

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 14

Senator Rulli

A BILL

To amend sections 3506.01, 3506.04, 3506.05, 1
3506.06, 3506.07, 3506.10, 3513.041, 3513.05, 2
3513.262, and 3513.263 and to enact section 3
3506.16 of the Revised Code to require state 4
approval of voter registration systems for use 5
in Ohio and to modify the law governing protests 6
against candidate filings. 7

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

Section 1. That sections 3506.01, 3506.04, 3506.05, 8
3506.06, 3506.07, 3506.10, 3513.041, 3513.05, 3513.262, and 9
3513.263 be amended and section 3506.16 of the Revised Code be 10
enacted to read as follows: 11

Sec. 3506.01. As used in this chapter and Chapters 3501., 12
3503., 3505., 3509., 3511., 3513., 3515., 3517., 3519., 3521., 13
3523., and 3599. of the Revised Code: 14

(A) "Marking device" means an apparatus operated by a 15
voter to record the voter's choices through the marking of 16
ballots enabling them to be examined and counted by automatic 17
tabulating equipment. 18

(B) "Ballot" means the official election presentation of 19

offices and candidates, including write-in candidates, and of 20
questions and issues, and the means by which votes are recorded. 21

(C) "Automatic tabulating equipment" means a machine or 22
electronic device, or interconnected or interrelated machines or 23
electronic devices, that will automatically examine and count 24
votes recorded on ballots. Automatic tabulating equipment may 25
allow for the voter's selections to be indicated by marks made 26
on a paper record by an electronic marking device. 27

(D) "Central counting station" means a location, or one of 28
a number of locations, designated by the board of elections for 29
the automatic examining, sorting, or counting of ballots. 30

(E) "Voting machines" means mechanical or electronic 31
equipment for the direct recording and tabulation of votes. 32

(F) "Direct recording electronic voting machine" means a 33
voting machine that records votes by means of a ballot display 34
provided with mechanical or electro-optical components that can 35
be actuated by the voter, that processes the data by means of a 36
computer program, and that records voting data and ballot images 37
in internal or external memory components. A "direct recording 38
electronic voting machine" produces a tabulation of the voting 39
data stored in a removable memory component and in printed copy. 40
"Direct recording electronic voting machine" does not include a 41
voting machine that captures votes by means of a ballot display 42
but that transfers those votes onto an optical scan ballot or 43
other paper record for tabulation. 44

(G) "Help America Vote Act of 2002" means the "Help 45
America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666. 46

(H) "Voter verified paper audit trail" means a physical 47
paper printout on which the voter's ballot choices, as 48

registered by a direct recording electronic voting machine, are 49
recorded. The voter shall be permitted to visually or audibly 50
inspect the contents of the physical paper printout. The 51
physical paper printout shall be securely retained at the 52
polling place until the close of the polls on the day of the 53
election; the secretary of state shall adopt rules under Chapter 54
119. of the Revised Code specifying the manner of storing the 55
physical paper printout at the polling place. After the physical 56
paper printout is produced, but before the voter's ballot is 57
recorded, the voter shall have an opportunity to accept or 58
reject the contents of the printout as matching the voter's 59
ballot choices. If a voter rejects the contents of the physical 60
paper printout, the system that produces the voter verified 61
paper audit trail shall invalidate the printout and permit the 62
voter to recast the voter's ballot. On and after the first 63
federal election that occurs after January 1, 2006, unless 64
required sooner by the Help America Vote Act of 2002, any system 65
that produces a voter verified paper audit trail shall be 66
accessible to disabled voters, including visually impaired 67
voters, in the same manner as the direct recording electronic 68
voting machine that produces it. 69

(I) "Voter registration system" means software and any 70
related equipment used by a board of elections or the secretary 71
of state to process, store, organize, maintain, or retrieve 72
voter registration records. 73

Sec. 3506.04. (A) If it is impracticable to supply each 74
election precinct with voting machines or marking devices for 75
use at the next election following the adoption of such 76
equipment, as many shall be supplied for that election and the 77
succeeding elections as it is practicable to procure either by 78
purchase or lease, or by a combination of both, and such 79

equipment may be used in election precincts within the county as 80
the board of elections directs until such time as it is 81
practicable to provide the total number of voting machines or 82
marking devices necessary to supply all precincts within the 83
county, provided that the total number of voting machines or 84
marking devices necessary to supply all precincts shall be 85
procured by purchase or lease, or by a combination of both as 86
soon as practicable after their adoption. 87

(B) The board of elections shall be charged with the 88
custody of all equipment acquired by the county, and shall see 89
that all such equipment is kept in proper working order and in 90
good repair. The board of county commissioners of any county or 91
the board of elections, upon recommendation of the board of 92
elections, may, prior to the adoption of such equipment, acquire 93
by purchase or lease or by loan, for the experimental use in a 94
limited number of precincts, such equipment, and such 95
experimental use shall be valid for all purposes as if such 96
equipment had been formally adopted, provided that such 97
equipment has been approved by the board of voting ~~machine-~~ 98
systems examiners for experimental use. 99

(C) All equipment acquired by any county by any of the 100
methods provided for in this section shall be exempt from levy 101
and taxation. 102

Sec. 3506.05. (A) As used in this section: 103

(1) "Electronic pollbook" means an electronic list of 104
registered voters for a particular precinct or polling location 105
that may be transported to a polling location. 106

(2) Except when used as part of the phrase "tabulating 107
equipment" or "automatic tabulating equipment," "equipment" 108

means a voting machine, marking device, automatic tabulating equipment, software, ~~or an electronic pollbook, or a voter registration system.~~

(3) "Vendor" means the person that owns, manufactures, distributes, or has the legal right to control the use of equipment, or the person's agent.

~~(B) No voting machine, marking device, automatic tabulating equipment, or software for the purpose of casting or tabulating votes or for communications among systems involved in the tabulation, storage, or casting of votes, and no electronic pollbook, Except as otherwise provided in division (B) of section 3505.16 of the Revised Code, none of the following shall be purchased, leased, put in use, or continued to be used, except for experimental use as provided in division (B) of section 3506.04 of the Revised Code, unless it, a manual of procedures governing its use, and training materials, service, and other support arrangements have been certified by the secretary of state and unless the any board of elections of each county where that will use the equipment will be used has assured that a demonstration of the use of the equipment has been made available to all interested electors of the county:~~

(1) A voting machine;

(2) A marking device;

(3) Automatic tabulating equipment;

(4) Software used for the purpose of casting or tabulating votes or for communication among systems involved in the tabulation, storage, or casting of votes;

(5) An electronic pollbook;

| | |
|---|-----|
| <u>(6) A voter registration system. The—</u> | 137 |
| <u>(C) (1) The secretary of state shall appoint a board of</u> | 138 |
| voting machine <u>systems</u> examiners to examine and approve | 139 |
| equipment and its related manuals and support arrangements. The— | 140 |
| <u>(2) (a) The board shall consist of four <u>voting</u> members, who</u> | 141 |
| shall be appointed as follows: | 142 |
| (1) (i) Two members appointed by the secretary of state—; | 143 |
| (2) (ii) One member appointed by either the speaker of the | 144 |
| house of representatives or the minority leader of the house of | 145 |
| representatives, whichever is a member of the opposite political | 146 |
| party from the one to which the secretary of state belongs—; | 147 |
| (3) (iii) One member appointed by either the president of | 148 |
| the senate or the minority leader of the senate, whichever is a | 149 |
| member of the opposite political party from the one to which the | 150 |
| secretary of state belongs. | 151 |
| <u>(b) The secretary of state also shall appoint a</u> | 152 |
| <u>cybersecurity expert, who shall serve as a nonvoting member of</u> | 153 |
| <u>the board.</u> | 154 |
| <u>(3) In all cases of a tie vote or a disagreement in the</u> | 155 |
| board, if no decision can be arrived at, the board shall submit | 156 |
| the matter in controversy to the secretary of state, who shall | 157 |
| summarily decide the question, and the secretary of state's | 158 |
| decision shall be final. Each member of the board shall be a | 159 |
| competent and experienced election officer or a person who is | 160 |
| knowledgeable about the operation of voting equipment and shall | 161 |
| serve during the secretary of state's term. Any vacancy on the | 162 |
| board shall be filled in the same manner as the original | 163 |
| appointment. The secretary of state shall provide staffing | 164 |
| assistance to the board, at the board's request. | 165 |

(4) For the member's service, each member of the board 166
shall receive three hundred dollars per day for each combination 167
of marking device, tabulating equipment, voting machine, ~~or~~ 168
electronic pollbook, or voter registration system examined and 169
reported, but in no event shall a member receive more than six 170
hundred dollars to examine and report on any one marking device, 171
item of tabulating equipment, voting machine, ~~or~~ electronic 172
pollbook, or voter registration system. Each member of the board 173
shall be reimbursed for expenses the member incurs during an 174
examination or during the performance of any related duties that 175
may be required by the secretary of state. Reimbursement of 176
these expenses shall be made in accordance with, and shall not 177
exceed, the rates provided for under section 126.31 of the 178
Revised Code. 179

(5) Neither the secretary of state nor the board, nor any 180
public officer who participates in the authorization, 181
examination, testing, or purchase of equipment, shall have any 182
pecuniary interest in the equipment or any affiliation with the 183
vendor. 184

~~(C)(1)~~ (D)(1) A vendor who desires to have the secretary 185
of state certify equipment shall first submit the equipment, all 186
current related procedural manuals, and a current description of 187
all related support arrangements to the board of voting ~~machine-~~ 188
systems examiners for examination, testing, and approval. The 189
submission shall be accompanied by a fee of two thousand four 190
hundred dollars and a detailed explanation of the construction 191
and method of operation of the equipment, a full statement of 192
its advantages, and a list of the patents and copyrights used in 193
~~operations essential to the processes of vote recording and~~ 194
~~tabulating, vote storage, system security, pollbook storage and~~ 195
~~security, and other~~ crucial operations of the equipment as ~~may~~ 196

~~be~~-determined by the board. An additional fee, in an amount to 197
be set by rules promulgated by the board, may be imposed to pay 198
for the costs of alternative testing or testing by persons other 199
than board members, record-keeping, and other extraordinary 200
costs incurred in the examination process. Moneys not used shall 201
be returned to the person or entity submitting the equipment for 202
examination. 203

(2) Fees collected by the secretary of state under this 204
section shall be deposited into the state treasury to the credit 205
of the board of voting ~~machine~~-systems examiners fund, which is 206
hereby created. All moneys credited to this fund shall be used 207
solely for the purpose of paying for the services and expenses 208
of each member of the board or for other expenses incurred 209
relating to the examination, testing, reporting, or 210
certification of equipment, the performance of any related 211
duties as required by the secretary of state, or the 212
reimbursement of any person submitting an examination fee as 213
provided in this chapter. 214

~~(D)~~-(E) Within sixty days after the submission of the 215
equipment and payment of the fee, or as soon thereafter as is 216
reasonably practicable, but in any event within not more than 217
ninety days after the submission and payment, the board of 218
voting ~~machine~~-systems examiners shall examine the equipment and 219
file with the secretary of state a written report on the 220
equipment with its recommendations and, if applicable, its 221
determination or condition of approval regarding whether the 222
equipment, manual, and other related materials or arrangements 223
meet the applicable criteria set forth in sections 3506.07 and 224
~~3506.10 of the Revised Code~~ and can be safely used by the voters 225
at elections under the conditions prescribed in Title XXXV of 226
the Revised Code, or a written statement of reasons for which 227

testing requires a longer period. The board may grant temporary 228
approval for the purpose of allowing experimental use of 229
equipment. If the board finds that the equipment meets ~~any~~the 230
~~applicable criteria set forth in sections 3506.06, 3506.07, and~~ 231
~~3506.10 of the Revised Code~~, can be used safely and, if 232
applicable, can be depended upon to record and count accurately 233
and continuously the votes of electors, and has the capacity to 234
be warranted, maintained, and serviced, it shall approve the 235
equipment and recommend that the secretary of state certify the 236
equipment. The secretary of state shall notify all boards of 237
elections of any such certification. Equipment of the same model 238
and make, if it operates in an identical manner, may then be 239
adopted for use ~~at elections~~. 240

~~(E)~~(F) The vendor shall notify the secretary of state, 241
who shall then notify the board of voting ~~machine systems~~ 242
examiners, of any enhancement and any significant adjustment to 243
the hardware or software that could result in a patent or 244
copyright change or that significantly alters the ~~methods of~~ 245
~~recording voter intent, system security, voter privacy,~~ 246
~~retention of the vote, communication of records, and connections~~ 247
~~between the system and other systems~~ crucial operations of the 248
equipment as determined by the board. The vendor shall provide 249
the secretary of state with an updated operations manual for the 250
equipment, and the secretary of state shall forward the manual 251
to the board. Upon receiving such a notification and manual, the 252
board may require the vendor to submit the equipment to an 253
examination and test in order for the equipment to remain 254
certified. The board or the secretary of state shall 255
periodically examine, test, and inspect certified equipment to 256
determine continued compliance with ~~the~~ all applicable 257
requirements ~~of this chapter~~ and the initial certification. Any 258

examination, test, or inspection conducted for the purpose of 259
continuing certification of any equipment in which a significant 260
problem has been uncovered or in which a record of continuing 261
problems exists shall be performed pursuant to divisions ~~(C)~~(D) 262
and ~~(D)~~(E) of this section, in the same manner as the 263
examination, test, or inspection is performed for initial 264
approval and certification. 265

~~(F)~~(G) If, at any time after the certification of 266
equipment, the board of voting ~~machine-systems~~ examiners or the 267
secretary of state is notified by a board of elections of any 268
significant problem with the equipment or determines that the 269
equipment fails to meet the requirements necessary for approval 270
or continued compliance with ~~the all applicable requirements of~~ 271
~~this chapter~~, or if the board of voting ~~machine-systems~~ 272
examiners determines that there are significant enhancements or 273
adjustments to the hardware or software, or if notice of such 274
enhancements or adjustments has not been given as required by 275
division ~~(E)~~(F) of this section, the secretary of state shall 276
notify the users and vendors of that equipment that 277
certification of the equipment may be withdrawn. 278

~~(G) (1)~~(H) (1) The notice given by the secretary of state 279
under division ~~(F)~~(G) of this section shall be in writing and 280
shall specify both of the following: 281

(a) The reasons why the certification may be withdrawn; 282

(b) The date on which certification will be withdrawn 283
unless the vendor takes satisfactory corrective measures or 284
explains why there are no problems with the equipment or why the 285
enhancements or adjustments to the equipment are not 286
significant. 287

(2) A vendor who receives a notice under division ~~(F)~~(G) 288
of this section shall, within thirty days after receiving it, 289
submit to the board of voting ~~machine~~systems examiners in 290
writing a description of the corrective measures taken and the 291
date on which they were taken, or the explanation required under 292
division ~~(G) (1) (b)~~(H) (1) (b) of this section. 293

(3) Not later than fifteen days after receiving a written 294
description or explanation under division ~~(G) (2)~~(H) (2) of this 295
section from a vendor, the board shall determine whether the 296
corrective measures taken or the explanation is satisfactory to 297
allow continued certification of the equipment, and the 298
secretary of state shall send the vendor a written notice of the 299
board's determination, specifying the reasons for it. If the 300
board has determined that the measures taken or the explanation 301
given is unsatisfactory, the notice shall include the effective 302
date of withdrawal of the certification. This date may be 303
different from the date originally specified in division ~~(G) (1)~~
~~(b)~~(H) (1) (b) of this section. 305

(4) A vendor who receives a notice under division ~~(G) (3)~~ 306
(H) (3) of this section indicating a decision to withdraw 307
certification may, within thirty days after receiving it, 308
request in writing that the board hold a hearing to reconsider 309
its decision. Any interested party shall be given the 310
opportunity to submit testimony or documentation in support of 311
or in opposition to the board's recommendation to withdraw 312
certification. Failure of the vendor to take appropriate steps 313
as described in division ~~(G) (1) (b)~~(H) (1) (b) or to comply with 314
division ~~(G) (2)~~(H) (2) of this section results in a waiver of 315
the vendor's rights under division ~~(G) (4)~~(H) (4) of this 316
section. 317

~~(H) (1)~~ (I) (1) The secretary of state, in consultation with 318
the board of voting ~~machine~~ systems examiners, shall establish, 319
by rule, guidelines for the approval, certification, and 320
continued certification of the ~~voting machines, marking devices,~~ 321
~~tabulating equipment, and electronic pollbooks~~ to be used under 322
Title XXXV of the Revised Code. The guidelines shall establish 323
procedures requiring vendors or computer software developers to 324
place in escrow with an independent escrow agent approved by the 325
secretary of state a copy of all source code and related 326
documentation, together with periodic updates as they become 327
known or available. The secretary of state shall require that 328
the documentation include a system configuration and that the 329
source code include all relevant program statements in low- or 330
high-level languages. As used in this division, "source code" 331
does not include variable codes created for specific elections. 332

(2) Nothing in any rule adopted under division ~~(H)~~ (I) of 333
this section shall be construed to limit the ability of the 334
secretary of state to follow or adopt, or to preclude the 335
secretary of state from following or adopting, any guidelines 336
proposed by the federal election commission, any entity 337
authorized by the federal election commission to propose 338
guidelines, the election assistance commission, or any entity 339
authorized by the election assistance commission to propose 340
guidelines. 341

(3) (a) Before the initial certification of any direct 342
recording electronic voting machine with a voter verified paper 343
audit trail, and as a condition for the continued certification 344
and use of those machines, the secretary of state shall 345
establish, by rule, standards for the certification of those 346
machines. Those standards shall include, but are not limited to, 347
all of the following: 348

- (i) A definition of a voter verified paper audit trail as 349
a paper record of the voter's choices that is verified by the 350
voter prior to the casting of the voter's ballot and that is 351
securely retained by the board of elections; 352
- (ii) Requirements that the voter verified paper audit 353
trail shall not be retained by any voter and shall not contain 354
individual voter information; 355
- (iii) A prohibition against the production by any direct 356
recording electronic voting machine of anything that legally 357
could be removed by the voter from the polling place, such as a 358
receipt or voter confirmation; 359
- (iv) A requirement that paper used in producing a voter 360
verified paper audit trail be sturdy, clean, and resistant to 361
degradation; 362
- (v) A requirement that the voter verified paper audit 363
trail shall be capable of being optically scanned for the 364
purpose of conducting a recount or other audit of the voting 365
machine and shall be readable in a manner that makes the voter's 366
ballot choices obvious to the voter without the use of computer 367
or electronic codes; 368
- (vi) A requirement, for office-type ballots, that the 369
voter verified paper audit trail include the name of each 370
candidate selected by the voter; 371
- (vii) A requirement, for questions and issues ballots, 372
that the voter verified paper audit trail include the title of 373
the question or issue, the name of the entity that placed the 374
question or issue on the ballot, and the voter's ballot 375
selection on that question or issue, but not the entire text of 376
the question or issue. 377

(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)~~ (I) (3) (a) (v) of this section, if the secretary of state determines that the requirement is cost prohibitive.

(4) (a) Except as otherwise provided in divisions ~~(H) (4) (b)~~ (I) (4) (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~~ 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.

(b) Division ~~(H) (4) (a)~~ (I) (4) (a) of this section does not apply to any ~~voting machine, marking device, or automatic tabulating equipment~~ that the federal election assistance commission does not certify as part of its testing and certification program.

(c) A county that acquires additional voting machines, marking devices, or automatic tabulating equipment on or after December 1, 2008, shall not be considered to have acquired those machines, devices, or equipment on or after December 1, 2008, for the purpose of division ~~(H) (4) (a)~~ (I) (4) (a) of this section if all of the following apply:

(i) The voting machines, marking devices, or automatic tabulating equipment acquired are the same as the machines,

devices, or equipment currently used in that county. 408

(ii) The acquisition of the voting machines, marking 409
devices, or automatic tabulating equipment does not replace or 410
change the primary voting system used in that county. 411

(iii) The acquisition of the voting machines, marking 412
devices, or automatic tabulating equipment is for the purpose of 413
replacing inoperable machines, devices, or equipment or for the 414
purpose of providing additional machines, devices, or equipment 415
required to meet the allocation requirements established 416
pursuant to division (I) of section 3501.11 of the Revised Code. 417

Sec. 3506.06. No marking device shall be approved by the 418
board of voting ~~machine systems~~ examiners or certified by the 419
secretary of state, or be purchased, rented, or otherwise 420
acquired, or used, unless it fulfills the following 421
requirements: 422

(A) It shall permit and require voting in absolute 423
secrecy, and shall be so constructed that no person can see or 424
know for whom any other elector has voted or is voting, except 425
an elector who is assisting a voter as prescribed by section 426
3505.24 of the Revised Code. 427

(B) It shall permit each elector to vote at any election 428
for all persons and offices for whom and for which the elector 429
is lawfully entitled to vote, whether or not the name of any 430
such person appears on a ballot as a candidate; to vote for as 431
many persons for an office as the elector is entitled to vote 432
for; and to vote for or against any question upon which the 433
elector is entitled to vote. 434

(C) It shall permit each elector to write in the names of 435
persons for whom the elector desires to vote, whose names do not 436

appear upon the ballot, if such write-in candidates are 437
permitted by law. 438

(D) It shall permit each elector, at all presidential 439
elections, by one mark to vote for candidates of one party for 440
president, vice president, and presidential electors. 441

(E) It shall be durably constructed of material of good 442
quality in a neat and workerlike manner, and in form that shall 443
make it safely transportable. 444

(F) It shall be so constructed that a voter may readily 445
learn the method of operating it and may expeditiously cast the 446
voter's vote for all candidates of the voter's choice. 447

(G) It shall not provide to a voter any type of receipt or 448
voter confirmation that the voter legally may retain after 449
leaving the polling place. 450

Sec. 3506.07. No automatic tabulating equipment shall be 451
approved by the board of voting ~~machine~~-systems examiners or 452
certified by the secretary of state, or be purchased, rented, or 453
otherwise acquired, or used, unless it has been or is capable of 454
being manufactured for use and distribution beyond a prototype 455
and can be set by election officials, to examine ballots and to 456
count votes accurately for each candidate, question, and issue, 457
excluding any ballots marked contrary to the instructions 458
printed on such ballots, provided that such equipment shall not 459
be required to count write-in votes or the votes on any ballots 460
that have been voted other than at the regular polling place on 461
election day. 462

Sec. 3506.10. No voting machine shall be approved by the 463
board of voting ~~machine~~-systems examiners or certified by the 464
secretary of state, or be purchased, rented, or otherwise 465

acquired, or used, except when specifically allowed for 466
experimental use, as provided in section 3506.04 of the Revised 467
Code, unless it fulfills the following requirements: 468

(A) It shall permit and require voting in absolute 469
secrecy, and shall be so constructed that no person can see or 470
know for whom any other elector has voted or is voting, except 471
an elector who is assisting a voter as prescribed by section 472
3505.24 of the Revised Code. 473

(B) It shall permit each elector to vote at any election 474
for all persons and offices for whom and for which the elector 475
is lawfully entitled to vote, whether or not the name of any 476
such person appears on a ballot label as a candidate; to vote 477
for as many persons for an office as the elector is entitled to 478
vote for; and to vote for or against any question upon which the 479
elector is entitled to vote. 480

(C) It shall preclude each elector from voting for any 481
candidate or upon any question for whom or upon which the 482
elector is not entitled to vote, from voting for more persons 483
for any office than the elector is entitled to vote for, and 484
from voting for any candidates for the same office or upon any 485
question more than once. 486

(D) It shall permit each voter to deposit, write in, or 487
affix, upon devices provided for that purpose, ballots 488
containing the names of persons for whom the voter desires to 489
vote, whose names do not appear upon the voting machine. Those 490
devices shall be susceptible of identification as to party 491
affiliations when used at a primary election. 492

(E) It shall permit each elector to change the elector's 493
vote for any candidate or upon any question appearing upon the 494

ballot labels, up to the time the elector starts to register the 495
elector's vote. 496

(F) It shall permit each elector, at all presidential 497
elections, by one device to vote for candidates of one party for 498
president, vice-president, and presidential electors. 499

(G) It shall be capable of adjustment by election officers 500
so as to permit each elector, at a primary election, to vote 501
only for the candidates of the party with which the elector has 502
declared the elector's affiliation and shall preclude the 503
elector from voting for any candidate seeking nomination by any 504
other political party; and to vote for the candidates for 505
nonpartisan nomination or election. 506

(H) It shall have separate voting devices for candidates 507
and questions, which shall be arranged in separate rows or 508
columns. It shall be so arranged that one or more adjacent rows 509
or columns may be assigned to the candidates of each political 510
party at primary elections. 511

(I) It shall have a counter, or other device, the register 512
of which is visible from the outside of the machine, and which 513
will show at any time during the voting the total number of 514
electors who have voted; and also a protective counter, or other 515
device, the register of which cannot be reset, which will record 516
the cumulative total number of movements of the internal 517
counters. 518

(J) It shall be provided with locks and seals by the use 519
of which, immediately after the polls are closed or the 520
operation of the machine for an election is completed, no 521
further changes to the internal counters can be allowed. 522

(K) It shall have the capacity to contain the names of 523

candidates constituting the tickets of at least five political 524
parties, and independent groups and such number of questions not 525
exceeding fifteen as the secretary of state shall specify. 526

(L) It shall be durably constructed of material of good 527
quality in a neat and workerlike manner, and in form that shall 528
make it safely transportable. 529

(M) It shall be so constructed that a voter may readily 530
learn the method of operating it, may expeditiously cast a vote 531
for all candidates of the voter's choice, and when operated 532
properly shall register and record correctly and accurately 533
every vote cast. 534

(N) It shall be provided with a screen, hood, or curtain, 535
which will conceal the voter while voting. During the voting, it 536
shall preclude every person from seeing or knowing the number of 537
votes registered for any candidate or question and from 538
tampering with any of the internal counters. 539

(O) It shall not provide to a voter any type of receipt or 540
voter confirmation that the voter legally may retain after 541
leaving the polling place. 542

(P) On and after the first federal election that occurs 543
after January 1, 2006, unless required sooner by the Help 544
America Vote Act of 2002, if the voting machine is a direct 545
recording electronic voting machine, it shall include a voter 546
verified paper audit trail. 547

Before any voting machine is purchased, rented, or 548
otherwise acquired, or used, the person or corporation owning or 549
manufacturing that machine or having the legal right to control 550
the use of that machine shall give an adequate guarantee in 551
writing and post a bond in an amount sufficient to cover the 552

cost of any recount or new election resulting from or directly 553
related to the use or malfunction of the equipment, accompanied 554
by satisfactory surety, all as determined by the secretary of 555
state, with the board of county commissioners, guaranteeing and 556
securing that those machines have been and continue to be 557
certified by the secretary of state in accordance with section 558
3506.05 of the Revised Code, comply fully with the requirements 559
of this section, and will correctly, accurately, and 560
continuously register and record every vote cast, and further 561
guaranteeing those machines against defects in workmanship and 562
materials for a period of five years from the date of their 563
acquisition. 564

Sec. 3506.16. (A) The secretary of state shall adopt 565
standards for the security and integrity of voter registration 566
systems. Except as otherwise provided in division (B) of this 567
section, no voter registration system shall be approved by the 568
board of voting systems examiners, certified by the secretary of 569
state, or acquired by the secretary of state or a board of 570
elections, unless it meets those standards. 571

(B) Notwithstanding any contrary provision of this 572
chapter, a county that used a voter registration system before 573
the effective date of this section may continue to use that 574
system until the county acquires a new voter registration 575
system, which shall meet the requirements of this chapter. 576

Sec. 3513.041. A write-in space shall be provided on the 577
ballot for every office, except in an election for which the 578
board of elections has received no valid declarations of intent 579
to be a write-in candidate under this section. Write-in votes 580
shall not be counted for any candidate who has not filed a 581
declaration of intent to be a write-in candidate pursuant to 582

this section. A qualified person who has filed a declaration of intent may receive write-in votes at either a primary or general election. Any candidate shall file a declaration of intent to be a write-in candidate before four p.m. of the seventy-second day preceding the election at which such candidacy is to be considered. If the election is to be determined by electors of a county or a district or subdivision within the county, such declaration shall be filed with the board of elections of that county. If the election is to be determined by electors of a subdivision located in more than one county, such declaration shall be filed with the board of elections of the county in which the major portion of the population of such subdivision is located. If the election is to be determined by electors of a district comprised of more than one county but less than all of the counties of the state, such declaration shall be filed with the board of elections of the most populous county in such district. Any candidate for an office to be voted upon by electors throughout the entire state shall file a declaration of intent to be a write-in candidate with the secretary of state before four p.m. of the seventy-second day preceding the election at which such candidacy is to be considered. In addition, candidates for president and vice-president of the United States shall also file with the secretary of state by that seventy-second day a slate of presidential electors sufficient in number to satisfy the requirements of the United States constitution.

A board of elections shall not accept for filing the declaration of intent to be a write-in candidate of a person seeking to become a candidate if that person, for the same election, has already filed a declaration of candidacy, a declaration of intent to be a write-in candidate, or a

nominating petition, or has become a candidate through party 614
nomination at a primary election or by the filling of a vacancy 615
under section 3513.30 or 3513.31 of the Revised Code, for any 616
federal, state, or county office, if the declaration of intent 617
to be a write-in candidate is for a state or county office, or 618
for any municipal or township office, for member of a city, 619
local, or exempted village board of education, or for member of 620
a governing board of an educational service center, if the 621
declaration of intent to be a write-in candidate is for a 622
municipal or township office, or for member of a city, local, or 623
exempted village board of education, or for member of a 624
governing board of an educational service center. 625

No person shall file a declaration of intent to be a 626
write-in candidate for the office of governor unless the 627
declaration also shows the intent of another person to be a 628
write-in candidate for the office of lieutenant governor. No 629
person shall file a declaration of intent to be a write-in 630
candidate for the office of lieutenant governor unless the 631
declaration also shows the intent of another person to be a 632
write-in candidate for the office of governor. No person shall 633
file a declaration of intent to be a write-in candidate for the 634
office of governor or lieutenant governor if the person has 635
previously filed a declaration of intent to be a write-in 636
candidate to the office of governor or lieutenant governor at 637
the same primary or general election. A write-in vote for the 638
two candidates who file such a declaration shall be counted as a 639
vote for them as joint candidates for the offices of governor 640
and lieutenant governor. 641

The secretary of state shall not accept for filing the 642
declaration of intent to be a write-in candidate of a person for 643
the office of governor unless the declaration also shows the 644

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

Protests against the candidacy of any person filing a 659
declaration of intent to be a write-in candidate may be filed by 660
any qualified elector who is eligible to vote in the election at 661
which the candidacy is to be considered. The protest shall be in 662
writing and shall be filed not later than four p.m. of the 663
sixty-seventh day before the day of the election. The protest 664
shall be filed with the ~~board of elections~~ election officials 665
with ~~which whom~~ the declaration of intent to be a write-in 666
candidate was filed. Upon the filing of the protest, the ~~board~~ 667
election officials with ~~which whom~~ it is filed shall promptly 668
fix the time for hearing it and shall proceed in regard to the 669
hearing in the same manner as for hearings set for protests 670
filed under section 3513.05 of the Revised Code. At the time 671
fixed, the ~~board~~ election officials shall hear the protest and 672
shall determine the validity or invalidity of the declaration of 673
intent to be a write-in candidate not later than the fifty- 674
seventh day before the day of the election. If the ~~board finds~~ 675

election officials find that the candidate is not an elector of 676
the state, district, county, or political subdivision in which 677
the candidate seeks election to office or has not fully complied 678
with the requirements of Title XXXV of the Revised Code in 679
regard to the candidate's candidacy, the candidate's declaration 680
of intent to be a write-in candidate shall be determined to be 681
invalid and shall be rejected; otherwise, it shall be determined 682
to be valid. The determination of the ~~board~~election officials 683
is final. 684

The secretary of state shall prescribe the form of the 685
declaration of intent to be a write-in candidate. 686

Sec. 3513.05. Each person desiring to become a candidate 687
for a party nomination at a primary election or for election to 688
an office or position to be voted for at a primary election, 689
except persons desiring to become joint candidates for the 690
offices of governor and lieutenant governor and except as 691
otherwise provided in section 3513.051 of the Revised Code, 692
shall, not later than four p.m. of the ninetieth day before the 693
day of the primary election, file a declaration of candidacy and 694
petition and pay the fees required under divisions (A) and (B) 695
of section 3513.10 of the Revised Code. The declaration of 696
candidacy and all separate petition papers shall be filed at the 697
same time as one instrument. When the offices are to be voted 698
for at a primary election, persons desiring to become joint 699
candidates for the offices of governor and lieutenant governor 700
shall, not later than four p.m. of the ninetieth day before the 701
day of the primary election, comply with section 3513.04 of the 702
Revised Code. The prospective joint candidates' declaration of 703
candidacy and all separate petition papers of candidacies shall 704
be filed at the same time as one instrument. The secretary of 705
state or a board of elections shall not accept for filing a 706

declaration of candidacy and petition of a person seeking to 707
become a candidate if that person, for the same election, has 708
already filed a declaration of candidacy or a declaration of 709
intent to be a write-in candidate, or has become a candidate by 710
the filling of a vacancy under section 3513.30 of the Revised 711
Code for any federal, state, or county office, if the 712
declaration of candidacy is for a state or county office, or for 713
any municipal or township office, if the declaration of 714
candidacy is for a municipal or township office. 715

If the declaration of candidacy declares a candidacy which 716
is to be submitted to electors throughout the entire state, the 717
petition, including a petition for joint candidates for the 718
offices of governor and lieutenant governor, shall be signed by 719
at least one thousand qualified electors who are members of the 720
same political party as the candidate or joint candidates, and 721
the declaration of candidacy and petition shall be filed with 722
the secretary of state; provided that the secretary of state 723
shall not accept or file any such petition appearing on its face 724
to contain signatures of more than three thousand electors. 725

Except as otherwise provided in this paragraph, if the 726
declaration of candidacy is of one that is to be submitted only 727
to electors within a district, political subdivision, or portion 728
thereof, the petition shall be signed by not less than fifty 729
qualified electors who are members of the same political party 730
as the political party of which the candidate is a member. If 731
the declaration of candidacy is for party nomination as a 732
candidate for member of the legislative authority of a municipal 733
corporation elected by ward, the petition shall be signed by not 734
less than twenty-five qualified electors who are members of the 735
political party of which the candidate is a member. 736

No such petition, except the petition for a candidacy that 737
is to be submitted to electors throughout the entire state, 738
shall be accepted for filing if it appears to contain on its 739
face signatures of more than three times the minimum number of 740
signatures. When a petition of a candidate has been accepted for 741
filing by a board of elections, the petition shall not be deemed 742
invalid if, upon verification of signatures contained in the 743
petition, the board of elections finds the number of signatures 744
accepted exceeds three times the minimum number of signatures 745
required. A board of elections may discontinue verifying 746
signatures on petitions when the number of verified signatures 747
equals the minimum required number of qualified signatures. 748

If the declaration of candidacy declares a candidacy for 749
party nomination or for election as a candidate of a minor 750
party, the minimum number of signatures on such petition is one- 751
half the minimum number provided in this section, except that, 752
when the candidacy is one for election as a member of the state 753
central committee or the county central committee of a political 754
party, the minimum number shall be the same for a minor party as 755
for a major party. 756

If a declaration of candidacy is one for election as a 757
member of the state central committee or the county central 758
committee of a political party, the petition shall be signed by 759
five qualified electors of the district, county, ward, township, 760
or precinct within which electors may vote for such candidate. 761
The electors signing such petition shall be members of the same 762
political party as the political party of which the candidate is 763
a member. 764

For purposes of signing or circulating a petition of 765
candidacy for party nomination or election, an elector is 766

considered to be a member of a political party if the elector 767
voted in that party's primary election within the preceding two 768
calendar years, or if the elector did not vote in any other 769
party's primary election within the preceding two calendar 770
years. 771

If the declaration of candidacy is of one that is to be 772
submitted only to electors within a county, or within a district 773
or subdivision or part thereof smaller than a county, the 774
petition shall be filed with the board of elections of the 775
county. If the declaration of candidacy is of one that is to be 776
submitted only to electors of a district or subdivision or part 777
thereof that is situated in more than one county, the petition 778
shall be filed with the board of elections of the county within 779
which the major portion of the population thereof, as 780
ascertained by the next preceding federal census, is located. 781

A petition shall consist of separate petition papers, each 782
of which shall contain signatures of electors of only one 783
county. Petitions or separate petition papers containing 784
signatures of electors of more than one county shall not thereby 785
be declared invalid. In case petitions or separate petition 786
papers containing signatures of electors of more than one county 787
are filed, the board shall determine the county from which the 788
majority of signatures came, and only signatures from such 789
county shall be counted. Signatures from any other county shall 790
be invalid. 791

Each separate petition paper shall be circulated by one 792
person only, who shall be the candidate or a joint candidate or 793
a member of the same political party as the candidate or joint 794
candidates, and each separate petition paper shall be governed 795
by the rules set forth in section 3501.38 of the Revised Code. 796

The secretary of state shall promptly transmit to each 797
board such separate petition papers of each petition 798
accompanying a declaration of candidacy filed with the secretary 799
of state as purport to contain signatures of electors of the 800
county of such board. The board of the most populous county of a 801
district shall promptly transmit to each board within such 802
district such separate petition papers of each petition 803
accompanying a declaration of candidacy filed with it as purport 804
to contain signatures of electors of the county of each such 805
board. The board of a county within which the major portion of 806
the population of a subdivision, situated in more than one 807
county, is located, shall promptly transmit to the board of each 808
other county within which a portion of such subdivision is 809
located such separate petition papers of each petition 810
accompanying a declaration of candidacy filed with it as purport 811
to contain signatures of electors of the portion of such 812
subdivision in the county of each such board. 813

All petition papers so transmitted to a board and all 814
petitions accompanying declarations of candidacy filed with a 815
board shall, under proper regulations, be open to public 816
inspection until four p.m. of the eightieth day before the day 817
of the next primary election. Each board shall, not later than 818
the seventy-eighth day before the day of that primary election, 819
examine and determine the validity or invalidity of the 820
signatures on the petition papers so transmitted to or filed 821
with it and shall return to the secretary of state all petition 822
papers transmitted to it by the secretary of state, together 823
with its certification of its determination as to the validity 824
or invalidity of signatures thereon, and shall return to each 825
other board all petition papers transmitted to it by such board, 826
together with its certification of its determination as to the 827

validity or invalidity of the signatures thereon. All other 828
matters affecting the validity or invalidity of such petition 829
papers shall be determined by the secretary of state or the 830
board with whom such petition papers were filed. 831

Protests against the candidacy of any person filing a 832
declaration of candidacy for party nomination or for election to 833
an office or position, as provided in this section, may be filed 834
by any qualified elector who is a member of the same political 835
party as the candidate and who is eligible to vote at the 836
primary election for the candidate whose declaration of 837
candidacy the elector objects to, or by the controlling 838
committee of that political party. The protest shall be in 839
writing, and shall be filed not later than four p.m. of the 840
seventy-fourth day before the day of the primary election. The 841
protest shall be filed with the election officials with whom the 842
declaration of candidacy and petition was filed. Upon the filing 843
of the protest, the election officials with whom it is filed 844
shall promptly fix the time for hearing it, and shall forthwith 845
mail notice of the filing of the protest and the time fixed for 846
hearing to the person whose candidacy is so protested. They 847
shall also forthwith mail notice of the time fixed for such 848
hearing to the person who filed the protest. At the time fixed, 849
such election officials shall hear the protest and shall 850
determine the validity or invalidity of the declaration of 851
candidacy and petition not later than the sixty-fourth day 852
before the day of the primary election. If they find that such 853
candidate is not an elector of the state, district, county, or 854
political subdivision in which the candidate seeks a party 855
nomination or election to an office or position, or has not 856
fully complied with this chapter, the candidate's declaration of 857
candidacy and petition shall be determined to be invalid and 858

shall be rejected; otherwise, it shall be determined to be 859
valid. That determination shall be final. 860

A protest against the candidacy of any persons filing a 861
declaration of candidacy for joint party nomination to the 862
offices of governor and lieutenant governor shall be filed, 863
heard, and determined in the same manner as a protest against 864
the candidacy of any person filing a declaration of candidacy 865
singly. 866

The secretary of state shall, on the seventieth day before 867
the day of a primary election, certify to each board in the 868
state the forms of the official ballots to be used at the 869
primary election, together with the names of the candidates to 870
be printed on the ballots whose nomination or election is to be 871
determined by electors throughout the entire state and who filed 872
valid declarations of candidacy and petitions. 873

The board of the most populous county in a district 874
comprised of more than one county but less than all of the 875
counties of the state shall, on the seventieth day before the 876
day of a primary election, certify to the board of each county 877
in the district the names of the candidates to be printed on the 878
official ballots to be used at the primary election, whose 879
nomination or election is to be determined only by electors 880
within the district and who filed valid declarations of 881
candidacy and petitions. 882

The board of a county within which the major portion of 883
the population of a subdivision smaller than the county and 884
situated in more than one county is located shall, on the 885
seventieth day before the day of a primary election, certify to 886
the board of each county in which a portion of that subdivision 887
is located the names of the candidates to be printed on the 888

official ballots to be used at the primary election, whose 889
nomination or election is to be determined only by electors 890
within that subdivision and who filed valid declarations of 891
candidacy and petitions. 892

Sec. 3513.262. The nominating petitions of all candidates 893
required to be filed before four p.m. of the day before the day 894
of the primary election immediately preceding the general 895
election shall be processed as follows: 896

If such petition is filed with the secretary of state, the 897
secretary of state shall, not later than the fifteenth day of 898
June following the filing of such petition, or if the primary 899
election was a presidential primary election, not later than the 900
end of the sixth week after the day of that election, transmit 901
to each board such separate petition papers as purport to 902
contain signatures of electors of the county of such board. If 903
such petition is filed with the board of the most populous 904
county of a district or of a county in which the major portion 905
of the population of a subdivision is located, such board shall, 906
not later than the fifteenth day of June, or if the primary 907
election was a presidential primary election, not later than the 908
end of the sixth week after the day of that election, transmit 909
to each board within such district such separate petition papers 910
of the petition as purport to contain signatures of electors of 911
the county of such board. 912

All petition papers so transmitted to a board and all 913
nominating petitions filed with a board shall, under proper 914
regulations, be open to public inspection from the fifteenth day 915
of June until four p.m. of the thirtieth day of that month, or 916
if the primary election was a presidential primary election, 917
from the end of the sixth week after the election until four 918

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

Written protests against nominating petitions may be filed 939
by any qualified elector eligible to vote for the candidate 940
whose nominating petition the elector objects to, not later than 941
four p.m. of the thirtieth day of July, or if the primary 942
election was a presidential primary election, not later than the 943
end of the twelfth week after the day of that election. Such 944
protests shall be filed with the election officials with whom 945
the nominating petition was filed. Upon the filing of such 946
protest, the election officials with whom it is filed shall 947
promptly fix the time and place for hearing it, and shall 948
forthwith mail notice of the filing of such protest and the time 949

and place for hearing it to the person whose nomination is 950
protested. They shall also forthwith mail notice of the time and 951
place fixed for the hearing to the person who filed the protest. 952
At the time fixed, such election officials shall hear the 953
protest and shall determine the validity or invalidity of the 954
petition not later than the tenth day after the deadline to file 955
a protest against the petition. Such determination shall be 956
final. 957

A protest against the nominating petition filed by joint 958
candidates for the offices of governor and lieutenant governor 959
shall be filed, heard, and determined in the same manner as a 960
protest against the nominating petition of a candidate who files 961
individually. 962

Sec. 3513.263. The nominating petitions of all candidates 963
required to be filed before four p.m. of the ninetieth day 964
before the day of the general election, shall be processed as 965
follows: 966

If such petition is filed with the secretary of state, the 967
secretary of state shall promptly transmit to each board such 968
separate petition papers as purports to contain signatures of 969
electors of the county of such board. 970

If such petition is filed with the board of a county in 971
which the major portion of the population of a subdivision is 972
located, such board shall promptly transmit to the board of each 973
county in which other portions of such subdivision are located 974
such separate petition papers of the petition as purport to 975
contain signatures of electors of such county. 976

All petition papers so transmitted to a board of 977
elections, and all nominating petitions filed with a board of 978

elections shall, under proper regulation, be open to public 979
inspection until four p.m. of the eightieth day before the day 980
of such general election. Each board shall, not later than the 981
seventy-eighth day before the day of such general election 982
examine and determine the sufficiency of the signatures on the 983
petition papers transmitted to or filed with it and the validity 984
or invalidity of petitions filed with it, and shall return to 985
each other board all petition papers transmitted to it by such 986
other board, together with its certification of its 987
determination as to the validity or invalidity of signatures 988
thereon. A signature on a nominating petition is not valid if it 989
is dated more than one year before the date the nominating 990
petition was filed. All other matters affecting the validity or 991
invalidity of such petition papers shall be determined by the 992
board with whom such petition papers were filed. 993

Written protests against such nominating petitions may be 994
filed by any qualified elector eligible to vote for the 995
candidate whose nominating petition the elector objects to, not 996
later than the seventy-fourth day before the general election. 997
Such protests shall be filed with the election officials with 998
whom the nominating petition was filed. Upon the filing of such 999
protests, the election officials with whom it is filed shall 1000
promptly fix the time and place for hearing it, and shall 1001
forthwith mail notice of the filing of such protest and the time 1002
and place for hearing it to the person whose nomination is 1003
protested. They shall also forthwith mail notice of the time and 1004
place fixed for the hearing to the person who filed the protest. 1005
At the time and place fixed, such election officials shall hear 1006
the protest and shall determine the validity or invalidity of 1007
the petition not later than the sixty-fourth day before the day 1008
of the general election. Such determination shall be final. 1009

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| Section 2. That existing sections 3506.01, 3506.04, | 1010 |
| 3506.05, 3506.06, 3506.07, 3506.10, 3513.041, 3513.05, 3513.262, | 1011 |
| and 3513.263 of the Revised Code are hereby repealed. | 1012 |