate petition paper shall be circulated by one 11726
person only, who shall be the candidate or a joint candidate or 11727
a member of the same political party as the candidate or joint 11728
candidates, and each separate petition paper shall be governed 11729
by the rules set forth in section 3501.38 of the Revised Code. 11730

The secretary of state shall promptly transmit to each 11731
board such separate petition papers of each petition 11732
accompanying a declaration of candidacy filed with the secretary 11733
of state as purport to contain signatures of electors of the 11734
county of such board. The board of the most populous county of a 11735
district shall promptly transmit to each board within such 11736
district such separate petition papers of each petition 11737

accompanying a declaration of candidacy filed with it as purport 11738
to contain signatures of electors of the county of each such 11739
board. The board of a county within which the major portion of 11740
the population of a subdivision, situated in more than one 11741
county, is located, shall promptly transmit to the board of each 11742
other county within which a portion of such subdivision is 11743
located such separate petition papers of each petition 11744
accompanying a declaration of candidacy filed with it as purport 11745
to contain signatures of electors of the portion of such 11746
subdivision in the county of each such board. 11747

All petition papers so transmitted to a board and all 11748
petitions accompanying declarations of candidacy filed with a 11749
board shall, under proper regulations, be open to public 11750
inspection until four p.m. of the eightieth day before the day 11751
of the next primary election. Each board shall, not later than 11752
the seventy-eighth day before the day of that primary election, 11753
examine and determine the validity or invalidity of the 11754
signatures on the petition papers so transmitted to or filed 11755
with it and shall return to the secretary of state all petition 11756
papers transmitted to it by the secretary of state, together 11757
with its certification of its determination as to the validity 11758
or invalidity of signatures thereon, and shall return to each 11759
other board all petition papers transmitted to it by such board, 11760
together with its certification of its determination as to the 11761
validity or invalidity of the signatures thereon. All other 11762
matters affecting the validity or invalidity of such petition 11763
papers shall be determined by the secretary of state or the 11764
board with whom such petition papers were filed. 11765

Protests against the candidacy of any person filing a 11766
declaration of candidacy for party nomination or for election to 11767
an office or position, as provided in this section, may be filed 11768

by any qualified elector who is a member of the same political 11769
party as the candidate and who is eligible to vote at the 11770
primary election for the candidate whose declaration of 11771
candidacy the elector objects to, or by the controlling 11772
committee of that political party. The protest shall be in 11773
writing, and shall be filed not later than four p.m. of the 11774
seventy-fourth day before the day of the primary election. The 11775
protest shall be filed with the election officials with whom the 11776
declaration of candidacy and petition was filed. Upon the filing 11777
of the protest, the election officials with whom it is filed 11778
shall promptly fix the time for hearing it, and shall forthwith 11779
mail notice of the filing of the protest and the time fixed for 11780
hearing to the person whose candidacy is so protested. They 11781
shall also forthwith mail notice of the time fixed for such 11782
hearing to the person who filed the protest. At the time fixed, 11783
such election officials shall hear the protest and determine the 11784
validity or invalidity of the declaration of candidacy and 11785
petition. If they find that such candidate is not an elector of 11786
the state, district, county, or political subdivision in which 11787
the candidate seeks a party nomination or election to an office 11788
or position, or has not fully complied with this chapter, the 11789
candidate's declaration of candidacy and petition shall be 11790
determined to be invalid and shall be rejected; otherwise, it 11791
shall be determined to be valid. That determination shall be 11792
final. 11793

A protest against the candidacy of any persons filing a 11794
declaration of candidacy for joint party nomination to the 11795
offices of governor and lieutenant governor shall be filed, 11796
heard, and determined in the same manner as a protest against 11797
the candidacy of any person filing a declaration of candidacy 11798
singly. 11799

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

The board of the most populous county in a district comprised of more than one county but less than all of the counties of the state shall, on the seventieth day before the day of a primary election, certify to the board of each county in the district the names of the candidates to be printed on the official ballots to be used at the primary election, whose nomination or election is to be determined only by electors within the district and who filed valid declarations of candidacy and petitions.

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

Sec. 3513.052. (A) No person shall seek nomination or election to any of the following offices or positions at the same election by filing a declaration of candidacy and petition, a declaration of intent to be a write-in candidate, or a

| | |
|--|-------|
| nominating petition, or by becoming a candidate through party | 11830 |
| nomination in a primary election, or by the filling of a vacancy | 11831 |
| under section 3513.30 or 3513.31 of the Revised Code: | 11832 |
| (1) Two or more state offices; | 11833 |
| (2) Two or more county offices; | 11834 |
| (3) A state office and a county office; | 11835 |
| (4) A federal office and a state or county office; | 11836 |
| (5) Any combination of two or more municipal or township | 11837 |
| offices, positions as a member of a city, local, or exempted | 11838 |
| village board of education, or positions as a member of a | 11839 |
| governing board of an educational service center. | 11840 |
| (B) The secretary of state or a board of elections shall | 11841 |
| not accept for filing a declaration of candidacy and petition, a | 11842 |
| declaration of intent to be a write-in candidate, or a | 11843 |
| nominating petition of a person seeking to become a candidate if | 11844 |
| that person, for the same election, has already filed a | 11845 |
| declaration of candidacy, a declaration of intent to be a write- | 11846 |
| in candidate, or a nominating petition, or has become a | 11847 |
| candidate through party nomination at a primary election or by | 11848 |
| the filling of a vacancy under section 3513.30 or 3513.31 of the | 11849 |
| Revised Code for: | 11850 |
| (1) Any federal, state, or county office, if the | 11851 |
| declaration of candidacy, declaration of intent to be a write-in | 11852 |
| candidate, or nominating petition is for a state or county | 11853 |
| office; | 11854 |
| (2) Any municipal or township office, or for member of a | 11855 |
| city, local, or exempted village board of education, or for | 11856 |
| member of a governing board of an educational service center, if | 11857 |

the declaration of candidacy, declaration of intent to be a 11858
write-in candidate, or nominating petition is for a municipal or 11859
township office, or for member of a city, local, or exempted 11860
village board of education, or for member of a governing board 11861
of an educational service center. 11862

(C) (1) If the secretary of state determines, before the 11863
day of the primary election, that a person is seeking nomination 11864
to more than one office at that election in violation of 11865
division (A) of this section, the secretary of state shall do 11866
one of the following: 11867

(a) If each office or the district for each office for 11868
which the person is seeking nomination is wholly within a single 11869
county and none of those offices is a federal office, the 11870
secretary of state shall notify the board of elections of that 11871
county. The board then shall determine the date on which the 11872
person first sought to become a candidate for each of those 11873
offices by filing a declaration of candidacy or a declaration of 11874
intent to be a write-in candidate or by the filling of a vacancy 11875
under section 3513.30 of the Revised Code. The board shall vote 11876
promptly to disqualify that person as a candidate for each 11877
office for which the person sought to become a candidate after 11878
the date on which the person first sought to become a candidate 11879
for any of those offices. If the board determines that the 11880
person sought to become a candidate for more than one of those 11881
offices on the same date, the board shall vote promptly to 11882
disqualify that person as a candidate for each office that would 11883
be listed on the ballot below the highest office for which that 11884
person seeks nomination, according to the ballot order 11885
prescribed under section 3505.03 of the Revised Code. 11886

(b) If one or more of the offices for which the person is 11887

seeking nomination is a state office or an office with a 11888
district larger than a single county and none of the offices for 11889
which the person is seeking nomination is a federal office, the 11890
secretary of state shall determine the date on which the person 11891
first sought to become a candidate for each of those offices by 11892
filing a declaration of candidacy or a declaration of intent to 11893
be a write-in candidate or by the filling of a vacancy under 11894
section 3513.30 of the Revised Code. The secretary of state 11895
shall order the board of elections of each county in which the 11896
person is seeking to appear on the ballot to disqualify that 11897
person as a candidate for each office for which the person 11898
sought to become a candidate after the date on which the person 11899
first sought to become a candidate for any of those offices. If 11900
the secretary of state determines that the person sought to 11901
become a candidate for more than one of those offices on the 11902
same date, the secretary of state shall order the board of 11903
elections of each county in which the person is seeking to 11904
appear on the ballot to disqualify that person as a candidate 11905
for each office that would be listed on the ballot below the 11906
highest office for which that person seeks nomination, according 11907
to the ballot order prescribed under section 3505.03 of the 11908
Revised Code. Each board of elections so notified shall vote 11909
promptly to disqualify the person as a candidate in accordance 11910
with the order of the secretary of state. 11911

(c) If each office or the district for each office for 11912
which the person is seeking nomination is wholly within a single 11913
county and any of those offices is a federal office, the 11914
secretary of state shall notify the board of elections of that 11915
county. The board then shall vote promptly to disqualify that 11916
person as a candidate for each office that is not a federal 11917
office. 11918

(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 12074
section 3505.03 of the Revised Code. 12075

(b) If one or more of the offices for which the person is 12076
seeking election is a state office or an office with a district 12077
larger than a single county and none of the offices for which 12078
the person is seeking election is a federal office, the board 12079
shall notify the secretary of state. The secretary of state 12080
promptly shall investigate and determine the offices for which 12081
the person seeks to appear as a candidate on the ballot. The 12082
secretary of state shall order the board of elections of each 12083
county in which the person is seeking to appear on the ballot to 12084
disqualify that person as a candidate for each office that would 12085
be listed on the ballot below the highest office for which that 12086
person seeks election, according to the ballot order prescribed 12087
under section 3505.03 of the Revised Code. Each board of 12088
elections so notified shall vote promptly to disqualify the 12089
person as a candidate in accordance with the order of the 12090
secretary of state. If the person sought nomination at a primary 12091
election and has not yet been issued a certificate of 12092
nomination, the board shall not issue that certificate for that 12093
person for any office that would be listed on the ballot below 12094
the highest office for which that person seeks election, 12095
according to the ballot order prescribed under section 3505.03 12096
of the Revised Code. 12097

(c) If each office or the district for each office for 12098
which the person is seeking election is wholly within that 12099
county and any of those offices is a federal office, the board 12100
shall vote promptly to disqualify that person as a candidate for 12101
each office that is not a federal office. If the person sought 12102
nomination at a primary election and has not yet been issued a 12103
certificate of nomination, the board shall not issue that 12104

certificate for that person for any office that is not a federal 12105
office. 12106

(d) If one or more of the offices for which the person is 12107
seeking election is a state office and any of the offices for 12108
which the person is seeking election is a federal office, the 12109
board shall notify the secretary of state. The secretary of 12110
state shall order the board of elections of each county in which 12111
the person is seeking to appear on the ballot to disqualify that 12112
person as a candidate for each office that is not a federal 12113
office. Each board of elections so notified shall vote promptly 12114
to disqualify the person as a candidate in accordance with the 12115
order of the secretary of state. If the person sought nomination 12116
at a primary election and has not yet been issued a certificate 12117
of nomination, the board shall not issue that certificate for 12118
that person for any office that is not a federal office. 12119

(E) When a person is disqualified as a candidate under 12120
division (C) or (D) of this section, on or before the seventieth 12121
day before the day of the applicable election, the board of 12122
elections shall remove the person's name from the ballot for any 12123
office for which that person has been disqualified as a 12124
candidate according to the directions of the secretary of state. 12125
When a person is disqualified as a candidate under division (C) 12126
or (D) of this section after the seventieth day before the day 12127
of the applicable election, the board of elections shall not 12128
remove the person's name from the ballot for any office for 12129
which that person has been disqualified as a candidate. The 12130
board of elections shall post a notice at each ~~polling~~ location 12131
~~on the day of the applicable election, where ballots may be cast~~ 12132
in person and shall enclose with each ~~absent voter's mail~~ ballot 12133
given or mailed after the candidate is disqualified, a notice 12134
that votes for the person for the office for which the person 12135

has been disqualified as a candidate will be void and will not 12136
be counted. ~~If the name is not removed from the ballots before~~ 12137
~~the day of the election, the~~ Any votes cast for the disqualified 12138
candidate are void and shall not be counted. 12139

(F) Any vacancy created by the disqualification of a 12140
person as a candidate under division (C) or (D) of this section 12141
may be filled in the manner provided for in sections 3513.30 and 12142
3513.31 of the Revised Code. 12143

(G) Nothing in this section or section 3513.04, 3513.041, 12144
3513.05, 3513.251, 3513.253, 3513.254, 3513.255, 3513.257, 12145
3513.259, or 3513.261 of the Revised Code prohibits, and the 12146
secretary of state or a board of elections shall not disqualify, 12147
a person from being a candidate for an office, if that person 12148
timely withdraws as a candidate for any offices specified in 12149
division (A) of this section for which that person first sought 12150
to become a candidate by filing a declaration of candidacy and 12151
petition, a declaration of intent to be a write-in candidate, or 12152
a nominating petition, by party nomination in a primary 12153
election, or by the filling of a vacancy under section 3513.30 12154
or 3513.31 of the Revised Code. 12155

(H) As used in this section: 12156

(1) "State office" means the offices of governor, 12157
lieutenant governor, secretary of state, auditor of state, 12158
treasurer of state, attorney general, member of the state board 12159
of education, member of the general assembly, chief justice of 12160
the supreme court, and justice of the supreme court. 12161

(2) "Timely withdraws" means either of the following: 12162

(a) Withdrawing as a candidate before the applicable 12163
deadline for filing a declaration of candidacy, declaration of 12164

intent to be a write-in candidate, or nominating petition for 12165
the subsequent office for which the person is seeking to become 12166
a candidate at the same election; 12167

(b) Withdrawing as a candidate before the applicable 12168
deadline for the filling of a vacancy under section 3513.30 or 12169
3513.31 of the Revised Code, if the person is seeking to become 12170
a candidate for a subsequent office at the same election under 12171
either of those sections. 12172

Sec. 3513.07. The form of declaration of candidacy and 12173
petition of a person desiring to be a candidate for a party 12174
nomination or a candidate for election to an office or position 12175
to be voted for at a primary election shall be substantially as 12176
follows: 12177

"DECLARATION OF CANDIDACY PARTY PRIMARY ELECTION 12178

I, _____ (Name of Candidate), the 12179
undersigned, hereby declare under penalty of election 12180
falsification that my voting residence is in _____ 12181
precinct of the _____ (Township) or 12182
(Ward and City or Village) in the county of _____, 12183
Ohio; that my voting residence is _____ (Street and 12184
Number, if any, or Rural Route and Number) of the 12185
_____ (City or Village) of 12186
_____, Ohio; and that I am a qualified elector in 12187
the precinct in which my voting residence is located. I am a 12188
member of the _____ Party. I hereby declare that I desire to 12189
be _____ (a candidate for nomination as a 12190
candidate of the Party for election to the office of 12191
_____) (a candidate for election to the office or 12192
position of _____) for the _____ in the state, 12193
district, (Full term or unexpired term ending _____) 12194

county, city, or village of _____, at the primary 12195
election to be held on the _____ day of _____, _____, 12196
and I hereby request that my name be printed upon the official 12197
primary election ballot of the said _____ Party as a 12198
candidate for _____ (such nomination) or (such election) as 12199
provided by law. 12200

I further declare that, if elected to said office or 12201
position, I will qualify therefor, and that I will support and 12202
abide by the principles enunciated by the _____ Party. 12203

Dated this _____ day of _____, _____ 12204

_____ 12205

(Signature of candidate) 12206

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 12207
FELONY OF THE ~~FIFTH~~-FOURTH DEGREE. 12208

PETITION OF CANDIDATE 12209

We, the undersigned, qualified electors of the state of 12210
Ohio, whose voting residence is in the county, city, village, 12211
ward, township, or school district, and precinct set opposite 12212
our names, and members of the 12213
_____ Party, hereby certify 12214
that _____ (Name of candidate) whose 12215
declaration of candidacy is filed herewith, is a member of the 12216
_____ Party, and is, in our opinion, well qualified to 12217
perform the duties of the office or position to which that 12218
candidate desires to be elected. 12219

Street City, 12220

and Village or 12221

Signature Number Township Ward Precinct County Date 12222

(Must use address on file with the board of elections) 12223

12224

12225

12226

_____ (Name of circulator 12227
of petition), declares under penalty of election falsification 12228
that the circulator of the petition is a qualified elector of 12229
the state of Ohio and resides at the address appearing below the 12230
signature of that circulator; that the circulator is a member of 12231
the _____ Party; that the circulator is the circulator of 12232
the foregoing petition paper containing _____ (Number) 12233
signatures; that the circulator witnessed the affixing of every 12234
signature; that all signers were to the best of the circulator's 12235
knowledge and belief qualified to sign; and that every signature 12236
is to the best of the circulator's knowledge and belief the 12237
signature of the person whose signature it purports to be or of 12238
an attorney in fact acting pursuant to section 3501.382 of the 12239
Revised Code. 12240

12241

(Signature of circulator) 12242

12243

(Address of circulator's 12244
permanent residence in this 12245
state) 12246

12247

(If petition is for a 12248
statewide candidate, the 12249

name and address of person 12250

employing to circulate 12251

petition, if any) 12252

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 12253
FELONY OF THE ~~FIFTH~~ FOURTH DEGREE." 12254

The secretary of state shall prescribe a form of 12255
declaration of candidacy and petition, and the form shall be 12256
substantially similar to the declaration of candidacy and 12257
petition set forth in this section, that will be suitable for 12258
joint candidates for the offices of governor and lieutenant 12259
governor. 12260

The petition provided for in this section shall be 12261
circulated only by a member of the same political party as the 12262
candidate. 12263

Sec. 3513.13. Separate primary election ballots shall be 12264
provided by the board of elections for each political party 12265
having candidates for nomination or election in a primary 12266
election. Section 3505.08 of the Revised Code governing the kind 12267
of paper, the kind of ink, and the size and style of type to be 12268
used in the printing of ballots for general elections shall 12269
apply in the printing of ballots for primary elections. 12270

Primary election ballots shall have printed on the back 12271
thereof "Official _____ (name of party) _____ 12272
primary ballot," the date of the election, and the facsimile 12273
signatures of the members of the board. 12274

Such ballots shall have stubs attached at the top thereof 12275
as required on ballots for general elections. 12276

On the back of every ballot used there shall be a solid 12277

black line printed opposite the blank rectangular space that is 12278
used to mark the choice of the voter. This line shall be printed 12279
wide enough so that the mark in the blank rectangular space will 12280
not be visible from the back side of the ballot. 12281

Such ballots shall have printed at the top thereof and 12282
below the stubs "Official _____ (name of party) _____ 12283
primary ballot" and instructions to the voter to the effect that 12284
to vote for a candidate the voter shall record the vote in the 12285
manner provided on the ballot next to the name of such 12286
candidate, except as provided in section 3513.151 of the Revised 12287
Code, and that ~~if he~~ a voter who tears, soils, defaces, or 12288
erroneously marks the ballot ~~he~~ may return it to the ~~precinct~~ 12289
election ~~officers~~ officials and obtain another ballot. 12290

Except as provided in section 3513.151 of the Revised 12291
Code, primary election ballots shall contain the names of all 12292
persons whose declarations of candidacy and petitions have been 12293
determined to be valid. The name of each candidate for 12294
nomination for, or election to, an office or position shall be 12295
printed in an enclosed rectangular space at the left of which an 12296
enclosed blank rectangular space shall be provided. The names of 12297
candidates shall be printed on the ballot immediately below the 12298
title of the office or position for nomination or election to 12299
which the candidate seeks nomination or election. The order in 12300
which offices and positions shall be listed on the ballot shall 12301
be prescribed by and shall be certified to each board by the 12302
secretary of state, and shall be the same, to the extent the 12303
secretary of state deems practicable, as is provided for the 12304
listing of offices on general election ballots. 12305

Sec. 3513.15. The names of the candidates in each group of 12306
two or more candidates seeking the same nomination or election 12307

at a primary election, except delegates and alternates to the 12308
national convention of a political party, shall be rotated and 12309
printed as provided in section 3505.03 of the Revised Code, 12310
except that no indication of membership in or affiliation with a 12311
political party shall be printed after or under the candidate's 12312
name. When the names of the first choices for president of 12313
candidates for delegate and alternate are not grouped with the 12314
names of such candidates, the names of the first choices for 12315
president shall be rotated in the same manner as the names of 12316
candidates. The specific form and size of the ballot shall be 12317
prescribed by the secretary of state in compliance with this 12318
chapter. 12319

It shall not be necessary to have the names of candidates 12320
for member of a county central committee printed on ~~the-mail~~ 12321
~~ballots-provided-for-absentee-voters~~, and the board may cause 12322
the names of such candidates to be written on said ballots in 12323
the spaces provided therefor. 12324

The secretary of state shall prescribe the procedure for 12325
rotating the names of candidates on the ballot and the form of 12326
the ballot for the election of delegates and alternates to the 12327
national convention of a political party in accordance with 12328
section 3513.151 of the Revised Code. 12329

Sec. 3513.17. If a person who has filed a declaration of 12330
candidacy, whose candidacy is to be submitted at a primary 12331
election to the electors of the entire state, dies prior to the 12332
~~tenth-thirtieth~~ day before the day of such primary election, the 12333
secretary of state, upon proof of the death of such candidate, 12334
shall make certification of such death to the boards of 12335
elections of the state, and the name of such deceased candidate 12336
shall not appear on the ballots. 12337

If a person who has filed a declaration of candidacy, 12338
whose candidacy is to be submitted at a primary election to the 12339
electors of a district comprised of more than one county but 12340
less than all the counties of the state, dies prior to the ~~tenth-~~ 12341
thirtieth day before the day of such primary election, the board 12342
of the most populous county of such district shall, upon proof 12343
of the death of such candidate, make certification of such death 12344
to the boards of such district, and the name of such deceased 12345
candidate shall not appear on the ballots. 12346

If a person who has filed a declaration of candidacy, 12347
whose candidacy is to be submitted at a primary election to the 12348
electors of a subdivision smaller than a county but situated in 12349
more than one county, dies prior to the ~~tenth-~~thirtieth day 12350
before the day of such primary election, the board of the county 12351
in which the major portion of the population of such subdivision 12352
is located shall, upon proof of the death of such candidate, 12353
make certification of such death to the boards of the other 12354
counties in which portions of the population of such subdivision 12355
are located, and the name of such deceased candidate shall not 12356
appear on the ballots. 12357

If a person who has filed a declaration of candidacy, 12358
whose candidacy is to be submitted at a primary election to the 12359
electors of a county, or district or subdivision within a 12360
county, dies prior to the ~~fifth-~~thirtieth day before the day of 12361
such primary election, upon proof of the death of such candidate 12362
to the board, the name of such deceased candidate shall not 12363
appear on the ballots. 12364

If, at the time such certification or proof of death of a 12365
candidate is received by a board, ballots carrying the name of 12366
the deceased candidate have been printed, such board shall cause 12367

strips of paper to be pasted on ~~such the~~ ballots that have not 12368
yet been delivered to electors so as to cover the name of the 12369
deceased candidate before such ballots are delivered to 12370
electors; except that ~~in voting places using~~ for ballots to be 12371
cast using marking devices, the board shall cause strips of 12372
paper bearing the revised list of candidates for the office, 12373
after eliminating the deceased candidate's name, to be pasted on 12374
such ballot cards so as to cover the name or names formerly 12375
shown, before such ballot cards are delivered to the electors. 12376

In no case shall votes cast for a deceased candidate be 12377
counted or recorded. 12378

Sec. 3513.18. ~~(A) Party primaries shall be held at the~~ 12379
~~same place and time, but there shall be separate pollbooks and~~ 12380
~~tally sheets provided at each polling place for each party~~ 12381
~~participating in the election simultaneously.~~ Only an elector 12382
who is registered as affiliated with a political party may vote 12383
that political party's ballot. An elector who is not registered 12384
as affiliated with the political party whose ballot the elector 12385
wishes to vote may submit a change of political party 12386
affiliation form and cast that political party's ballot, as 12387
permitted under section 3503.16 of the Revised Code. 12388

(B) If a special election on a question or issue is held 12389
on the day of a primary election, ~~there shall be provided in the~~ 12390
~~pollbooks pages on which shall be recorded the names of all~~ 12391
~~electors voting on said question or issue and not voting in such~~ 12392
~~primary. It shall not be necessary for electors desiring to vote~~ 12393
~~only on the question or issue to declare their political~~ 12394
~~affiliation~~ any qualified elector, including an elector who is 12395
not registered as affiliated with a political party, may vote on 12396
that question or issue. 12397

Sec. 3513.191. (A) No person shall be a candidate for 12398
nomination or election at a party primary if the ~~person voted as~~ 12399
~~a member of a different political party at any primary election~~ 12400
~~within the current year and the immediately preceding two~~ 12401
~~calendar years~~ person's voter registration record does not 12402
indicate that the person is affiliated with that political 12403
party. 12404

~~(B) Notwithstanding division (A) of this section, either~~ 12405
~~of the following persons may be candidates for nomination of any~~ 12406
~~political party at a party primary:~~ 12407

~~(1) A person who does not hold an elective office;~~ 12408

~~(2) A person who holds an elective office other than one~~ 12409
~~for which candidates are nominated at a party primary.~~ 12410

~~(C) (1) Notwithstanding division (A) of this section, a A~~ 12411
person who holds an elective office for which candidates are 12412
nominated at a party primary may be a candidate at a primary 12413
election held during the times specified in division ~~(C) (2) (B)~~ 12414
(3) of this section for nomination as a candidate of a political 12415
party ~~of which the person is prohibited from being a candidate~~ 12416
~~for nomination under division (A) of this section other than the~~ 12417
party that most recently nominated the person as a candidate for 12418
the office the person currently holds, only if the person files 12419
does all of the following: 12420

(a) Registers to vote as a member of the person's new 12421
political party; 12422

(b) Files a declaration of intent to seek the nomination 12423
~~of that the person's new party and if, by filing the~~ 12424
~~declaration, the person has;~~ 12425

(c) Has not violated division ~~(C) (3) (B) (4)~~ of this 12426

section.—The 12427

(2) The declaration of intent shall: 12428

(a) Be filed not later than four p.m. of the thirtieth day 12429
before a declaration of candidacy and petition is required to be 12430
filed under section 3513.05 of the Revised Code; 12431

(b) Be filed with the same official with whom the person 12432
filing the declaration of intent is required to file a 12433
declaration of candidacy and petition; 12434

(c) Indicate the political party whose nomination in the 12435
primary election the person seeks; 12436

(d) Be on a form prescribed by the secretary of state. 12437

~~(2)~~ (3) No person filing a declaration of intent under 12438
division ~~(C)~~ (B) (1) of this section shall be a candidate at any 12439
primary election for nomination for an elective office for which 12440
candidates are nominated at a party primary during the calendar 12441
year in which the person files the declaration or during the 12442
next calendar year except as a candidate of the party indicated 12443
under division ~~(C)~~ (1) (B) (2) (c) of this section. 12444

~~(3)~~ (4) No person who files a declaration of intent under 12445
division ~~(C)~~ (B) (1) of this section shall file another such 12446
declaration for a period of ten years after the declaration is 12447
filed. 12448

~~(4) Notwithstanding the seventh paragraph of section—~~ 12449
~~3513.05 of the Revised Code, a person who complies with this—~~ 12450
~~section may circulate that person's own petition of candidacy—~~ 12451
~~for party nomination at the party primary at which the person—~~ 12452
~~seeks nomination under this section.~~ 12453

Sec. 3513.192. Any candidate nominated at a party primary 12454

election who, before that primary election, registers as 12455
affiliated with and votes in that primary election as a member 12456
of a political party different from the party that nominated the 12457
candidate shall forfeit the nomination, and the vacancy so 12458
created shall be filled in accordance with section 3513.31 of 12459
the Revised Code. 12460

Sec. 3513.22. (A) ~~Not earlier than the eleventh day or~~ 12461
~~later than the fifteenth day after a primary election, the board~~ 12462
~~of elections shall begin to canvass the election returns from~~ 12463
~~the precincts in which electors were entitled to vote at that~~ 12464
~~election and shall continue the canvass daily until it is~~ 12465
~~completed.~~ 12466

~~The board shall complete the canvass not later than the~~ 12467
~~twenty first day after the day of the election. Eighty one days~~ 12468
~~after the day of the election, the canvass of election returns~~ 12469
~~shall be deemed final, and no amendments to the canvass may be~~ 12470
~~made after that date. The secretary of state may specify an~~ 12471
~~earlier date upon which the canvass of election returns shall be~~ 12472
~~deemed final, and after which amendments to the final canvass~~ 12473
~~may not be made, if so required by federal law.~~ 12474

~~(B) The county executive committee of each political party~~ 12475
~~that participated in the election, and each committee designated~~ 12476
~~in a petition to represent the petitioners pursuant to which a~~ 12477
~~question or issue was submitted at the election, may designate a~~ 12478
~~qualified elector who may be present at and may observe the~~ 12479
~~making of the canvass. Each person for whom votes were cast in~~ 12480
~~the election may also be present at and observe the making of~~ 12481
~~the canvass.~~ 12482

~~(C) (1) When the canvass of the election returns from all~~ 12483
~~of the precincts in the county in which electors were entitled~~ 12484

to vote at the election has been completed in accordance with 12485
section 3505.32 of the Revised Code, the board shall determine 12486
and declare the results of the elections determined by the 12487
electors of the county or of a district or subdivision within 12488
the county. If more than the number of persons to be nominated 12489
for or elected to an office received the largest and an equal 12490
number of votes, the tie shall be resolved by lot by the 12491
chairperson of the board in the presence of a majority of the 12492
members of the board. The declaration shall be in writing and 12493
shall be signed by at least a majority of the members of the 12494
board. It shall bear the date of the day upon which it is made, 12495
and a copy of it shall be posted by the board in a conspicuous 12496
place in its office. The board shall keep the copy posted for a 12497
period of at least five days. 12498

(2) The board shall promptly certify abstracts of the 12499
results of the elections within its county upon forms the 12500
secretary of state prescribes. One certified copy of each 12501
abstract shall be kept in the office of the board, and one 12502
certified copy of each abstract shall promptly be sent to the 12503
secretary of state. The board shall also promptly send a 12504
certified copy of that part of an abstract that pertains to an 12505
election in which only electors of a district comprised of more 12506
than one county but less than all of the counties of the state 12507
voted to the board of the most populous county in the district. 12508
It shall also promptly send a certified copy of that part of an 12509
abstract that pertains to an election in which only electors of 12510
a subdivision located partly within the county voted to the 12511
board of the county in which the major portion of the population 12512
of the subdivision is located. 12513

(3) If, after certifying and sending abstracts and parts 12514
of abstracts, a board finds that any abstract or part of any 12515

abstract is incorrect, it shall promptly prepare, certify, and 12516
send a corrected abstract or part of an abstract to take the 12517
place of each incorrect abstract or part of an abstract 12518
previously certified and sent. 12519

~~(D)(1)~~ (B)(1) When certified copies of abstracts are 12520
received by the secretary of state, the secretary of state shall 12521
canvass those abstracts and determine and declare the results of 12522
all elections in which electors throughout the entire state 12523
voted. If more than the number of persons to be nominated for or 12524
elected to an office received the largest and an equal number of 12525
votes, the tie shall be resolved by lot by the secretary of 12526
state in the presence of the governor, the auditor of state, and 12527
the attorney general, who at the request of the secretary of 12528
state shall assemble to witness the drawing of the lot. The 12529
declaration of results by the secretary of state shall be in 12530
writing and shall be signed by the secretary of state. It shall 12531
bear the date of the day upon which it is made, and a copy of it 12532
shall be posted by the secretary of state in a conspicuous place 12533
in the secretary of state's office. The secretary of state shall 12534
keep the copy posted for a period of at least five days. 12535

(2) When certified copies of parts of abstracts are 12536
received by the board of the most populous county in a district 12537
from the boards of all of the counties in the district, the 12538
board receiving those abstracts shall canvass them and determine 12539
and declare the results of the elections in which only electors 12540
of the district voted. If more than the number of persons to be 12541
nominated for or elected to an office received the largest and 12542
equal number of votes, the tie shall be resolved by lot by the 12543
chairperson of the board in the presence of a majority of the 12544
members of the board. The declaration of results by the board 12545
shall be in writing and shall be signed by at least a majority 12546

of the members of the board. It shall bear the date of the day 12547
upon which it is made, and a copy of it shall be posted by the 12548
board in a conspicuous place in its office. The board shall keep 12549
the copy posted for a period of at least five days. 12550

(3) When certified copies of parts of abstracts are 12551
received by the board of a county in which the major portion of 12552
the population of a subdivision located in more than one county 12553
is located from the boards of each county in which other 12554
portions of that subdivision are located, the board receiving 12555
those abstracts shall canvass them and determine and declare the 12556
results of the elections in which only electors of that 12557
subdivision voted. If more than the number of persons to be 12558
nominated for or elected to an office received the largest and 12559
an equal number of votes, the tie shall be resolved by lot by 12560
the chairperson of the board in the presence of a majority of 12561
the members of the board. The declaration of results by the 12562
board shall be in writing and shall be signed by at least a 12563
majority of the members of the board. It shall bear the date of 12564
the day upon which it is made, and a copy of it shall be posted 12565
by the board in a conspicuous place in its office. The board 12566
shall keep the copy posted for a period of at least five days. 12567

~~(E)~~-(C) Election officials, who are required to declare 12568
the results of primary elections, shall issue to each person 12569
declared nominated for or elected to an office, an appropriate 12570
certificate of nomination or election, provided that the boards 12571
required to determine and declare the results of the elections 12572
for candidates for nomination to the office of representative to 12573
congress from a congressional district shall, in lieu of issuing 12574
a certificate of nomination, certify to the secretary of state 12575
the names of the candidates nominated, and the secretary of 12576
state, upon receipt of that certification, shall issue a 12577

certificate of nomination to each person whose name is so 12578
certified. Certificates of nomination or election issued by 12579
boards to candidates and certifications to the secretary of 12580
state shall not be issued before the expiration of the time 12581
within which applications for recounts of votes may be filed or 12582
before recounts of votes, which have been applied for, are 12583
completed. 12584

Sec. 3513.261. A nominating petition may consist of one or 12585
more separate petition papers, each of which shall be 12586
substantially in the form prescribed in this section. If the 12587
petition consists of more than one separate petition paper, the 12588
statement of candidacy of the candidate or joint candidates 12589
named need be signed by the candidate or joint candidates on 12590
only one of such separate petition papers, but the statement of 12591
candidacy so signed shall be copied on each other separate 12592
petition paper before the signatures of electors are placed on 12593
it. Each nominating petition containing signatures of electors 12594
of more than one county shall consist of separate petition 12595
papers each of which shall contain signatures of electors of 12596
only one county; provided that petitions containing signatures 12597
of electors of more than one county shall not thereby be 12598
declared invalid. In case petitions containing signatures of 12599
electors of more than one county are filed, the board of 12600
elections shall determine the county from which the majority of 12601
the signatures came, and only signatures from this county shall 12602
be counted. Signatures from any other county shall be invalid. 12603

All signatures on nominating petitions shall be written in 12604
ink or indelible pencil. 12605

At the time of filing a nominating petition, the candidate 12606
designated in the nominating petition, and joint candidates for 12607

governor and lieutenant governor, shall pay to the election 12608
officials with whom it is filed the fees specified for the 12609
office under divisions (A) and (B) of section 3513.10 of the 12610
Revised Code. The fees shall be disposed of by those election 12611
officials in the manner that is provided in section 3513.10 of 12612
the Revised Code for the disposition of other fees, and in no 12613
case shall a fee required under that section be returned to a 12614
candidate. 12615

Candidates or joint candidates whose names are written on 12616
the ballot, and who are elected, shall pay the same fees under 12617
section 3513.10 of the Revised Code that candidates who file 12618
nominating petitions pay. Payment of these fees shall be a 12619
condition precedent to the granting of their certificates of 12620
election. 12621

Each nominating petition shall contain a statement of 12622
candidacy that shall be signed by the candidate or joint 12623
candidates named in it or by an attorney in fact acting pursuant 12624
to section 3501.382 of the Revised Code. Such statement of 12625
candidacy shall contain a declaration made under penalty of 12626
election falsification that the candidate desires to be a 12627
candidate for the office named in it, and that the candidate is 12628
an elector qualified to vote for the office the candidate seeks. 12629

The form of the nominating petition and statement of 12630
candidacy shall be substantially as follows: 12631

"STATEMENT OF CANDIDACY 12632

I, _____ (Name of 12633
candidate), the undersigned, hereby declare under penalty of 12634
election falsification that my voting residence is in 12635
_____ Precinct of the 12636

_____ (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 |
|-------|-----------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

12664

NOMINATING PETITION

12665

We, the undersigned, qualified electors of the state of
Ohio, whose voting residence is in the County, City, Village,
Ward, Township or Precinct set opposite our names, hereby
nominate _____ as 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 _____) to be
voted for at the general election next hereafter to be held, and
certify that this person is, in our opinion, well qualified to
perform the duties of the office or position to which the person
desires to be elected.

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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

of person employing circulator 12703

to circulate petition, if any) 12704

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 12705
FELONY OF THE ~~FIFTH~~-FOURTH DEGREE." 12706

The secretary of state shall prescribe a form of 12707
nominating petition for a group of candidates for the office of 12708
member of a board of education, township office, and offices of 12709
municipal corporations of under two thousand population. 12710

The secretary of state shall prescribe a form of statement 12711
of candidacy and nominating petition, which shall be 12712
substantially similar to the form of statement of candidacy and 12713
nominating petition set forth in this section, that will be 12714
suitable for joint candidates for the offices of governor and 12715
lieutenant governor. 12716

If such petition nominates a candidate whose election is 12717
to be determined by the electors of a county or a district or 12718
subdivision within the county, it shall be filed with the board 12719
of such county. If the petition nominates a candidate whose 12720
election is to be determined by the voters of a subdivision 12721
located in more than one county, it shall be filed with the 12722
board of the county in which the major portion of the population 12723
of such subdivision is located. 12724

If the petition nominates a candidate whose election is to 12725
be determined by the electors of a district comprised of more 12726
than one county but less than all of the counties of the state, 12727
it shall be filed with the board of elections of the most 12728
populous county in such district. If the petition nominates a 12729
candidate whose election is to be determined by the electors of 12730
the state at large, it shall be filed with the secretary of 12731

state. 12732

The secretary of state or a board of elections shall not 12733
accept for filing a nominating petition of a person seeking to 12734
become a candidate if that person, for the same election, has 12735
already filed a declaration of candidacy, a declaration of 12736
intent to be a write-in candidate, or a nominating petition, or 12737
has become a candidate through party nomination at a primary 12738
election or by the filling of a vacancy under section 3513.30 or 12739
3513.31 of the Revised Code for any federal, state, or county 12740
office, if the nominating petition is for a state or county 12741
office, or for any municipal or township office, for member of a 12742
city, local, or exempted village board of education, or for 12743
member of a governing board of an educational service center, if 12744
the nominating petition is for a municipal or township office, 12745
or for member of a city, local, or exempted village board of 12746
education, or for member of a governing board of an educational 12747
service center. 12748

Sec. 3513.30. (A) (1) If only one valid declaration of 12749
candidacy is filed for nomination as a candidate of a political 12750
party for an office and that candidate dies prior to the ~~tenth-~~ 12751
thirtieth day before the primary election, both of the following 12752
may occur: 12753

(a) The political party whose candidate died may fill the 12754
vacancy so created as provided in division (A) (2) of this 12755
section. 12756

(b) Any major political party other than the one whose 12757
candidate died may select a candidate as provided in division 12758
(A) (2) of this section under either of the following 12759
circumstances: 12760

(i) No person has filed a valid declaration of candidacy 12761
for nomination as that party's candidate at the primary 12762
election. 12763

(ii) Only one person has filed a valid declaration of 12764
candidacy for nomination as that party's candidate at the 12765
primary election, that person has withdrawn, died, or been 12766
disqualified under section 3513.052 of the Revised Code, and the 12767
vacancy so created has not been filled. 12768

(2) A vacancy may be filled under division (A) (1) (a) and a 12769
selection may be made under division (A) (1) (b) of this section 12770
by the appropriate committee of the political party in the same 12771
manner as provided in divisions (A) to (E) of section 3513.31 of 12772
the Revised Code for the filling of similar vacancies created by 12773
withdrawals or disqualifications under section 3513.052 of the 12774
Revised Code after the primary election, except that the 12775
certification required under that section may not be filed with 12776
the secretary of state, or with a board of ~~the most populous~~ 12777
~~county of a district, or with the board of a county in which the~~ 12778
~~major portion of the population of a subdivision is located,~~ 12779
elections later than four p.m. of the ~~tenth~~ thirtieth day before 12780
the day of such primary election, ~~or with any other board later~~ 12781
~~than four p.m. of the fifth day before the day of such primary~~ 12782
~~election.~~ 12783

(3) If only one valid declaration of candidacy is filed 12784
for nomination as a candidate of a political party for an office 12785
and that candidate dies on or after the ~~tenth~~ thirtieth day 12786
before the day of the primary election, that candidate is 12787
considered to have received the nomination of that candidate's 12788
political party at that primary election, and, for purposes of 12789
filling the vacancy so created, that candidate's death shall be 12790

treated as if that candidate died on the day after the day of 12791
the primary election. 12792

(B) Any person filing a declaration of candidacy may 12793
withdraw as such candidate at any time prior to the primary 12794
election. The withdrawal shall be effected and the statement of 12795
withdrawal shall be filed in accordance with the procedures 12796
prescribed in division (D) of this section for the withdrawal of 12797
persons nominated in a primary election or by nominating 12798
petition. 12799

(C) A person who is the first choice for president of the 12800
United States by a candidate for delegate or alternate to a 12801
national convention of a political party may withdraw consent 12802
for the selection of the person as such first choice no later 12803
than four p.m. of the fortieth day before the day of the 12804
presidential primary election. Withdrawal of consent shall be 12805
for the entire slate of candidates for delegates and alternates 12806
who named such person as their presidential first choice and 12807
shall constitute withdrawal from the primary election by such 12808
delegates and alternates. The withdrawal shall be made in 12809
writing and delivered to the secretary of state. If the 12810
withdrawal is delivered to the secretary of state on or before 12811
the seventieth day before the day of the primary election, the 12812
boards of elections shall remove both the name of the withdrawn 12813
first choice and the names of such withdrawn candidates from the 12814
ballots according to the directions of the secretary of state. 12815
If the withdrawal is delivered to the secretary of state after 12816
the seventieth day before the day of the primary election, the 12817
board of elections shall not remove the name of the withdrawn 12818
first choice and the names of the withdrawn candidates from the 12819
ballots. The board of elections shall post a notice at each 12820
~~polling location on the day of the primary election where~~ 12821

ballots may be cast in person, and shall enclose with each 12822
~~absent voter's mail~~ ballot given or mailed after the candidate 12823
withdraws, a notice that votes for the withdrawn first choice or 12824
the withdrawn candidates will be void and will not be counted. 12825
~~If such names are not removed from all ballots before the day of~~ 12826
~~the election, the~~ Any votes cast for the withdrawn first choice 12827
or the withdrawn candidates are void and shall not be counted. 12828

(D) Any person nominated in a primary election or by 12829
nominating petition as a candidate for election at the next 12830
general election may withdraw as such candidate at any time 12831
prior to the general election. Such withdrawal may be effected 12832
by the filing of a written statement by such candidate 12833
announcing the candidate's withdrawal and requesting that the 12834
candidate's name not be printed on the ballots. If such 12835
candidate's declaration of candidacy or nominating petition was 12836
filed with the secretary of state, the candidate's statement of 12837
withdrawal shall be addressed to and filed with the secretary of 12838
state. If such candidate's declaration of candidacy or 12839
nominating petition was filed with a board of elections, the 12840
candidate's statement of withdrawal shall be addressed to and 12841
filed with such board. 12842

(E) When a person withdraws under division (B) or (D) of 12843
this section on or before the seventieth day before the day of 12844
the primary election or the general election, the board of 12845
elections shall remove the name of the withdrawn candidate from 12846
the ballots according to the directions of the secretary of 12847
state. When a person withdraws under division (B) or (D) of this 12848
section after the seventieth day before the day of the primary 12849
election or the general election, the board of elections shall 12850
not remove the name of the withdrawn candidate from the ballots. 12851
The board of elections shall post a notice at each ~~polling place~~ 12852

~~on the day of the election, location where ballots may be cast in~~ 12853
~~person,~~ and shall enclose with each ~~absent voter's mail~~ ballot 12854
given or mailed after the candidate withdraws, a notice that 12855
votes for the withdrawn candidate will be void and will not be 12856
counted. ~~If the name is not removed from all ballots before the~~ 12857
~~day of the election, the~~ Any votes cast for the withdrawn 12858
candidate are void and shall not be counted. 12859

Sec. 3513.31. (A) If a person nominated in a primary 12860
election as a candidate for election at the next general 12861
election, whose candidacy is to be submitted to the electors of 12862
the entire state, withdraws as that candidate or is disqualified 12863
as that candidate under section 3513.052 of the Revised Code, 12864
the vacancy in the party nomination so created may be filled by 12865
the state central committee of the major political party that 12866
made the nomination at the primary election, if the committee's 12867
chairperson and secretary certify the name of the person 12868
selected to fill the vacancy by the time specified in this 12869
division, at a meeting called for that purpose. The meeting 12870
shall be called by the chairperson of that committee, who shall 12871
give each member of the committee at least two days' notice of 12872
the time, place, and purpose of the meeting. If a majority of 12873
the members of the committee are present at the meeting, a 12874
majority of those present may select a person to fill the 12875
vacancy. The chairperson and secretary of the meeting shall 12876
certify in writing and under oath to the secretary of state, not 12877
later than the eighty-sixth day before the day of the general 12878
election, the name of the person selected to fill the vacancy. 12879
The certification must be accompanied by the written acceptance 12880
of the nomination by the person whose name is certified. A 12881
vacancy in a party nomination that may be filled by a minor 12882
political party shall be filled in accordance with the party's 12883

rules by authorized officials of the party. Certification must 12884
be made as in the manner provided for a major political party. 12885

(B) If a person nominated in a primary election as a party 12886
candidate for election at the next general election, whose 12887
candidacy is to be submitted to the electors of a district 12888
comprised of more than one county but less than all of the 12889
counties of the state, withdraws as that candidate or is 12890
disqualified as that candidate under section 3513.052 of the 12891
Revised Code, the vacancy in the party nomination so created may 12892
be filled by a district committee of the major political party 12893
that made the nomination at the primary election, if the 12894
committee's chairperson and secretary certify the name of the 12895
person selected to fill the vacancy by the time specified in 12896
this division, at a meeting called for that purpose. The 12897
district committee shall consist of the chairperson and 12898
secretary of the county central committee of such political 12899
party in each county in the district. The district committee 12900
shall be called by the chairperson of the county central 12901
committee of such political party of the most populous county in 12902
the district, who shall give each member of the district 12903
committee at least two days' notice of the time, place, and 12904
purpose of the meeting. If a majority of the members of the 12905
district committee are present at the district committee 12906
meeting, a majority of those present may select a person to fill 12907
the vacancy. The chairperson and secretary of the meeting shall 12908
certify in writing and under oath to the board of elections of 12909
the most populous county in the district, not later than four 12910
p.m. of the eighty-sixth day before the day of the general 12911
election, the name of the person selected to fill the vacancy. 12912
The certification must be accompanied by the written acceptance 12913
of the nomination by the person whose name is certified. A 12914

vacancy in a party nomination that may be filled by a minor 12915
political party shall be filled in accordance with the party's 12916
rules by authorized officials of the party. Certification must 12917
be made as in the manner provided for a major political party. 12918

(C) If a person nominated in a primary election as a party 12919
candidate for election at the next general election, whose 12920
candidacy is to be submitted to the electors of a county, 12921
withdraws as that candidate or is disqualified as that candidate 12922
under section 3513.052 of the Revised Code, the vacancy in the 12923
party nomination so created may be filled by the county central 12924
committee of the major political party that made the nomination 12925
at the primary election, or by the county executive committee if 12926
so authorized, if the committee's chairperson and secretary 12927
certify the name of the person selected to fill the vacancy by 12928
the time specified in this division, at a meeting called for 12929
that purpose. The meeting shall be called by the chairperson of 12930
that committee, who shall give each member of the committee at 12931
least two days' notice of the time, place, and purpose of the 12932
meeting. If a majority of the members of the committee are 12933
present at the meeting, a majority of those present may select a 12934
person to fill the vacancy. The chairperson and secretary of the 12935
meeting shall certify in writing and under oath to the board of 12936
that county, not later than four p.m. of the eighty-sixth day 12937
before the day of the general election, the name of the person 12938
selected to fill the vacancy. The certification must be 12939
accompanied by the written acceptance of the nomination by the 12940
person whose name is certified. A vacancy in a party nomination 12941
that may be filled by a minor political party shall be filled in 12942
accordance with the party's rules by authorized officials of the 12943
party. Certification must be made as in the manner provided for 12944
a major political party. 12945

(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 13009
the manner provided for a major political party. 13010

(F) If a person nominated by petition as an independent or 13011
nonpartisan candidate for election at the next general election 13012
withdraws as that candidate or is disqualified as that candidate 13013
under section 3513.052 of the Revised Code, the vacancy so 13014
created may be filled by a majority of the committee of five, as 13015
designated on the candidate's nominating petition, if a member 13016
of that committee certifies in writing and under oath to the 13017
election officials with whom the candidate filed the candidate's 13018
nominating petition, not later than the eighty-sixth day before 13019
the day of the general election, the name of the person selected 13020
to fill the vacancy. The certification shall be accompanied by 13021
the written acceptance of the nomination by the person whose 13022
name is certified and shall be made in the manner provided for a 13023
major political party. 13024

(G) If a person nominated in a primary election or 13025
nominated by petition under section 3517.012 of the Revised Code 13026
as a party candidate for election at the next general election 13027
dies, the vacancy so created may be filled by the same committee 13028
in the same manner as provided in this section for the filling 13029
of similar vacancies created by withdrawals or disqualifications 13030
under section 3513.052 of the Revised Code, except that the 13031
certification, when filling a vacancy created by death, may not 13032
be filed with the secretary of state, or with a board of ~~the~~ 13033
~~most populous county of a district, or with the board of a~~ 13034
~~county in which the major portion of the population of a~~ 13035
~~subdivision is located, elections later than four p.m. of the~~ 13036
~~tenth thirtieth day before the day of such general election, or~~ 13037
~~with any other board later than four p.m. of the fifth day~~ 13038
~~before the day of such general election.~~ 13039

(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 name, as provided in the preceding sentence, not later than four p.m. on the tenth day following the day on which the vacancy occurs. When the vacancy occurs fewer than six days before the fortieth day before the general election, the deadline for filing shall be four p.m. on the thirty-sixth day before the general election. Thereupon the name shall be printed as the party candidate under proper titles and in the proper place on the proper ballots for use at the election. If a person has been nominated in a primary election or nominated by petition under section 3517.012 of the Revised Code, the authorized committee of that political party shall not select and certify a person as the party candidate.

(J) Each person desiring to become an independent candidate to fill the unexpired term shall file a statement of candidacy and nominating petition, as provided in section 3513.261 of the Revised Code, with the appropriate election official not later than four p.m. on the tenth day following the day on which the vacancy occurs, provided that when the vacancy occurs fewer than six days before the fifty-sixth day before the general election, the deadline for filing shall be four p.m. on the fiftieth day before the general election. The nominating petition shall contain at least seven hundred fifty signatures and no more than one thousand five hundred signatures of qualified electors of the district, political subdivision, or portion of a political subdivision in which the office is to be voted upon, or the amount provided for in section 3513.257 of the Revised Code, whichever is less.

(K) When a person nominated as a candidate by a political party in a primary election or by nominating petition for an elective office for which candidates are nominated at a party

primary election withdraws, dies, or is disqualified under 13102
section 3513.052 of the Revised Code prior to the general 13103
election, the appropriate committee of any other major political 13104
party or committee of five that has not nominated a candidate 13105
for that office, or whose nominee as a candidate for that office 13106
has withdrawn, died, or been disqualified without the vacancy so 13107
created having been filled, may, acting as in the case of a 13108
vacancy in a party nomination or nomination by petition as 13109
provided in divisions (A) to (F) of this section, whichever is 13110
appropriate, select a person as a candidate of that party or of 13111
that committee of five for election to the office. 13112

Sec. 3513.311. (A) If a candidate for lieutenant governor 13113
dies, withdraws, or is disqualified as a candidate prior to the 13114
seventieth day before the day of a primary election, the vacancy 13115
on the ballot shall be filled by appointment by the joint 13116
candidate for the office of governor. Such candidate for 13117
governor shall certify in writing and under oath to the 13118
secretary of state not later than the sixty-fifth day before the 13119
day of such election the name and residence address of the 13120
person selected to fill such vacancy. 13121

(B) If a candidate for governor dies, withdraws, or is 13122
disqualified as a candidate prior to the seventieth day before 13123
the day of a primary election, the vacancy on the ballot shall 13124
be filled by appointment by the joint candidate for the office 13125
of lieutenant governor. Such candidate for lieutenant governor 13126
shall certify in writing and under oath to the secretary of 13127
state not later than the sixty-fifth day before the day of such 13128
election the name and residence address of the person selected 13129
to fill such vacancy. 13130

(C) If a candidate for the office of lieutenant governor 13131

dies on or after the seventieth day, but prior to the ~~tenth-~~ 13132
thirtieth day, before a primary election, the vacancy so created 13133
shall be filled by appointment by the joint candidate for the 13134
office of governor. Such candidate for governor shall certify in 13135
writing and under oath to the secretary of state not later than 13136
the ~~fifth-~~thirtieth day before the day of such election the name 13137
and residence address of the person selected to fill such 13138
vacancy. 13139

(D) If a candidate for the office of governor dies on or 13140
after the seventieth day, but prior to the ~~tenth-~~thirtieth day, 13141
before a primary election, the vacancy so created shall be 13142
filled by appointment by the joint candidate for the office of 13143
lieutenant governor. Such candidate for lieutenant governor 13144
shall certify in writing and under oath to the secretary of 13145
state not later than the ~~fifth-~~thirtieth day before the day of 13146
such election the name and residence address of the person 13147
selected to fill such vacancy. 13148

(E) If a person nominated in a primary election or 13149
nominated by petition under section 3517.012 of the Revised Code 13150
as a candidate for election to the office of governor or 13151
lieutenant governor at the next general election withdraws as 13152
such candidate prior to the ninetieth day before the day of the 13153
general election or dies prior to the ~~tenth-~~thirtieth day before 13154
the day of such general election, the vacancy so created shall 13155
be filled in the manner provided for by section 3513.31 of the 13156
Revised Code. 13157

(F) If a person nominated by petition as an independent 13158
candidate for election to the office of governor or lieutenant 13159
governor withdraws as such candidate prior to the ninetieth day 13160
before the day of the general election or dies prior to the 13161

~~tenth-thirtieth~~ day before the day of such general election, the 13162
vacancy so created shall be filled by the candidates' committee 13163
in the manner provided for, as in the case of death, by section 13164
3513.31 of the Revised Code, except that, in the case of 13165
withdrawal of candidacy, the name and residence address of the 13166
replacement candidate shall be certified in writing and under 13167
oath to the secretary of state not later than the eighty-sixth 13168
day before the day of the general election. 13169

(G) If the vacancy in a joint candidacy for governor and 13170
lieutenant governor can be filled in accordance with this 13171
section and is not so filled, the joint candidacy which has not 13172
been vacated shall be invalidated and shall not be presented for 13173
election. 13174

(H) Any replacement candidate appointed or selected 13175
pursuant to this section shall be one who has the qualifications 13176
of an elector. 13177

Sec. 3513.32. When a special election is found necessary 13178
to fill a vacancy, the date of the primary election shall be 13179
fixed at the same time and in the same manner as that of the 13180
election, by the authority calling such special election. The 13181
primary election shall be held at least ~~fifteen-forty~~ days prior 13182
to the time fixed for such special election. Declaration of 13183
candidacy and certificates for such primary shall be filed and 13184
fees shall be paid at least ~~ten-thirty~~ days before the date for 13185
holding such primary election. 13186

A primary election preceding a special election to fill a 13187
vacancy in an office shall be eliminated if no valid declaration 13188
of candidacy is filed for such office, or if the number of 13189
persons filing such declarations of candidacy as candidates of 13190
one political party does not exceed the number of candidates 13191

which such political party is entitled to nominate for election 13192
to such office. 13193

Sec. 3515.01. Any person for whom votes were cast in a 13194
primary election for nomination as a candidate for election to 13195
an office who was not declared nominated may file with the board 13196
of elections of a county a written application for a recount of 13197
the votes cast at such primary election in any precinct in such 13198
county for all persons for whom votes were cast in such precinct 13199
for such nomination. 13200

Any person who was a candidate at a general, special, or 13201
primary election for election to an office or ~~postion~~ position 13202
who was not declared elected may file with the board of a county 13203
a written application for a recount of the votes cast at such 13204
election in any precinct in such county for all candidates for 13205
election to such office or position. 13206

Any group of five or more qualified electors may file with 13207
the board of a county a written application for a recount of the 13208
votes cast at an election in any precinct in such county upon 13209
any question or issue, provided that the members of such group 13210
shall state in such application either that they voted "Yes" or 13211
in favor of such question or issue and that such question or 13212
issue was declared defeated or rejected, or that they voted "No" 13213
or against such question or issue and that such question or 13214
issue was declared carried or adopted. Such group of electors 13215
shall, in such application, designate one of the members of the 13216
group as ~~chairman~~ chairperson, and shall indicate therein the 13217
voting residence of each member of such group. In all such 13218
applications the person designated as ~~chairman~~ chairperson is 13219
the applicant for the purposes of sections 3515.01 to 3515.07 of 13220
the Revised Code, and all notices required by section 3515.03 of 13221

the Revised Code to be given to an applicant for a recount shall 13222
be given to such person. 13223

~~In the recount of absentee ballots that are tallied by 13224
county instead of by precinct, as provided in section 3509.06 of 13225
the Revised Code, the county shall be considered a separate 13226
precinct for purposes of recounting such absentee ballots. 13227~~

Sec. 3517.01. (A) (1) A political party within the meaning 13228
of Title XXXV of the Revised Code is any group of voters that 13229
meets either of the following requirements: 13230

(a) Except as otherwise provided in this division, at the 13231
most recent regular state election, the group polled for its 13232
candidate for governor in the state or nominees for presidential 13233
electors at least three per cent of the entire vote cast for 13234
that office. A group that meets the requirements of this 13235
division remains a political party for a period of four years 13236
after meeting those requirements. 13237

(b) The group filed with the secretary of state, 13238
subsequent to its failure to meet the requirements of division 13239
(A) (1) (a) of this section, a party formation petition that meets 13240
all of the following requirements: 13241

(i) The petition is signed by qualified electors equal in 13242
number to at least one per cent of the total vote for governor 13243
or nominees for presidential electors at the most recent 13244
election for such office. 13245

(ii) The petition is signed by not fewer than five hundred 13246
qualified electors from each of at least a minimum of one-half 13247
of the congressional districts in this state. If an odd number 13248
of congressional districts exists in this state, the number of 13249
districts that results from dividing the number of congressional 13250

districts by two shall be rounded up to the next whole number. 13251

(iii) The petition declares the petitioners' intention of 13252
organizing a political party, the name of which shall be stated 13253
in the declaration, and of participating in the succeeding 13254
general election, held in even-numbered years, that occurs more 13255
than one hundred twenty-five days after the date of filing. 13256

(iv) The petition designates a committee of not less than 13257
three nor more than five individuals of the petitioners, who 13258
shall represent the petitioners in all matters relating to the 13259
petition. Notice of all matters or proceedings pertaining to the 13260
petition may be served on the committee, or any of them, either 13261
personally or by registered mail, or by leaving such notice at 13262
the usual place of residence of each of them. 13263

(2) No such group of electors shall assume a name or 13264
designation that is similar, in the opinion of the secretary of 13265
state, to that of an existing political party as to confuse or 13266
mislead the voters at an election. 13267

(B) A campaign committee shall be legally liable for any 13268
debts, contracts, or expenditures incurred or executed in its 13269
name. 13270

(C) Notwithstanding the definitions found in section 13271
3501.01 of the Revised Code, as used in this section and 13272
sections 3517.08 to 3517.14, 3517.99, and 3517.992 of the 13273
Revised Code: 13274

(1) "Campaign committee" means a candidate or a 13275
combination of two or more persons authorized by a candidate 13276
under section 3517.081 of the Revised Code to receive 13277
contributions and make expenditures. 13278

(2) "Campaign treasurer" means an individual appointed by 13279

a candidate under section 3517.081 of the Revised Code. 13280

(3) "Candidate" has the same meaning as in division ~~(H)~~ 13281
(G) of section 3501.01 of the Revised Code and also includes any 13282
person who, at any time before or after an election, receives 13283
contributions or makes expenditures or other use of 13284
contributions, has given consent for another to receive 13285
contributions or make expenditures or other use of 13286
contributions, or appoints a campaign treasurer, for the purpose 13287
of bringing about the person's nomination or election to public 13288
office. When two persons jointly seek the offices of governor 13289
and lieutenant governor, "candidate" means the pair of 13290
candidates jointly. "Candidate" does not include candidates for 13291
election to the offices of member of a county or state central 13292
committee, presidential elector, and delegate to a national 13293
convention or conference of a political party. 13294

(4) "Continuing association" means an association, other 13295
than a campaign committee, political party, legislative campaign 13296
fund, political contributing entity, or labor organization, that 13297
is intended to be a permanent organization that has a primary 13298
purpose other than supporting or opposing specific candidates, 13299
political parties, or ballot issues, and that functions on a 13300
regular basis throughout the year. "Continuing association" 13301
includes organizations that are determined to be not organized 13302
for profit under subsection 501 and that are described in 13303
subsection 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal 13304
Revenue Code. 13305

(5) "Contribution" means a loan, gift, deposit, 13306
forgiveness of indebtedness, donation, advance, payment, or 13307
transfer of funds or anything of value, including a transfer of 13308
funds from an inter vivos or testamentary trust or decedent's 13309

estate, and the payment by any person other than the person to 13310
whom the services are rendered for the personal services of 13311
another person, which contribution is made, received, or used 13312
for the purpose of influencing the results of an election. Any 13313
loan, gift, deposit, forgiveness of indebtedness, donation, 13314
advance, payment, or transfer of funds or of anything of value, 13315
including a transfer of funds from an inter vivos or 13316
testamentary trust or decedent's estate, and the payment by any 13317
campaign committee, political action committee, legislative 13318
campaign fund, political party, political contributing entity, 13319
or person other than the person to whom the services are 13320
rendered for the personal services of another person, that is 13321
made, received, or used by a state or county political party, 13322
other than the moneys an entity may receive under sections 13323
3517.101, 3517.1012, and 3517.1013 of the Revised Code, shall be 13324
considered to be a "contribution" for the purpose of section 13325
3517.10 of the Revised Code and shall be included on a statement 13326
of contributions filed under that section. 13327

"Contribution" does not include any of the following: 13328

(a) Services provided without compensation by individuals 13329
volunteering a portion or all of their time on behalf of a 13330
person; 13331

(b) Ordinary home hospitality; 13332

(c) The personal expenses of a volunteer paid for by that 13333
volunteer campaign worker; 13334

(d) Any gift given to an entity pursuant to section 13335
3517.101 of the Revised Code; 13336

(e) Any contribution as defined in section 3517.1011 of 13337
the Revised Code that is made, received, or used to pay the 13338

direct costs of producing or airing an electioneering 13339
communication; 13340

(f) Any gift given to a state or county political party 13341
for the party's restricted fund under division (A) (2) of section 13342
3517.1012 of the Revised Code; 13343

(g) Any gift given to a state political party for deposit 13344
in a Levin account pursuant to section 3517.1013 of the Revised 13345
Code. As used in this division, "Levin account" has the same 13346
meaning as in that section. 13347

(h) Any donation given to a transition fund under section 13348
3517.1014 of the Revised Code. 13349

(6) "Expenditure" means the disbursement or use of a 13350
contribution for the purpose of influencing the results of an 13351
election or of making a charitable donation under division (G) 13352
of section 3517.08 of the Revised Code. Any disbursement or use 13353
of a contribution by a state or county political party is an 13354
expenditure and shall be considered either to be made for the 13355
purpose of influencing the results of an election or to be made 13356
as a charitable donation under division (G) of section 3517.08 13357
of the Revised Code and shall be reported on a statement of 13358
expenditures filed under section 3517.10 of the Revised Code. 13359
During the thirty days preceding a primary or general election, 13360
any disbursement to pay the direct costs of producing or airing 13361
a broadcast, cable, or satellite communication that refers to a 13362
clearly identified candidate shall be considered to be made for 13363
the purpose of influencing the results of that election and 13364
shall be reported as an expenditure or as an independent 13365
expenditure under section 3517.10 or 3517.105 of the Revised 13366
Code, as applicable, except that the information required to be 13367
reported regarding contributors for those expenditures or 13368

independent expenditures shall be the same as the information 13369
required to be reported under divisions (D) (1) and (2) of 13370
section 3517.1011 of the Revised Code. 13371

As used in this division, "broadcast, cable, or satellite 13372
communication" and "refers to a clearly identified candidate" 13373
have the same meanings as in section 3517.1011 of the Revised 13374
Code. 13375

(7) "Personal expenses" includes, but is not limited to, 13376
ordinary expenses for accommodations, clothing, food, personal 13377
motor vehicle or airplane, and home telephone. 13378

(8) "Political action committee" means a combination of 13379
two or more persons, the primary or major purpose of which is to 13380
support or oppose any candidate, political party, or issue, or 13381
to influence the result of any election through express 13382
advocacy, and that is not a political party, a campaign 13383
committee, a political contributing entity, or a legislative 13384
campaign fund. "Political action committee" does not include 13385
either of the following: 13386

(a) A continuing association that makes disbursements for 13387
the direct costs of producing or airing electioneering 13388
communications and that does not engage in express advocacy; 13389

(b) A political club that is formed primarily for social 13390
purposes and that consists of one hundred members or less, has 13391
officers and periodic meetings, has less than two thousand five 13392
hundred dollars in its treasury at all times, and makes an 13393
aggregate total contribution of one thousand dollars or less per 13394
calendar year. 13395

(9) "Public office" means any state, county, municipal, 13396
township, or district office, except an office of a political 13397

party, that is filled by an election and the offices of United States senator and representative. 13398
13399

(10) "Anything of value" has the same meaning as in section 1.03 of the Revised Code. 13400
13401

(11) "Beneficiary of a campaign fund" means a candidate, a public official or employee for whose benefit a campaign fund exists, and any other person who has ever been a candidate or public official or employee and for whose benefit a campaign fund exists. 13402
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(12) "Campaign fund" means money or other property, including contributions. 13407
13408

(13) "Public official or employee" has the same meaning as in section 102.01 of the Revised Code. 13409
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(14) "Caucus" means all of the members of the house of representatives or all of the members of the senate of the general assembly who are members of the same political party. 13411
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(15) "Legislative campaign fund" means a fund that is established as an auxiliary of a state political party and associated with one of the houses of the general assembly. 13414
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(16) "In-kind contribution" means anything of value other than money that is used to influence the results of an election or is transferred to or used in support of or in opposition to a candidate, campaign committee, legislative campaign fund, political party, political action committee, or political contributing entity and that is made with the consent of, in coordination, cooperation, or consultation with, or at the request or suggestion of the benefited candidate, committee, fund, party, or entity. The financing of the dissemination, distribution, or republication, in whole or part, of any 13417
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broadcast or of any written, graphic, or other form of campaign materials prepared by the candidate, the candidate's campaign committee, or their authorized agents is an in-kind contribution to the candidate and an expenditure by the candidate.

(17) "Independent expenditure" means an expenditure by a person advocating the election or defeat of an identified candidate or candidates, that is not made with the consent of, in coordination, cooperation, or consultation with, or at the request or suggestion of any candidate or candidates or of the campaign committee or agent of the candidate or candidates. As used in division (C) (17) of this section:

(a) "Person" means an individual, partnership, unincorporated business organization or association, political action committee, political contributing entity, separate segregated fund, association, or other organization or group of persons, but not a labor organization or a corporation unless the labor organization or corporation is a political contributing entity.

(b) "Advocating" means any communication containing a message advocating election or defeat.

(c) "Identified candidate" means that the name of the candidate appears, a photograph or drawing of the candidate appears, or the identity of the candidate is otherwise apparent by unambiguous reference.

(d) "Made in coordination, cooperation, or consultation with, or at the request or suggestion of, any candidate or the campaign committee or agent of the candidate" means made pursuant to any arrangement, coordination, or direction by the candidate, the candidate's campaign committee, or the

candidate's agent prior to the publication, distribution, 13456
display, or broadcast of the communication. An expenditure is 13457
presumed to be so made when it is any of the following: 13458

(i) Based on information about the candidate's plans, 13459
projects, or needs provided to the person making the expenditure 13460
by the candidate, or by the candidate's campaign committee or 13461
agent, with a view toward having an expenditure made; 13462

(ii) Made by or through any person who is, or has been, 13463
authorized to raise or expend funds, who is, or has been, an 13464
officer of the candidate's campaign committee, or who is, or has 13465
been, receiving any form of compensation or reimbursement from 13466
the candidate or the candidate's campaign committee or agent; 13467

(iii) Except as otherwise provided in division (D) of 13468
section 3517.105 of the Revised Code, made by a political party 13469
in support of a candidate, unless the expenditure is made by a 13470
political party to conduct voter registration or voter education 13471
efforts. 13472

(e) "Agent" means any person who has actual oral or 13473
written authority, either express or implied, to make or to 13474
authorize the making of expenditures on behalf of a candidate, 13475
or means any person who has been placed in a position with the 13476
candidate's campaign committee or organization such that it 13477
would reasonably appear that in the ordinary course of campaign- 13478
related activities the person may authorize expenditures. 13479

(18) "Labor organization" means a labor union; an employee 13480
organization; a federation of labor unions, groups, locals, or 13481
other employee organizations; an auxiliary of a labor union, 13482
employee organization, or federation of labor unions, groups, 13483
locals, or other employee organizations; or any other bona fide 13484

organization in which employees participate and that exists for 13485
the purpose, in whole or in part, of dealing with employers 13486
concerning grievances, labor disputes, wages, hours, and other 13487
terms and conditions of employment. 13488

(19) "Separate segregated fund" means a separate 13489
segregated fund established pursuant to the Federal Election 13490
Campaign Act. 13491

(20) "Federal Election Campaign Act" means the "Federal 13492
Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et 13493
seq., as amended. 13494

(21) "Restricted fund" means the fund a state or county 13495
political party must establish under division (A)(1) of section 13496
3517.1012 of the Revised Code. 13497

(22) "Electioneering communication" has the same meaning 13498
as in section 3517.1011 of the Revised Code. 13499

(23) "Express advocacy" means a communication that 13500
contains express words advocating the nomination, election, or 13501
defeat of a candidate or that contains express words advocating 13502
the adoption or defeat of a question or issue, as determined by 13503
a final judgment of a court of competent jurisdiction. 13504

(24) "Political committee" has the same meaning as in 13505
section 3517.1011 of the Revised Code. 13506

(25) "Political contributing entity" means any entity, 13507
including a corporation or labor organization, that may lawfully 13508
make contributions and expenditures and that is not an 13509
individual or a political action committee, continuing 13510
association, campaign committee, political party, legislative 13511
campaign fund, designated state campaign committee, or state 13512
candidate fund. For purposes of this division, "lawfully" means 13513

not prohibited by any section of the Revised Code, or authorized 13514
by a final judgment of a court of competent jurisdiction. 13515

(26) "Internet identifier of record" has the same meaning 13516
as in section 9.312 of the Revised Code. 13517

Sec. 3517.012. (A) (1) When a party formation petition 13518
meeting the requirements of section 3517.01 of the Revised Code 13519
declaring the intention to organize a political party is filed 13520
with the secretary of state, the new party comes into legal 13521
existence on the date of filing and is entitled to nominate 13522
candidates to appear on the ballot at the general election held 13523
in even-numbered years that occurs more than one hundred twenty- 13524
five days after the date of filing. 13525

(2) (a) Upon receiving a party formation petition filed 13526
under division (A) (1) of this section, the secretary of state 13527
shall promptly transmit to each board of elections the separate 13528
petition papers that purport to contain signatures of electors 13529
of that board's county. 13530

(b) Not later than the one hundred eighteenth day before 13531
the day of the general election, each board shall examine and 13532
determine the sufficiency of the signatures on the petition 13533
papers and shall return them to the secretary of state, together 13534
with the board's certification of its determination as to the 13535
validity or invalidity of the signatures on the petition. 13536

(c) Any qualified elector may file a written protest 13537
against the petition with the secretary of state not later than 13538
the one hundred fourteenth day before the day of the general 13539
election. Any such protest shall be resolved in the manner 13540
specified under section 3501.39 of the Revised Code. 13541

(d) Not later than the ninety-fifth day before the day of 13542

the general election, the secretary of state shall determine 13543
whether the party formation petition is sufficient and shall 13544
notify the committee designated in the petition of that 13545
determination. 13546

(B) (1) Not later than one hundred ten days before the day 13547
of that general election and not earlier than the day the 13548
applicable party formation petition is filed, each candidate or 13549
pair of joint candidates wishing to appear on the ballot at the 13550
general election as the nominee or nominees of the party that 13551
filed the party formation petition shall file a nominating 13552
petition, on a form prescribed by the secretary of state, that 13553
includes the name of the political party that submitted the 13554
party formation petition. Except as otherwise provided in this 13555
section and sections 3505.03, 3505.08, ~~3506.11~~, 3513.31, 13556
3513.311, and 3513.312 of the Revised Code, the provisions of 13557
the Revised Code concerning independent candidates who file 13558
nominating petitions apply to candidates who file nominating 13559
petitions under this section. 13560

(2) (a) If the candidacy is to be submitted to electors 13561
throughout the entire state, the nominating petition, including 13562
a petition for joint candidates for the offices of governor and 13563
lieutenant governor, shall be signed by at least fifty qualified 13564
electors who have not voted as a member of a different political 13565
party at any primary election within the current year or the 13566
immediately preceding two calendar years. 13567

(b) ~~Except as otherwise provided in this division, if~~ If 13568
the candidacy is to be submitted only to electors within a 13569
district, political subdivision, or portion thereof, the 13570
nominating petition shall be signed by not less than five 13571
qualified electors who have not voted as a member of a different 13572

political party at any primary election within the current year 13573
or the immediately preceding two calendar years. 13574

(3) (a) Each board of elections that is responsible to 13575
verify signatures on the nominating petition shall examine and 13576
determine the sufficiency of those signatures not later than the 13577
one hundred fifth day before the day of the general election ~~and~~ 13578
~~shall be resolved as specified in that section.~~ 13579

(b) Written protests against the petition may be filed in 13580
the manner specified under section 3513.263 of the Revised Code 13581
not later than the one hundredth day before the general election 13582
and shall be resolved as specified in that section. 13583

(c) Not later than the ninety-fifth day before the day of 13584
the general election, the secretary of state or the board of 13585
elections, as applicable, shall determine whether the nominating 13586
petition is sufficient and shall notify the candidate and the 13587
committee designated in the party formation petition of that 13588
determination. 13589

(C) (1) After being notified that the political party has 13590
submitted a sufficient party formation petition under division 13591
(A) of this section, the committee designated in a party 13592
formation petition shall, not later than the seventy-fifth day 13593
before the day of the general election, certify to the secretary 13594
of state a slate of candidates consisting of candidates or joint 13595
candidates who submitted sufficient nominating petitions under 13596
division (B) of this section. The slate certifying the 13597
candidates shall be on a form prescribed by the secretary of 13598
state and signed by all of the individuals of the committee 13599
designated in the party formation petition. In no event shall 13600
the slate of candidates include more than one candidate for any 13601
public office or more than one set of joint candidates for the 13602

offices of governor and lieutenant governor. The names of the 13603
candidates or joint candidates so certified shall appear on the 13604
ballot at the general election as that party's nominees for 13605
those offices. For purposes of this division, "joint candidates" 13606
means the joint candidates for the offices of governor and 13607
lieutenant governor. 13608

(2) If a candidate's nominating petition is insufficient 13609
or if the committee does not certify the candidate's name under 13610
division (C)(1) of this section, the candidate shall not appear 13611
on the ballot in the general election. 13612

(3) If a party formation petition is insufficient, no 13613
candidate shall appear on the ballot in the general election as 13614
that political party's nominee, regardless of whether any 13615
candidate's nominating petition is sufficient. 13616

Sec. 3517.013. ~~Section~~ Division (B) of section 3513.191 of 13617
the Revised Code does not apply to persons desiring to become 13618
candidates for party nomination of a newly formed political 13619
party meeting the requirements of sections 3517.011 and 3517.012 13620
of the Revised Code for a period of four calendar years from the 13621
date of the party formation. 13622

Sec. 3517.08. (A) The personal expenses of a candidate 13623
paid for by the candidate, from the candidate's personal funds, 13624
shall not be considered as a contribution by or an expenditure 13625
by the candidate and shall not be reported under section 3517.10 13626
of the Revised Code. 13627

(B) (1) An expenditure by a political action committee or a 13628
political contributing entity shall not be considered a 13629
contribution by the political action committee or the political 13630
contributing entity or an expenditure by or on behalf of the 13631

candidate if the purpose of the expenditure is to inform only 13632
its members by means of mailed publications of its activities or 13633
endorsements. 13634

(2) An expenditure by a political party shall not be 13635
considered a contribution by the political party or an 13636
expenditure by or on behalf of the candidate if the purpose of 13637
the expenditure is to inform predominantly the party's members 13638
by means of mailed publications or other direct communication of 13639
its activities or endorsements, or for voter contact such as 13640
sample ballots, ~~absent voter's ballots~~ mail ballot application 13641
mailings, voter registration, or get-out-the-vote activities. 13642

(C) An expenditure by a continuing association, political 13643
contributing entity, or political party shall not be considered 13644
a contribution to any campaign committee or an expenditure by or 13645
on behalf of any campaign committee if the purpose of the 13646
expenditure is for the staff and maintenance of the continuing 13647
association's, political contributing entity's, or political 13648
party's headquarters, or for a political poll, survey, index, or 13649
other type of measurement not on behalf of a specific candidate. 13650

(D) The expenses of maintaining a constituent office paid 13651
for, from the candidate's personal funds, by a candidate who is 13652
a member of the general assembly at the time of the election 13653
shall not be considered a contribution by or an expenditure by 13654
or on behalf of the candidate, and shall not be reported, if the 13655
constituent office is not used for any candidate's campaign 13656
activities. 13657

(E) The net contribution of each social or fund-raising 13658
activity shall be calculated by totaling all contributions to 13659
the activity minus the expenditures made for the activity. 13660

(F) An expenditure that purchases goods or services shall 13661
be attributed to an election when the disbursement of funds is 13662
made, rather than at the time the goods or services are used. 13663
The secretary of state, under the procedures of Chapter 119. of 13664
the Revised Code, shall establish rules for the attribution of 13665
expenditures to a candidate when the candidate is a candidate 13666
for more than one office during a reporting period and for 13667
expenditures made in a year in which no election is held. The 13668
secretary of state shall further define by rule those 13669
expenditures that are or are not by or on behalf of a candidate. 13670

(G) An expenditure for the purpose of a charitable 13671
donation may be made if it is made to an organization that is 13672
exempt from federal income taxation under subsection 501(a) and 13673
described in subsection 501(c) (3), 501(c) (4), 501(c) (8), 501(c) 13674
(10), or 501(c) (19) of the Internal Revenue Code or is approved 13675
by advisory opinion of the Ohio elections commission as a 13676
legitimate charitable organization. Each expenditure under this 13677
division shall be separately itemized on statements made 13678
pursuant to section 3517.10 of the Revised Code. 13679

Sec. 3519.05. (A) If the measure to be submitted proposes 13680
a constitutional amendment, the heading of each part of the 13681
petition shall be prepared in the following form, and printed in 13682
capital letters in type of the approximate size set forth: 13683

"INITIATIVE PETITION 13684

Amendment to the Constitution 13685

Proposed by Initiative Petition 13686

To be submitted directly to the electors" 13687

"Amendment" printed in fourteen-point boldface type shall 13688
precede the title, which shall be briefly expressed and printed 13689

in eight-point type. The summary shall then be set forth printed 13690
in ten-point type, and then shall follow the certification of 13691
the attorney general, under proper date, which shall also be 13692
printed in ten-point type. The petition shall then set forth the 13693
names and addresses of the committee of not less than three nor 13694
more than five to represent the petitioners in all matters 13695
relating to the petition or its circulation. 13696

Immediately above the heading of the place for signatures 13697
on each part of the petition the following notice shall be 13698
printed in boldface type: 13699

"NOTICE 13700

Whoever knowingly signs this petition more than once; 13701
except as provided in section 3501.382 of the Revised Code, 13702
signs a name other than one's own on this petition; or signs 13703
this petition when not a qualified voter, is liable to 13704
prosecution." 13705

The heading of the place for signatures shall be 13706
substantially as follows: 13707

"(Sign with ink. Your name, residence, and date of signing must 13708
be given.) 13709

13710

13711

1 2 3 4 5 6 7

A Rural Route or

B other Post-

C Signature County Township office Address Month Day Year

13712

(Voters who do not live in a municipal corporation should fill
in the information called for by headings printed above.)

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(Voters who reside in municipal corporations should fill in the
information called for by headings printed below.)

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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"

13719

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 13730
attorneys in fact acting pursuant to section 3501.382 of the 13731
Revised Code, and that the electors signing this petition did so 13732
with knowledge of the contents of same. I am employed to 13733
circulate this petition by _____ 13734
(Name and address of employer). (The preceding sentence shall be 13735
completed as required by section 3501.38 of the Revised Code if 13736
the circulator is being employed to circulate the petition.) 13737

(Signed) _____ 13738

(Address of circulator's permanent 13739

residence in this state) 13740

_____ 13741

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 13742
FELONY OF THE ~~FIFTH~~-FOURTH DEGREE." 13743

(B) If the measure proposes a law, the heading of each 13744
part of the petition shall be prepared as follows: 13745

"INITIATIVE PETITION 13746

Law proposed by initiative petition first to be submitted 13747
to the General Assembly." 13748

In all other respects, the form shall be as provided for 13749
the submission of a constitutional amendment, except that the 13750
text of the proposed law shall be prefaced by "Be it enacted by 13751
the people of the state of Ohio." 13752

The form for a supplementary initiative petition shall be 13753
the same as that provided for an initiative petition, with the 13754
exception that "supplementary" shall precede "initiative" in the 13755
title thereof. 13756

(C) The general provisions set forth in this section 13757
relative to the form and order of an initiative petition shall 13758
be, so far as practical, applicable to a referendum petition, 13759
the heading of which shall be as follows: 13760

"REFERENDUM PETITION 13761

To be submitted to the electors for their approval or 13762
rejection" 13763

The title, which follows the heading, shall contain a 13764
brief legislative history of the law, section, or item of law to 13765
be referred. The text of the law so referred shall be followed 13766
by the certification of the secretary of state, in accordance 13767
with division (B) (2) (b) of section 3519.01 of the Revised Code, 13768
that it has been compared with the copy of the enrolled act, on 13769
file in the secretary of state's office, containing such law, 13770
section, or item of law, and found to be correct. 13771

(D) The secretary of state shall prescribe a form for part 13772
petitions to be submitted during the ten-day period beginning on 13773
the first day following the date that the secretary of state 13774
notifies the chairperson of the committee interested in the 13775
petition that the petition has an insufficient number of valid 13776
signatures. The secretary of state shall provide to each 13777
particular committee a different form that contains a unique 13778
identifier and that is separate from the forms prescribed in 13779
divisions (A), (B), and (C) of this section. The secretary of 13780
state shall make the form available to the committee only as 13781
described in division (F) of section 3519.16 of the Revised 13782
Code. The form shall not be considered a public record until 13783
after the secretary of state makes it available to the committee 13784
under that division. 13785

The form shall comply with the requirements of Section 1g 13786
of Article II, Ohio Constitution and, except as otherwise 13787
provided in this division, with the requirements of divisions 13788
(A), (B), and (C) of this section. 13789

Sec. 3599.02. No person shall before, during, or after any 13790
primary, general, or special election or convention solicit, 13791
request, demand, receive, or contract for any money, gift, loan, 13792
property, influence, position, employment, or other thing of 13793
value for that person or for another person for doing any of the 13794
following: 13795

(A) Registering or refraining from registering to vote; 13796

(B) Agreeing to register or to refrain from registering to 13797
vote; 13798

(C) Agreeing to vote or to refrain from voting; 13799

(D) Voting or refraining from voting at any primary, 13800
general, or special election or convention for a particular 13801
person, question, or issue; 13802

(E) Registering or voting, or refraining from registering 13803
or voting, or voting or refraining from voting for a particular 13804
person, question, or issue; 13805

(F) Registering, or refraining from registering, as 13806
affiliated with a political party. 13807

Whoever violates this section is guilty of bribery, a 13808
felony of the fourth degree, and shall be disfranchised and 13809
excluded from holding any public office for five years 13810
immediately following such conviction. 13811

Sec. 3599.06. No employer, his and no officer or agent of 13812
an employer, shall discharge or threaten to discharge an elector 13813

for taking a reasonable amount of time to vote ~~on election day;~~ 13814
or require or order an elector to accompany ~~him, the employer,~~ 13815
~~officer, or agent~~ to a ~~voting place upon such day~~ location where 13816
ballots may be cast in person or to a ballot drop box; or refuse 13817
to permit such elector to serve as an election official on any 13818
registration or election day; or indirectly use any force or 13819
restraint or threaten to inflict any injury, harm, or loss; or 13820
in any other manner practice intimidation in order to induce or 13821
compel such person to vote or refrain from voting for or against 13822
any person or question or issue submitted to the voters. 13823

Whoever violates this section shall be fined not less than 13824
fifty nor more than five hundred dollars. 13825

Sec. 3599.07. No ~~precinct~~ election official, observer, or 13826
police officer admitted into ~~the polling rooms at the election,~~ 13827
a location where ballots may be cast in person at any time while 13828
~~the polls are open,~~ ballots may be cast there, and no election 13829
official or police officer admitted into a ballot drop box 13830
location at any time while mail ballots may be deposited in the 13831
ballot drop box, shall have in the individual's possession, 13832
distribute, or give out any ballot or ticket to any person on 13833
any pretense during the receiving, counting, or certifying of 13834
the votes, or have any ballot or ticket in the individual's 13835
possession or control, except in the proper discharge of the 13836
individual's official duty in receiving, counting, or canvassing 13837
the votes. This section does not prevent the lawful exercise by 13838
~~a precinct~~ an election official or observer of the individual 13839
right to vote at such election. 13840

Sec. 3599.11. (A) ~~No~~ (1) Subject to division (A) (2) of 13841
this section, no person shall knowingly do any of the following: 13842

(a) Knowingly register or make application or attempt to 13843

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 processed under section 3503.111 of the Revised Code and who is not a qualified voter in the precinct violates division (A) (1) of this section only if the person knowingly provides or attempts to provide false information with the intention of submitting a registration update using that information. 13872
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(b) A person who aids, abets, induces, or attempts to induce another person to have the other person's voter registration update processed under section 3503.111 of the Revised Code when the other person is not a qualified voter in the precinct violates division (A) (1) of this section only if the person knowingly causes or attempts to cause the other person to have the other person's registration updated using information the person knows is false. 13878
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(3) Whoever violates ~~this~~ division (A) (1) of this section is guilty of a felony of the ~~fifth~~ fourth degree. 13886
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(B) (1) No person who helps another person register outside an official voter registration place shall knowingly destroy, or knowingly help another person to destroy, any completed registration form. 13888
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Whoever violates this division is guilty of election falsification, a felony of the ~~fifth~~ fourth degree. 13892
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~~(2) (a)~~ No person who helps another person register outside an official voter registration place shall knowingly fail to ~~return~~ cause any registration form entrusted to that person to be returned to any board of elections or the office of the secretary of state within ten days after that ~~registration~~ registration form is completed, or on or before the thirtieth day before the election, whichever day is earlier, unless the 13894
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registration form is received by the person within twenty-four 13901
hours of the thirtieth day before the election, in which case 13902
the person shall ~~return~~ cause the registration form to be 13903
returned to any board of elections or the office of the 13904
secretary of state within ten days of its receipt. 13905

Whoever violates this division is guilty of election 13906
falsification, a felony of the ~~fifth~~ fourth degree, unless the 13907
person has not previously been convicted of a violation of this 13908
division ~~(B) (2) (a), (B) (2) (b), (C) (1), or (C) (2) of this~~ 13909
~~section~~, the violation of this division does not cause any 13910
person to miss any voter registration deadline with regard to 13911
any election, and the number of voter registration forms that 13912
the violator has failed to properly ~~return~~ cause to be returned 13913
does not exceed forty-nine, in which case the violator is guilty 13914
of a misdemeanor of the first degree. 13915

~~(b) Subject to division (C) (2) of this section, no person~~ 13916
~~who helps another person register outside an official~~ 13917
~~registration place shall knowingly return any registration form~~ 13918
~~entrusted to that person to any location other than any board of~~ 13919
~~elections or the office of the secretary of state.~~ 13920

~~Whoever violates this division is guilty of election~~ 13921
~~falsification, a felony of the fifth degree, unless the person~~ 13922
~~has not previously been convicted of a violation of division (B)~~ 13923
~~(2) (a), (B) (2) (b), (C) (1), or (C) (2) of this section, the~~ 13924
~~violation of this division does not cause any person to miss any~~ 13925
~~voter registration deadline with regard to any election, and the~~ 13926
~~number of voter registration forms that the violator has failed~~ 13927
~~to properly return does not exceed forty nine, in which case the~~ 13928
~~violator is guilty of a misdemeanor of the first degree.~~ 13929

~~(C) (1) No person who receives compensation for registering~~ 13930

~~a voter shall knowingly fail to return any registration form- 13931
entrusted to that person to any board of elections or the office- 13932
of the secretary of state within ten days after that voter- 13933
registration form is completed, or on or before the thirtieth- 13934
day before the election, whichever is earlier, unless the- 13935
registration form is received by the person within twenty four- 13936
hours of the thirtieth day before the election, in which case- 13937
the person shall return the registration form to any board of- 13938
elections or the office of the secretary of state within ten days- 13939
of its receipt. 13940~~

~~Whoever violates this division is guilty of election- 13941
falsification, a felony of the fifth degree, unless the person- 13942
has not previously been convicted of a violation of division (B)- 13943
(2) (a), (B) (2) (b), (C) (1), or (C) (2) of this section, the- 13944
violation of this division does not cause any person to miss any- 13945
voter registration deadline with regard to any election, and the- 13946
number of voter registration forms that the violator has failed- 13947
to properly return does not exceed forty nine, in which case the- 13948
violator is guilty of a misdemeanor of the first degree. 13949~~

~~(2) No person who receives compensation for registering a- 13950
voter shall knowingly return any registration form entrusted to- 13951
that person to any location other than any board of elections or- 13952
the office of the secretary of state. 13953~~

~~Whoever violates this division is guilty of election- 13954
falsification, a felony of the fifth degree, unless the person- 13955
has not previously been convicted of a violation of division (B)- 13956
(2) (a), (B) (2) (b), (C) (1), or (C) (2) of this section, the- 13957
violation of this division does not cause any person to miss any- 13958
voter registration deadline with regard to any election, and the- 13959
number of voter registration forms that the violator has failed- 13960~~

~~to properly return does not exceed forty nine, in which case the~~ 13961
~~violator is guilty of a misdemeanor of the first degree.~~ 13962

~~(D) As used in division (C) of this section, "registering~~ 13963
~~a voter" includes any effort, for compensation, to provide voter~~ 13964
~~registration forms or to assist persons in completing or~~ 13965
~~returning those forms.~~ 13966

Sec. 3599.12. (A) No person shall do any of the following: 13967

(1) Vote or attempt to vote in any primary, special, or 13968
general election in a precinct in which that person is not a 13969
legally qualified elector; 13970

(2) Vote or attempt to vote more than once at the same 13971
election by any means, including voting or attempting to vote 13972
both by ~~absent voter's mail ballots under division (G) of~~ 13973
~~section 3503.16 of the Revised Code and by regular ballot at the~~ 13974
~~polls casting ballots in person at the same election, or voting~~ 13975
~~or attempting to vote both by absent voter's ballots under~~ 13976
~~division (G) of section 3503.16 of the Revised Code and by~~ 13977
~~absent voter's ballots under Chapter 3509. or armed service~~ 13978
~~absent voter's ballots under Chapter 3511. of the Revised Code~~ 13979
~~at the same election;~~ 13980

(3) Impersonate or sign the name of another person, real 13981
or fictitious, living or dead, and vote or attempt to vote as 13982
that other person in any such election; 13983

(4) Cast a ballot at any such election after objection has 13984
been made and sustained to that person's vote; 13985

(5) Knowingly vote or attempt to vote a ballot other than 13986
the official ballot. 13987

(B) Whoever violates division (A) of this section is 13988

guilty of a felony of the fourth degree. 13989

Sec. 3599.17. (A) No ~~elections official~~ person serving as 13990
~~a registrar or precinct~~ an election official appointed under 13991
section 3501.22 of the Revised Code shall do any of the 13992
following: 13993

(1) Fail to appear before the board of elections, or its 13994
representative, after notice has been served personally upon the 13995
official or left at the official's usual place of residence, for 13996
examination as to the official's qualifications; 13997

(2) Fail to appear at the ~~polling~~ place to which the 13998
official is assigned at the hour and during the hours ~~set for~~ 13999
~~the registration or election~~ the official is scheduled to serve; 14000

(3) Fail to take the oath prescribed by section 3501.31 of 14001
the Revised Code, unless excused by such board; 14002

(4) Refuse or sanction the refusal of another ~~registrar or~~ 14003
~~precinct~~ election official appointed under section 3501.22 of 14004
the Revised Code to administer an oath required by law; 14005

(5) Fail to send notice to the board of the appointment of 14006
~~a precinct~~ an election official to fill a vacancy; 14007

(6) Act as ~~registrar or precinct~~ an election official 14008
without having been appointed and having received a certificate 14009
of appointment, except ~~a precinct~~ an election official appointed 14010
to fill a vacancy caused by absence or removal; 14011

(7) Fail in any other way to perform any duty imposed by 14012
law. 14013

(B) Whoever violates division (A) of this section is 14014
guilty of a misdemeanor of the first degree. 14015

Sec. 3599.18. (A) No election official, person assisting 14016
in the registration of electors, or police officer shall 14017
knowingly do any of the following: 14018

(1) Refuse, neglect, or unnecessarily delay, hinder, or 14019
prevent the registration of a qualified elector, who in a lawful 14020
manner applies for registration or who should have the elector's 14021
registration updated under section 3503.111 of the Revised Code; 14022

(2) Enter or consent to the entry of a fictitious name on 14023
a voter registration list; 14024

(3) Alter the name, political party affiliation, or lack 14025
of political party affiliation on, or remove or destroy, the 14026
registration card or form of any qualified elector; 14027

(4) Neglect, unlawfully execute, or fail to execute any 14028
duty enjoined upon that person as an election official, person 14029
assisting in the registration of electors, or police officer. 14030

(B) Whoever violates division (A) of this section is 14031
guilty of a misdemeanor of the first degree. 14032

Sec. 3599.19. (A) No ~~precinct~~ election official shall 14033
knowingly do any of the following: 14034

(1) Unlawfully open or permit to be opened ~~the a~~ sealed 14035
package containing registration lists, ballots, blanks, 14036
pollbooks, ~~and or~~ other papers ~~and or~~ material to be used in an 14037
election; 14038

(2) Unlawfully misplace, carry away, negligently lose or 14039
permit to be taken from the ~~precinct~~ election official, fail to 14040
deliver, or destroy any such packages, papers, or material; 14041

(3) Receive or sanction the reception of a ballot from a 14042
person not a qualified elector or from a person who refused to 14043

answer a question in accordance with the election law; 14044

(4) Refuse to receive or sanction the rejection of a 14045
ballot from a person, knowing that person to be a qualified 14046
elector; 14047

(5) Permit a fraudulent ballot to be placed in ~~the a~~ 14048
ballot box; 14049

(6) Place or permit to be placed in any ballot box any 14050
ballot known by the ~~precinct~~ election official to be improperly 14051
or falsely marked; 14052

(7) Count or permit to be counted any illegal or 14053
fraudulent ballot; 14054

(8) Mislead an elector who is physically unable to prepare 14055
the elector's ballot, mark a ballot for such elector otherwise 14056
than as directed by that elector, or disclose to any person, 14057
except when legally required to do so, how such elector voted; 14058

(9) Alter or mark or permit any alteration or marking on 14059
any ballot when counting the ballots; 14060

(10) Unlawfully count or tally or sanction the wrongful 14061
counting or tallying of votes; 14062

(11) After the counting of votes commences, as required by 14063
law, postpone or sanction the postponement of the counting of 14064
votes, adjourn at any time or to any place, or remove ~~the a~~ 14065
ballot ~~box~~ from the place of ~~voting counting~~, or from the 14066
custody or presence of all the ~~precinct~~ election officials; 14067

(12) Permit any ballot to remain or to be in the ballot 14068
box at a location where ballots may be cast in person at the 14069
opening of ~~the polls voting for the day~~, or to be put in the box 14070
during the counting of the ballots, or to be left in the box 14071

without being counted; 14072

(13) Admit or sanction the admission to ~~the polling room~~ 14073
~~at an election~~ a location where ballots may be cast in person 14074
during the receiving, counting, and certifying of votes of any 14075
person not qualified by law to be so admitted; 14076

(14) Refuse to admit or sanction the refusal to admit any 14077
person, upon lawful request for admission, who is legally 14078
qualified to be present; 14079

(15) Permit or sanction the counting of the ballots 14080
contrary to the manner prescribed by law; 14081

(16) Neglect or unlawfully execute any duty enjoined upon 14082
the ~~precinct~~ election official by law. 14083

(B) No election official shall recklessly disclose the 14084
count or any portion of the count of any ballots before seven- 14085
thirty p.m. on the day of the election, except as is necessary 14086
for the administration of the election. 14087

(C) Whoever violates division (A) of this section is 14088
guilty of a misdemeanor of the first degree. Whoever violates 14089
division (B) of this section is guilty of a felony of the fifth 14090
degree. 14091

Sec. 3599.20. (A) No person shall attempt to do any of the 14092
following: 14093

(1) Attempt to induce an elector to show how the elector 14094
marked the elector's ballot at an election; or, being 14095

(2) Being an elector, allow the elector's ballot to be 14096
seen by another, except as provided by ~~section~~ sections 3505.24 14097
and 3509.08 of the Revised Code, with the apparent intention of 14098
letting it be known how the elector is about to vote; or make 14099

| | |
|---|----------------------------------|
| <u>(3) Make</u> a false statement as to the elector's ability to mark the ballot; or knowingly | 14100 14101 |
| <u>(4) Knowingly</u> mark the ballot so it may be identified after it has been cast; or attempt | 14102 14103 |
| <u>(5) Attempt</u> to interfere with an elector in the voting booth when <u>the elector is</u> marking the elector's ballot; or knowingly | 14104 14105 14106 |
| <u>(6) Knowingly</u> destroy or mutilate a lawful ballot; or remove | 14107 14108 |
| <u>(7) Remove from the polling place</u> <u>a location where ballots may be cast in person,</u> or be found in unlawful possession of, a lawful ballot outside the enclosure provided for voting; or knowingly | 14109 14110 14111 14112 |
| <u>(8) Knowingly</u> hinder or delay the delivery of a lawful ballot to a person entitled to receive it; or give | 14113 14114 |
| <u>(9) Give</u> to an elector a ballot printed or written contrary to law; or forge | 14115 14116 |
| <u>(10) Forge</u> or falsely make an official indorsement on a ballot. | 14117 14118 |
| <u>(B) Whoever violates division (A) of this section is</u> guilty of a felony of the fifth <u>fourth</u> degree. | 14119 14120 |
| Sec. 3599.21. (A) No person shall knowingly do any of the following: | 14121 14122 |
| (1) Impersonate another, or make a false representation in order to obtain an absent voter's <u>a mail</u> ballot; | 14123 14124 |
| (2) Aid or abet a person to vote an absent voter's <u>a mail</u> ballot illegally; | 14125 14126 |

- (3) If the person is an election official, open, destroy, steal, mark, or mutilate any ~~absent voter's~~ mail ballot; 14127
14128
- (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; 14129
14130
14131
- (5) Delay the delivery of any ~~absent voter's~~ mail ballot with a view to preventing its arrival in time to be counted; 14132
14133
- (6) Hinder or attempt to hinder the delivery or counting of such ~~absent voter's~~ mail ballot; 14134
14135
- (7) Fail to forward to the appropriate election official ~~an absent voter's~~ a mail ballot application entrusted to that person to so forward; 14136
14137
14138
- (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; 14139
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14141
14142
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14144
- (9) Except as authorized under Chapters 3505., 3509., and 3511. of the Revised Code, possess the ~~absent voter's~~ mail ballot of another. 14145
14146
14147
- (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. 14148
14149
14150
14151
14152
14153
- (2) No person who receives compensation for soliciting 14154

persons to apply to vote by ~~absent voter's mail~~ ballots shall 14155
fail to forward to the appropriate election official ~~an absent-~~ 14156
~~voter's a mail~~ ballot application entrusted to that person to so 14157
forward within such a time period that the failure to so forward 14158
the application disenfranchises the voter with respect to a 14159
particular election. 14160

(C) Whoever violates division (A) or (B) of this section 14161
is guilty of a felony of the fourth degree. 14162

(D) As used in this section, "person who receives 14163
compensation for soliciting persons to apply to vote by ~~absent-~~ 14164
~~voter's mail~~ ballots" includes any effort, for compensation, to 14165
provide ~~absent voter's mail~~ ballot applications or to assist 14166
persons in completing those applications or returning them to 14167
the director of the board of elections of the county in which 14168
the applicant's voting residence is located. 14169

Sec. 3599.24. (A) No person shall do any of the following: 14170

(1) By force, fraud, or other improper means, obtain or 14171
attempt to obtain possession of the ballots, ballot boxes, 14172
ballot drop boxes, or pollbooks; 14173

(2) Recklessly destroy any property used in the conduct of 14174
elections; 14175

(3) Attempt to intimidate an election ~~officer~~ official, or 14176
prevent an election official from performing the official's 14177
duties; 14178

(4) Knowingly tear down, remove, or destroy any of the 14179
registration lists or sample ballots furnished by the board of 14180
elections ~~at the polling place;~~ 14181

(5) Loiter in or about a place of registration ~~or polling~~ 14182

~~place, a location where ballots may be cast in person, or a~~ 14183
~~ballot drop box~~ during registration or the casting ~~and or~~ 14184
counting of ballots so as to hinder, delay, or interfere with 14185
the conduct of the registration or election; 14186

(6) Remove from ~~the voting place~~ a location where ballots 14187
may be cast in person the pencils, cards of instruction, 14188
supplies, or other conveniences furnished to enable ~~the a~~ voter 14189
to mark the voter's ballot. 14190

(B) Whoever violates division (A) (1) or (2) of this 14191
section is guilty of a felony of the ~~fifth~~ fourth degree. 14192
Whoever violates division (A) (3), (4), (5), or (6) of this 14193
section is guilty of a misdemeanor of the first degree. 14194

Sec. 3599.25. (A) No person shall knowingly do any of the 14195
following: 14196

(1) Counsel or advise another to vote at an election, 14197
knowing that the person is not a qualified voter; 14198

(2) Advise, aid, or assist another person to go or come 14199
into a ~~precinct~~ location where ballots may be cast in person for 14200
the purpose of voting ~~in it~~ that location, knowing that such 14201
person is not qualified to vote ~~in it~~ that location; 14202

(3) Counsel, advise, or attempt to induce an election 14203
officer to permit a person to vote, knowing such person is not a 14204
qualified elector. 14205

(B) Whoever violates division (A) of this section is 14206
guilty of a felony of the fourth degree. 14207

Sec. 3599.26. No person shall fraudulently ~~put~~ submit a 14208
~~ballot or ticket into a ballot box~~ for counting; or knowingly 14209
and willfully vote a ballot other than an official ballot 14210

lawfully obtained by the person from the ~~precinct~~ election 14211
authorities; or fraudulently or deceitfully change a ballot of 14212
an elector, by which such elector is prevented from voting for 14213
such candidates or on an issue as the elector intends to do; or 14214
mark a ballot of an elector except as authorized by section 14215
3505.24 or 3509.08 of the Revised Code; or hand a marked ballot 14216
to an elector to vote, with intent to ascertain how the elector 14217
voted; or furnish a ballot to an elector who cannot read, 14218
knowingly informing the elector that it contains a name 14219
different from the one that is printed or written thereon, to 14220
induce the elector to vote contrary to the elector's intentions; 14221
or unduly delay or hinder an elector from applying for 14222
registration, registering, or from attempting to vote or voting; 14223
or knowingly print or distribute a ballot contrary to law. 14224

Whoever violates this section is guilty of a felony of the 14225
~~fifth~~ fourth degree. 14226

Sec. 3599.27. ~~No unauthorized person shall have in the 14227
person's possession any voting machine that may be owned or 14228
leased by any county or any of the parts or the keys thereof. No 14229
person shall tamper or attempt to tamper with, deface, impair 14230
the use of, destroy, or otherwise injure in any manner any 14231
voting machine.~~ 14232

No unauthorized person shall have in the person's 14233
possession any marking device, automatic tabulating equipment, 14234
or any of the parts, appurtenances, or accessories thereof. No 14235
person shall tamper or attempt to tamper with, deface, impair 14236
the use of, destroy, or otherwise change or injure in any manner 14237
any marking device, automatic tabulating equipment, or any 14238
appurtenances or accessories thereof. 14239

Whoever violates this section is guilty of a felony of the 14240

~~fifth-fourth~~ degree. 14241

Sec. 3599.28. No person, with intent to defraud or 14242
deceive, shall write or sign the name of another person to any 14243
document, petition, registration card, or other book or record 14244
authorized or required by Title XXXV of the Revised Code. 14245

Whoever violates this section is guilty of a felony of the 14246
~~fifth-fourth~~ degree. 14247

Sec. 3599.29. No person shall have in the person's 14248
possession a falsely made, altered, forged, or counterfeited 14249
registration card, form, or list, pollbook, tally sheet, or list 14250
of election returns of an election, knowing it to be such, with 14251
intent to hinder, defeat, or prevent a fair expression of the 14252
popular will at such election. 14253

Whoever violates this section is guilty of a felony of the 14254
~~fifth-fourth~~ degree. 14255

Sec. 3599.31. (A) No officer of the law shall fail to obey 14256
forthwith an order of ~~the voting location manager~~ an election 14257
official and aid in enforcing a lawful order of the ~~voting-~~ 14258
~~location manager~~ at election official during an election, 14259
against persons ~~unlawfully doing any of the following:~~ 14260

(1) Unlawfully congregating or loitering within one 14261
hundred feet of a ~~polling place, hindering~~ location where 14262
ballots may be cast in person; 14263

(2) Hindering or delaying an elector from reaching or 14264
leaving ~~the polling place, a location where ballots may be cast~~ 14265
in person or a ballot drop box; 14266

(3) Unlawfully soliciting or attempting, within one 14267
hundred feet of ~~the polling place~~ a location where ballots may 14268

be cast in person, to influence an elector in casting the 14269
elector's vote, ~~or interfering;~~ 14270

(4) Interfering with the registration of voters or casting 14271
and counting of the ballots. 14272

(B) Whoever violates division (A) of this section is 14273
guilty of a misdemeanor of the first degree. 14274

Sec. 3599.33. No person, from the time ballots are cast or 14275
counted until the time has expired for using them as evidence in 14276
a recount or contest of election, shall willfully and with 14277
fraudulent intent make any mark or alteration on any ballot; or 14278
inscribe, write, or cause to be inscribed or written in or upon 14279
a registration form or list, pollbook, tally sheet, or list, 14280
lawfully made or kept at an election, or in or upon a book or 14281
paper purporting to be such, or upon an election return, or upon 14282
a book or paper containing such return the name of a person not 14283
entitled to vote at such election or not voting thereat, or a 14284
fictitious name, or, within such time, wrongfully change, alter, 14285
erase, or tamper with a name, word, or figure contained in such 14286
pollbook, tally sheet, list, book, or paper; or falsify, mark, 14287
or write thereon with intent to defeat, hinder, or prevent a 14288
fair expression of the will of the people at such election. 14289

Whoever violates this section is guilty of a felony of the 14290
~~fifth~~fourth degree. 14291

Sec. 3599.34. No person, from the time ballots are cast or 14292
voted until the time has expired for using them in a recount or 14293
as evidence in a contest of election, shall unlawfully destroy 14294
or attempt to destroy the ballots, or permit such ballots or a 14295
ballot box or pollbook used at an election to be destroyed; or 14296
destroy, falsify, mark, or write in a name on any such ballot 14297

that has been voted. 14298

Whoever violates this section is guilty of a felony of the 14299
~~fifth~~fourth degree. 14300

Sec. 3599.36. No person, either orally or in writing, on 14301
oath lawfully administered or in a statement made under penalty 14302
of election falsification, shall knowingly state a falsehood as 14303
to a material matter relating to an election in a proceeding 14304
before a court, tribunal, or election official, or in a matter 14305
in relation to which an oath or statement under penalty of 14306
election falsification is authorized by law, including a 14307
statement required for verifying or filing any declaration of 14308
candidacy, declaration of intent to be a write-in candidate, 14309
nominating petition, or other petition presented to or filed 14310
with the secretary of state, a board of elections, or any other 14311
public office for the purpose of becoming a candidate for any 14312
elective office, including the office of a political party, for 14313
the purpose of submitting a question or issue to the electors at 14314
an election, or for the purpose of forming a political party. 14315

Whoever violates this section is guilty of election 14316
falsification, a felony of the ~~fifth~~fourth degree. 14317

Every paper, card, or other document relating to any 14318
election matter that calls for a statement to be made under 14319
penalty of election falsification shall be accompanied by the 14320
following statement in bold face capital letters: "Whoever 14321
commits election falsification is guilty of a felony of the 14322
~~fifth~~fourth degree." 14323

Sec. 3599.39. Any person convicted of a violation of any 14324
provision of Title XXXV of the Revised Code, who is again 14325
convicted of a violation of any such provision, whether such 14326

conviction is for the same offense or not, is on such second 14327
conviction guilty of a felony of the ~~fourth~~third degree, and in 14328
addition, shall be disfranchised. 14329

Sec. 4109.06. (A) This chapter does not apply to the 14330
following: 14331

(1) Minors who are students working on any properly 14332
guarded machines in the manual training department of any school 14333
when the work is performed under the personal supervision of an 14334
instructor; 14335

(2) Students participating in a career-technical or STEM 14336
program approved by the Ohio department of education or students 14337
participating in any eligible classes through the college credit 14338
plus program established under Chapter 3365. of the Revised Code 14339
that include a state-recognized pre-apprenticeship program that 14340
imparts the skills and knowledge needed for successful 14341
participation in a registered apprenticeship occupation course; 14342

(3) A minor participating in a play, pageant, or concert 14343
produced by an outdoor historical drama corporation, a 14344
professional traveling theatrical production, a professional 14345
concert tour, or a personal appearance tour as a professional 14346
motion picture star, or as an actor or performer in motion 14347
pictures or in radio or television productions in accordance 14348
with the rules adopted pursuant to division (A) of section 14349
4109.05 of the Revised Code; 14350

(4) The participation, without remuneration of a minor and 14351
with the consent of a parent or guardian, in a performance given 14352
by a church, school, or academy, or at a concert or 14353
entertainment given solely for charitable purposes, or by a 14354
charitable or religious institution; 14355

| | |
|--|--|
| (5) Minors who are employed by their parents in occupations other than occupations prohibited by rule adopted under this chapter; | 14356 14357 14358 |
| (6) Minors engaged in the delivery of newspapers to the consumer; | 14359 14360 |
| (7) Minors who have received a high school diploma or a certificate of attendance from an accredited secondary school or a certificate of high school equivalence; | 14361 14362 14363 |
| (8) Minors who are currently heads of households or are parents contributing to the support of their children; | 14364 14365 |
| (9) Minors engaged in lawn mowing, snow shoveling, and other related employment; | 14366 14367 |
| (10) Minors employed in agricultural employment in connection with farms operated by their parents, grandparents, or guardians where they are members of the guardians' household. Minors are not exempt from this chapter if they reside in agricultural labor camps as defined in section 3733.41 of the Revised Code; | 14368 14369 14370 14371 14372 14373 |
| (11) Students participating in a program to serve as precinct officers <u>election officials</u> as authorized by section 3501.22 of the Revised Code. | 14374 14375 14376 |
| (B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the Revised Code do not apply to the following: | 14377 14378 |
| (1) Minors who work in a sheltered workshop operated by a county board of developmental disabilities; | 14379 14380 |
| (2) Minors performing services for a nonprofit organization where the minor receives no compensation, except for any expenses incurred by the minor or except for meals | 14381 14382 14383 |

provided to the minor; 14384

(3) Minors who are employed in agricultural employment and 14385
who do not reside in agricultural labor camps. 14386

(C) Division (D) of section 4109.07 of the Revised Code 14387
does not apply to minors who have their employment hours 14388
established as follows: 14389

(1) A minor adjudicated to be an unruly child or 14390
delinquent child who, as a result of the adjudication, is placed 14391
on probation may either file a petition in the juvenile court in 14392
whose jurisdiction the minor resides, or apply to the 14393
superintendent or to the chief administrative officer who issued 14394
the minor's age and schooling certificate pursuant to section 14395
3331.01 of the Revised Code, alleging the restrictions on the 14396
hours of employment described in division (D) of section 4109.07 14397
of the Revised Code will cause a substantial hardship or are not 14398
in the minor's best interests. Upon receipt of a petition or 14399
application, the court, the superintendent, or the chief 14400
administrative officer, as appropriate, shall consult with the 14401
person required to supervise the minor on probation. If after 14402
that consultation, the court, the superintendent, or the chief 14403
administrative officer finds the minor has failed to show the 14404
restrictions will result in a substantial hardship or that the 14405
restrictions are not in the minor's best interests, the court, 14406
the superintendent, or the chief administrative officer shall 14407
uphold the restrictions. If after that consultation, the court, 14408
the superintendent, or the chief administrative officer finds 14409
the minor has shown the restricted hours will cause a 14410
substantial hardship or are not in the minor's best interests, 14411
the court, the superintendent, or the chief administrative 14412
officer shall establish differing hours of employment for the 14413

minor and notify the minor and the minor's employer of those 14414
hours, which shall be binding in lieu of the restrictions on the 14415
hours of employment described in division (D) of section 4109.07 14416
of the Revised Code. 14417

(2) Any minor to whom division (C)(1) of this section does 14418
not apply may either file a petition in the juvenile court in 14419
whose jurisdiction the person resides, or apply to the 14420
superintendent or to the chief administrative officer who issued 14421
the minor's age and schooling certificate pursuant to section 14422
3331.01 of the Revised Code, alleging the restrictions on the 14423
hours of employment described in division (D) of section 4109.07 14424
of the Revised Code will cause a substantial hardship or are not 14425
in the minor's best interests. 14426

If, as a result of a petition or application, the court, 14427
the superintendent, or the chief administrative officer, as 14428
appropriate, finds the minor has failed to show such 14429
restrictions will result in a substantial hardship or that the 14430
restrictions are not in the minor's best interests, the court, 14431
the superintendent, or the chief administrative officer shall 14432
uphold the restrictions. If the court, the superintendent, or 14433
the chief administrative officer finds the minor has shown the 14434
restricted hours will cause a substantial hardship or are not in 14435
the minor's best interests, the court, the superintendent, or 14436
the chief administrative officer shall establish the hours of 14437
employment for the minor and shall notify the minor and the 14438
minor's employer of those hours. 14439

(D) Section 4109.03, divisions (A) and (C) of section 14440
4109.02, and division (B) of section 4109.08 of the Revised Code 14441
do not apply to minors who are sixteen or seventeen years of age 14442
and who are employed at a seasonal amusement or recreational 14443

establishment. 14444

(E) As used in this section, "certificate of high school 14445
equivalence" means either: 14446

(1) A statement issued by the department of education that 14447
the holder of the statement has achieved the equivalent of a 14448
high school education as measured by scores obtained on a high 14449
school equivalency test approved by the department pursuant to 14450
division (B) of section 3301.80 of the Revised Code; 14451

(2) A statement issued by a primary-secondary education or 14452
higher education agency of another state that the holder of the 14453
statement has achieved the equivalent of a high school education 14454
as measured by scores obtained on a similar nationally 14455
recognized high school equivalency test. 14456

Sec. 4301.353. If a petition is filed under section 14457
4301.332 of the Revised Code for the submission of the one or 14458
more questions set forth in this section, a special election 14459
shall be held in the precinct as ordered by the board of 14460
elections under that section. The expense of holding the special 14461
election shall be charged to the municipal corporation or 14462
township of which the precinct is a part. 14463

At the election, one or both of the following questions as 14464
designated in a valid petition shall be submitted to the 14465
electors of the precinct concerning sales on days of the week 14466
other than Sunday: 14467

(A) "Shall the sales of (insert one or both of the 14468
following: beer, or wine and mixed beverages) by the package, 14469
under permits that authorize sale for off-premises consumption 14470
only, be permitted in a portion of this precinct in which the 14471
status of the sale of (insert one or both of the following: 14472

beer, or wine and mixed beverages) as allowed or prohibited is 14473
inconsistent with the status of such sale in the remainder of 14474
the precinct?" 14475

(B) "Shall the sale of (insert one or more of the 14476
following: beer, wine and mixed beverages, or spirituous 14477
liquor), under permits that authorize sale for on-premises 14478
consumption only, and under permits that authorize sale for both 14479
on-premises and off-premises consumption, be permitted in a 14480
portion of this precinct in which the status of the sale of 14481
(insert one or more of the following: beer, wine and mixed 14482
beverages, or spirituous liquor) as allowed or prohibited is 14483
inconsistent with the status of such sale in the remainder of 14484
the precinct?" 14485

The board of elections shall furnish printed ballots at 14486
the special election as provided under section 3505.06 of the 14487
Revised Code, except that a separate ballot shall be used for 14488
the special election. One or both of the questions set forth in 14489
this section shall be printed on each ballot and the board shall 14490
insert in the question and statement appropriate words to 14491
complete each and a description of the portion of the precinct 14492
that would be affected by the results of the election. 14493

The description of the portion of the precinct shall 14494
include either the complete listing of street addresses in that 14495
portion or a condensed text that accurately describes the 14496
boundaries of the portion of the precinct by street name or by 14497
another name generally known by the residents of the portion of 14498
the precinct. If other than a full street listing is used, the 14499
full street listing also shall be posted in each ~~polling place~~ 14500
location where ballots may be cast in person in a location that 14501
is easily accessible to all voters. Failure of the board of 14502

elections to completely and accurately list all street addresses 14503
in the affected area of the precinct does not affect the 14504
validity of the election at which the failure occurred and is 14505
not grounds for contesting an election under section 3515.08 of 14506
the Revised Code. Votes shall be cast as provided under section 14507
3505.06 of the Revised Code. 14508

Sec. 4301.354. (A) If a petition is filed under section 14509
4301.332 of the Revised Code for the submission of one or more 14510
questions set forth in this section, a special election shall be 14511
held in the precinct as ordered by the board of elections under 14512
that section. The expense of holding the special election shall 14513
be charged to the municipal corporation or township of which the 14514
precinct is a part. 14515

(B) At the election, one or more of the following 14516
questions, as designated in a valid petition, shall be submitted 14517
to the electors of the precinct concerning Sunday sales: 14518

(1) "Shall the sale of intoxicating liquor be permitted in 14519
a portion of this precinct between the hours of eleven a.m. and 14520
midnight on Sunday for consumption on the premises where sold, 14521
where the status of such Sunday sales as allowed or prohibited 14522
is inconsistent with the status of such Sunday sales in the 14523
remainder of the precinct?" 14524

(2) "Shall the sale of intoxicating liquor be permitted in 14525
a portion of this precinct between the hours of eleven a.m. and 14526
midnight on Sunday for consumption on the premises where sold at 14527
licensed premises where the sale of food and other goods exceeds 14528
fifty per cent of the total gross receipts of the permit holder 14529
at the premises, where the status of such Sunday sales as 14530
allowed or prohibited is inconsistent with the status of such 14531
Sunday sales in the remainder of the precinct?" 14532

(3) "Shall the sale of wine and mixed beverages be 14533
permitted in a portion of this precinct between the hours of 14534
eleven a.m. and midnight on Sunday for consumption off the 14535
premises where sold, where the status of such Sunday sales as 14536
allowed or prohibited is inconsistent with the status of such 14537
Sunday sales in the remainder of the precinct?" 14538

(C) At the election, one or more of the following 14539
questions, as designated in a valid petition, shall be submitted 14540
to the electors of the precinct concerning Sunday sales: 14541

(1) "Shall the sale of intoxicating liquor be permitted in 14542
a portion of this precinct between the hours of ten a.m. and 14543
midnight on Sunday for consumption on the premises where sold, 14544
where the status of such Sunday sales as allowed or prohibited 14545
is inconsistent with the status of such Sunday sales in the 14546
remainder of the precinct?" 14547

(2) "Shall the sale of intoxicating liquor be permitted in 14548
a portion of this precinct between the hours of ten a.m. and 14549
midnight on Sunday for consumption on the premises where sold at 14550
licensed premises where the sale of food and other goods exceeds 14551
fifty per cent of the total gross receipts of the permit holder 14552
at the premises, where the status of such Sunday sales as 14553
allowed or prohibited is inconsistent with the status of such 14554
Sunday sales in the remainder of the precinct?" 14555

(3) "Shall the sale of wine and mixed beverages be 14556
permitted in a portion of this precinct between the hours of ten 14557
a.m. and midnight on Sunday for consumption off the premises 14558
where sold, where the status of such Sunday sales as allowed or 14559
prohibited is inconsistent with the status of such Sunday sales 14560
in the remainder of the precinct?" 14561

(D) The board of elections shall furnish printed ballots 14562
at the special election as provided under section 3505.06 of the 14563
Revised Code, except that a separate ballot shall be used for 14564
the special election. The one or more questions set forth in 14565
divisions (B) and (C) of this section shall be printed on each 14566
ballot, and the board shall insert in the questions appropriate 14567
words to complete each and a description of the portion of the 14568
precinct that would be affected by the results of the election. 14569

The description of the portion of the precinct shall 14570
include either the complete listing of street addresses in that 14571
portion or a condensed text that accurately describes the 14572
boundaries of the portion of the precinct by street name or by 14573
another name generally known by the residents of the portion of 14574
the precinct. If other than a full street listing is used, the 14575
full street listing also shall be posted in each ~~polling place~~ 14576
location where ballots may be cast in person in a location that 14577
is easily accessible to all voters. Failure of the board of 14578
elections to completely and accurately list all street addresses 14579
in the affected area of the precinct does not affect the 14580
validity of the election at which the failure occurred and is 14581
not grounds for contesting an election under section 3515.08 of 14582
the Revised Code. Votes shall be cast as provided under section 14583
3505.06 of the Revised Code. 14584

Sec. 4507.06. (A) (1) Every application for a driver's 14585
license, motorcycle operator's license or endorsement, or motor- 14586
driven cycle or motor scooter license or endorsement, or 14587
duplicate of any such license or endorsement, shall be made upon 14588
the approved form furnished by the registrar of motor vehicles 14589
and shall be signed by the applicant. 14590

Every application shall state the following: 14591

(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; 14592
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(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; 14597
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(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; 14602
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(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; 14608
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(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; 14614
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(f) Whether the applicant has executed a valid durable 14620

power of attorney for health care pursuant to sections 1337.11 14621
to 1337.17 of the Revised Code or has executed a declaration 14622
governing the use or continuation, or the withholding or 14623
withdrawal, of life-sustaining treatment pursuant to sections 14624
2133.01 to 2133.15 of the Revised Code and, if the applicant has 14625
executed either type of instrument, whether the applicant wishes 14626
the applicant's license to indicate that the applicant has 14627
executed the instrument; 14628

(g) Whether the applicant is a veteran, active duty, or 14629
reservist of the armed forces of the United States and, if the 14630
applicant is such, whether the applicant wishes the applicant's 14631
license to indicate that the applicant is a veteran, active 14632
duty, or reservist of the armed forces of the United States by a 14633
military designation on the license. 14634

(2) Every applicant for a driver's license applying in 14635
person at a deputy registrar office shall be photographed in 14636
color at the time the application for the license is made. The 14637
application shall state any additional information that the 14638
registrar requires. 14639

(B) The registrar or a deputy registrar, in accordance 14640
with section 3503.11 of the Revised Code, shall register as an 14641
elector any person who applies for a license or endorsement 14642
under division (A) of this section, or for a renewal or 14643
duplicate of the license or endorsement, if the applicant is 14644
eligible and wishes to be registered as an elector. The decision 14645
of an applicant whether to register as an elector shall be given 14646
no consideration in the decision of whether to issue the 14647
applicant a license or endorsement, or a renewal or duplicate. 14648

(C) The registrar or a deputy registrar, in accordance 14649
with section 3503.11 of the Revised Code, shall offer the 14650

opportunity of completing a notice of change of residence ~~or,~~ 14651
change of name, or change of political party affiliation to any 14652
applicant for a driver's license or endorsement under division 14653
(A) of this section, or for a renewal or duplicate of the 14654
license or endorsement, if the applicant is a registered elector 14655
who has changed the applicant's residence ~~or, name, or political~~ 14656
party affiliation and has not filed such a notice. 14657

(D) In addition to any other information it contains, the 14658
approved form furnished by the registrar of motor vehicles for 14659
an application for a license or endorsement or an application 14660
for a duplicate of any such license or endorsement shall inform 14661
applicants that the applicant must present a copy of the 14662
applicant's DD-214 or an equivalent document in order to qualify 14663
to have the license or duplicate indicate that the applicant is 14664
a veteran, active duty, or reservist of the armed forces of the 14665
United States based on a request made pursuant to division (A) 14666
(1)(g) of this section. 14667

Section 2. That existing sections 111.26, 111.44, 124.57, 14668
149.43, 302.041, 303.12, 307.96, 519.12, 718.01, 3313.77, 14669
3501.01, 3501.012, 3501.05, 3501.051, 3501.11, 3501.13, 3501.15, 14670
3501.17, 3501.18, 3501.21, 3501.22, 3501.221, 3501.27, 3501.28, 14671
3501.29, 3501.30, 3501.31, 3501.32, 3501.33, 3501.34, 3501.35, 14672
3501.36, 3501.37, 3501.38, 3501.382, 3501.90, 3503.01, 3503.02, 14673
3503.09, 3503.10, 3503.11, 3503.12, 3503.13, 3503.14, 3503.15, 14674
3503.16, 3503.19, 3503.20, 3503.21, 3503.23, 3503.24, 3503.26, 14675
3503.28, 3503.30, 3503.33, 3504.01, 3504.02, 3504.04, 3504.05, 14676
3505.01, 3505.03, 3505.06, 3505.08, 3505.10, 3505.11, 3505.12, 14677
3505.16, 3505.17, 3505.18, 3505.181, 3505.182, 3505.183, 14678
3505.20, 3505.21, 3505.22, 3505.23, 3505.24, 3505.26, 3505.27, 14679
3505.28, 3505.30, 3505.31, 3505.32, 3505.331, 3506.01, 3506.02, 14680
3506.021, 3506.03, 3506.04, 3506.05, 3506.06, 3506.07, 3506.12, 14681

3506.14, 3506.15, 3506.19, 3506.21, 3506.23, 3509.01, 3509.021, 14682
3509.03, 3509.04, 3509.05, 3509.06, 3509.07, 3509.08, 3511.01, 14683
3511.011, 3511.02, 3511.021, 3511.03, 3511.04, 3511.05, 14684
3511.051, 3511.08, 3511.09, 3511.11, 3511.12, 3511.14, 3511.15, 14685
3511.16, 3513.05, 3513.052, 3513.07, 3513.13, 3513.15, 3513.17, 14686
3513.18, 3513.191, 3513.192, 3513.22, 3513.261, 3513.30, 14687
3513.31, 3513.311, 3513.32, 3515.01, 3517.01, 3517.012, 14688
3517.013, 3517.08, 3519.05, 3599.02, 3599.06, 3599.07, 3599.11, 14689
3599.12, 3599.17, 3599.18, 3599.19, 3599.20, 3599.21, 3599.24, 14690
3599.25, 3599.26, 3599.27, 3599.28, 3599.29, 3599.31, 3599.33, 14691
3599.34, 3599.36, 3599.39, 4109.06, 4301.353, 4301.354, and 14692
4507.06 of the Revised Code are hereby repealed. 14693

Section 3. That sections 111.31, 3501.23, 3501.26, 14694
3503.111, 3503.29, 3505.29, 3506.08, 3506.09, 3506.10, 3506.11, 14695
3506.13, 3506.18, 3506.22, 3509.02, 3509.051, 3509.09, 3509.10, 14696
3511.06, 3511.07, 3511.10, 3511.13, 3513.19, 3513.20, 3513.21, 14697
3517.014, and 3517.016 of the Revised Code are hereby repealed. 14698

Section 4. The General Assembly, applying the principle 14699
stated in division (B) of section 1.52 of the Revised Code that 14700
amendments are to be harmonized if reasonably capable of 14701
simultaneous operation, finds that the following sections, 14702
presented in this act as composites of the sections as amended 14703
by the acts indicated, are the resulting versions of the 14704
sections in effect prior to the effective date of the sections 14705
as presented in this act: 14706

Section 3501.29 of the Revised Code as amended by both 14707
S.B. 10 and S.B. 109 of the 130th General Assembly. 14708

Section 3501.35 of the Revised Code as amended by both 14709
S.B. 10 and S.B. 109 of the 130th General Assembly. 14710

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| Section 3503.21 of the Revised Code as amended by both | 14711 |
| H.B. 359 and S.B. 63 of the 131st General Assembly. | 14712 |
| Section 3505.08 of the Revised Code as amended by both | 14713 |
| S.B. 109 and S.B. 193 of the 130th General Assembly. | 14714 |
| Section 3505.18 of the Revised Code as amended by S.B. 47, | 14715 |
| S.B. 109, and S.B. 216, all of the 130th General Assembly. | 14716 |
| Section 3505.23 of the Revised Code as amended by both | 14717 |
| S.B. 10 and S.B. 109 of the 130th General Assembly. | 14718 |
| Section 3505.24 of the Revised Code as amended by S.B. 10, | 14719 |
| S.B. 109, and S.B. 205, all of the 130th General Assembly. | 14720 |