

AN ACT

To amend sections 303.12, 519.12, 3375.03, 3501.05, 3501.11, 3501.38, 3504.02, 3505.24, 3505.31, 3505.32, 3506.12, 3506.15, 3509.01, 3509.04, 3509.07, 3511.05, 3511.09, 3511.11, 3513.07, 3513.22, 3513.261, 3515.04, and 3519.05 and to enact section 3506.16 of the Revised Code to revise the Election Law by requiring designated board of elections employees to examine punch card ballots prior to their counting and, in specified circumstances, to remove partially detached chads from them or remake ballots voted backwards, by specifying that no vote will be counted when a chad is attached to a punch card ballot by three or four corners, by specifying that armed service absent voter's ballots from voters who will be outside of the United States on election day that do not have any postmark or have an illegible postmark are valid if mailed prior to the close of the polls on election day and if received within the appropriate period, and by making other changes; and to create the Election System Study Committee.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 303.12, 519.12, 3375.03, 3501.05, 3501.11, 3501.38, 3504.02, 3505.24, 3505.31, 3505.32, 3506.12, 3506.15, 3509.01, 3509.04, 3509.07, 3511.05, 3511.09, 3511.11, 3513.07, 3513.22, 3513.261, 3515.04, and 3519.05 be amended and section 3506.16 of the Revised Code be enacted to read as follows:

Sec. 303.12. (A) Amendments to the zoning resolution may be initiated by motion of the county rural zoning commission, by the passage of a resolution ~~therefor~~ by the board of county commissioners, or by the filing of

an application ~~therefor~~ by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the county rural zoning commission. The board of county commissioners may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee ~~therefor~~ to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of county commissioners requires such a fee, it shall be required generally, for each application. The board of county commissioners shall upon the passage of such resolution certify it to the county rural zoning commission.

Upon the adoption of such motion, ~~or~~ the certification of such resolution, or the filing of such application, the county rural zoning commission shall set a date for a public hearing ~~thereon~~, which date shall not be less than twenty nor more than forty days from the date of adoption of such motion ~~or~~, the date of the certification of such resolution, or the date of the filing of such application. Notice of such hearing shall be given by the county rural zoning commission by one publication in one or more newspapers of general circulation in each township affected by such proposed amendment at least ten days before the date of such hearing.

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

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

(1) The name of the zoning commission that will be conducting the public hearing;

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

(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 such 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 public hearing;

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

(7) Any other information requested by the zoning commission;

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

(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 shall include all of the following:

(1) The name of the zoning commission that will be conducting the public 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 period of at least ten days prior to the public hearing;

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

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

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

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

(E) Within five days after the adoption of such motion ~~or~~ the certification of such resolution, or the filing of such application, the county rural zoning commission shall transmit a copy ~~thereof~~ of it together with text and map pertaining ~~thereto~~ to it to the county or regional planning commission, if there is such a commission.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification ~~thereof~~ of it and shall submit such recommendation to the county rural zoning commission. Such recommendation shall be considered at the public hearing held by the county rural zoning commission on such proposed amendment.

The county rural zoning commission, within thirty days after such hearing, shall recommend the approval or denial of the proposed amendment, or the approval of some modification ~~thereof~~ of it and shall

submit such recommendation together with such application or resolution, the text and map pertaining ~~thereto~~ to it, and the recommendation of the county or regional planning commission ~~thereon~~ on it to the board of county commissioners.

The board of county commissioners, upon receipt of such recommendation, shall set a time for a public hearing on such proposed amendment, which date shall be not more than thirty days from the date of the receipt of such recommendation from the county rural zoning commission. Notice of such public hearing shall be given by the board by one publication in one or more newspapers of general circulation in the county, at least ten days before the date of such hearing.

(F) If the proposed amendment intends to rezone or redistrict ten or fewer 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 shall include all of the following:

(1) The name of the board that will be conducting the public hearing;

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

(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 such property;

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

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

(7) Any other information requested by the board.

(G) 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 shall include all of the following:

(1) The name of the board that will be conducting the public 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 period of at least ten days prior to the public hearing;

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

(5) Any other information requested by the board.

(H) Within twenty days after such public hearing, the board shall either adopt or deny the recommendation of the zoning commission or adopt some modification thereof of it. ~~In the event~~ If the board denies or modifies the recommendation of the county rural zoning commission, the unanimous vote of the board shall be required.

Such amendment adopted by the board shall become effective in thirty days after the date of such adoption, unless, within thirty days after the adoption of the amendment, there is presented to the board of county commissioners a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in such area at the most recent general election at which a governor was elected, requesting the board to submit the amendment to the electors of such area, for approval or rejection, at a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment proposal is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Revised Code.

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

"PETITION FOR ZONING REFERENDUM

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

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

To the Board of County Commissioners of County, Ohio:

We, the undersigned, being electors residing in the unincorporated area of Township, included within the County Zoning Plan, equal to not less than eight per cent of the total vote cast for all candidates for governor in the area at the preceding general election at which a governor was elected, request the Board of County Commissioners to submit this amendment of the zoning resolution to the electors of Township residing within the unincorporated area of the township included

in the County Zoning Resolution, for approval or rejection at a special election to be held on the day of the next primary or general election to be held on(date)....., pursuant to section 303.12 of the Revised Code.

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

STATEMENT OF CIRCULATOR

I(name of circulator).....

~~Declares, declare~~ under penalty of election falsification that ~~he is~~ I am an elector of the state of Ohio and ~~resides~~ reside at the address appearing below ~~his~~ my signature ~~hereto~~; that ~~he is~~ I am the circulator of the foregoing part petition containing(number)..... signatures; that ~~he~~ I have witnessed the affixing of every signature; that all signers were to the best of ~~his~~ my knowledge and belief qualified to sign; and that every signature is to the best of ~~his~~ my knowledge and belief the signature of the person whose signature it purports to be.

.....
(Signature of circulator)

.....
(Address)

.....
(City, village, or township,
and zip code)

~~THE PENALTY FOR WHOEVER COMMITS ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH GUILTY OF A FELONY OF THE FIFTH DEGREE."~~

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

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

The board shall file all amendments, including text and maps, that are in effect on January 1, 1992, in the office of the county recorder within thirty

working days after that date. The board shall also file duplicates of the same documents with the regional or county planning commission, if one exists, within the same period.

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

Sec. 519.12. (A) Amendments to the zoning resolution may be initiated by motion of the township zoning commission, by the passage of a resolution ~~therefor~~ by the board of township trustees, or by the filing of an application ~~therefor~~ by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission. The board of township trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee ~~therefor~~ to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the township trustees require such a fee, it shall be required generally, for each application. The board of township trustees shall upon the passage of such resolution certify it to the township zoning commission.

Upon the adoption of such motion, ~~or~~ the certification of such resolution, or the filing of such application, the township zoning commission shall set a date for a public hearing ~~thereon~~, which date shall not be less than twenty nor more than forty days from the date of the certification of such resolution ~~or~~, the date of adoption of such motion, or the date of the filing of such application. Notice of such hearing shall be given by the township zoning commission by one publication in one or more newspapers of general circulation in the township at least ten days before the date of such hearing.

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

(C) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the

public hearing, and shall include all of the following:

(1) The name of the zoning commission that will be conducting the public hearing;

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

(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 such 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 public hearing;

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

(7) Any other information requested by the zoning commission;

(8) A statement that, after the conclusion of such hearing, the matter will be submitted to the board of township trustees for its action.

(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 shall include all of the following:

(1) The name of the zoning commission that will be conducting the public 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 period of at least ten days prior to the public hearing;

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

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

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

(E) Within five days after the adoption of such motion or the certification of such resolution, or the filing of such application, the township zoning commission shall transmit a copy ~~thereof~~ of it together with text and map pertaining ~~thereto~~ to it to the county or regional planning commission, if there is such a commission.

The county or regional planning commission shall recommend the

approval or denial of the proposed amendment or the approval of some modification ~~thereof~~ of it and shall submit such recommendation to the township zoning commission. Such recommendation shall be considered at the public hearing held by the township zoning commission on such proposed amendment.

The township zoning commission shall, within thirty days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification ~~thereof~~ of it and submit such recommendation together with such application or resolution, the text and map pertaining ~~thereto~~ to it, and the recommendation of the county or regional planning commission ~~thereon~~ on it to the board of township trustees.

The board of township trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty days from the date of the receipt of such recommendation from the township zoning commission. Notice of such public hearing shall be given by the board by one publication in one or more newspapers of general circulation in the township, at least ten days before the date of such hearing.

(F) If the proposed amendment intends to rezone or redistrict ten or fewer 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 shall include all of the following:

- (1) The name of the board that will be conducting the public hearing;
- (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- (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 such property;
- (5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the public hearing;
- (6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- (7) Any other information requested by the board.

(G) 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 shall include all of the following:

(1) The name of the board that will be conducting the public 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 period of at least ten days prior to the public hearing;

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

(5) Any other information requested by the board.

(H) Within twenty days after such public hearing, the board shall either adopt or deny the recommendations of the zoning commission or adopt some modification ~~thereof of them~~. ~~In the event~~ If the board denies or modifies the recommendation of the township zoning commission, the unanimous vote of the board shall be required.

Such amendment adopted by the board shall become effective in thirty days after the date of such adoption, unless, within thirty days after the adoption of the amendment, there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part ~~thereof of that unincorporated area~~ included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in such area at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Revised Code.

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

"PETITION FOR ZONING REFERENDUM

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

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

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

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

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

.....
.....

STATEMENT OF CIRCULATOR

I,(name of circulator)..... ~~declares, declare~~ under penalty of election falsification that ~~he is~~ I am an elector of the state of Ohio and ~~resides~~ reside at the address appearing below ~~his~~ my signature ~~hereto~~; that ~~he is~~ I am the circulator of the foregoing part petition containing(number)..... signatures; that ~~he~~ I have witnessed the affixing of every signature; that all signers were to the best of ~~his~~ my knowledge and belief qualified to sign; and that every signature is to the best of ~~his~~ my knowledge and belief the signature of the person whose signature it purports to be.

.....
(Signature of circulator)

.....
(Address)

.....
(City, village, or township,
and zip code)

~~THE PENALTY FOR WHOEVER COMMITS ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH GUILTY OF A FELONY OF THE FIFTH DEGREE."~~

The petition shall be filed, accompanied by an appropriate map of the

area affected by the zoning proposal, with the board of township trustees, which shall then transmit the petition within two weeks of its receipt to the board of elections, which shall determine the sufficiency and validity of the petition. The petition shall be certified to the board of elections not less than seventy-five days prior to the election at which the question is to be voted upon.

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

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

The board shall file all amendments, including text and maps, that are in effect on January 1, 1992, in the office of the county recorder within thirty working days after that date. The board shall also file duplicates of the same documents with the regional or county planning commission, if one exists, within the same period.

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

Sec. 3375.03. Unless the transfer of certain library territory pursuant to division (G) of section 3375.01 of the Revised Code has been agreed to by the affected boards of library trustees, a referendum petition against the transfer of the territory to another library district, signed by qualified electors of the territory to be transferred and equal in number to at least ten per cent of such electors who voted in the last gubernatorial election may be filed with the library board of the territory's current library district within sixty days after certified copies of the boundary change order have been filed in final form with the secretary of state, and the order shall not become effective until after the outcome of the referendum procedure prescribed in this section.

Each part of a petition filed pursuant to this section shall contain a full and correct title of the petition, a brief summary of its purpose, and a statement by the person soliciting signatures for the petition, made under penalty of election falsification, certifying that, to the best of ~~his~~ the circulator's knowledge and belief, each signature contained in the petition is

that of the person whose name it purports to be, that each ~~such~~ person is an elector residing in the territory subject to transfer entitled to sign the petition, and that each ~~such~~ person signed the petition with knowledge of its contents. The petition may contain additional information that shall fairly and accurately present the question to prospective petition signers.

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

"PETITION FOR REFERENDUM ON LIBRARY DISTRICT TRANSFER

A petition against the transfer of territory currently located in the library district and proposed for transfer by the state library board to the library district.

We, the undersigned, being electors residing in the area proposed to be transferred, equal in number to not less than ten per cent of the qualified electors in the area subject to transfer who voted at the last general election request the library board to submit the question of the transfer of territory to the library district to the electors residing within the territory proposed to be transferred for approval or rejection at the next primary or general election.

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

STATEMENT OF CIRCULATOR

I, (name of circulator) ~~declares, declare~~ under penalty of election falsification that ~~he is~~ I am an elector of the state of Ohio and ~~resides~~ reside at the address appearing below ~~his~~ my signature ~~hereto~~; that ~~he is~~ I am the circulator of the foregoing part petition containing(number)..... signatures; that ~~he~~ I have witnessed the affixing of every signature; that all signers were to the best of ~~his~~ my knowledge and belief qualified to sign; that every signature is to the best of ~~his~~ my knowledge and belief the signature of the person whose signature it purports to be; and that such person signed the petition with knowledge of its contents.

.....
(Signature of circulator)

.....
(Address)

.....
(City or village and zip code)

~~THE PENALTY FOR WHOEVER COMMITS ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH GUILTY OF A FELONY OF THE FIFTH DEGREE."~~

The person presenting a referendum petition under this section shall be given a receipt containing the time of day and the date on which the petition is filed with the library board and noting the purpose of and the number of signatures on the petition. The secretary of the library board shall cause the board of elections of the county or counties in which the territory to be transferred is located to check the sufficiency of signatures on such petition, and, if these are found to be sufficient, ~~he~~ the secretary shall present the petition to the library board at a meeting of the board, which shall occur not later than thirty days following the filing of the petition with the board. The board shall promptly certify the question to the board of elections of the county or counties in which the territory to be transferred is located for the purpose of having the proposal placed on the ballot within ~~such~~ that territory at the next general or primary election occurring not less than sixty days after the certification.

The form of the ballot to be used at the election on the question of the transfer shall be as follows:

"Shall the territory (here insert its boundaries) which is currently within the (here insert the name of the current library district) library district be transferred to the (here insert the name of the library district to which the territory is proposed to be transferred) library district?

- For the transfer
- Against the transfer"

The persons qualified to vote on the question are the electors residing in the territory proposed to be transferred. The costs of an election held under this section shall be paid by the board of library trustees of the current library district of the territory to be transferred. The board of elections shall certify the result of the election to the state library board and to the library boards of the affected library district.

If a majority of electors voting on the question vote in favor of the transfer, the transfer shall take effect on the date of the certification of the election to the state library board. If a majority of the voters voting on the question do not vote for the transfer, the transfer shall not take place.

Sec. 3501.05. The secretary of state shall do all of the following:
(A) Appoint all members of boards of elections;

(B) ~~Advise~~ Issue instructions by directives and advisories to members of ~~such the~~ boards as to the proper methods of conducting elections;

(C) Prepare rules and instructions for the conduct of elections;

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

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

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

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

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

(I) Certify to the several boards the forms of ballots and names of candidates for state offices, and the form and wording of state referendum questions and issues, as they shall appear on the ballot;

(J) Give final approval to ballot language for any local question or issue approved and transmitted by boards of elections under section 3501.11 of the Revised Code;

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

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

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

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

(2) On and after ~~the effective date of this amendment~~ August 24, 1995, report a failure to comply with or a violation of a provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code, whenever the secretary of state has or should have knowledge of a failure to comply with or a violation of a provision in one of those sections, by filing a complaint with the Ohio elections commission under section 3517.153 of the Revised Code-;

(O) Make an annual report to the governor containing the results of

elections, the cost of elections in the various counties, a tabulation of the votes in the several political subdivisions, and ~~such~~ other information and recommendations relative to elections ~~as the secretary deems~~ of state considers desirable;

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

(Q) Prescribe a general program to remove ineligible voters from official registration lists by reason of change of residence, which shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 and the National Voter Registration Act of 1993, including a program that uses the national change of address service provided by the United States postal system through its licensees;

(R) Prescribe a general program for registering voters or updating voter registration information, such as name and residence changes, at designated agencies, the offices of deputy registrars of motor vehicles, public high schools and vocational schools, public libraries, and the offices of county treasurers, and prescribe a program of distribution of voter registration forms through ~~such~~ those agencies, the offices of the registrar and deputy registrars of motor vehicles, public high schools and vocational schools, public libraries, and the offices of county treasurers;

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

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

(U) Specify, by a directive issued not later than thirty-five days prior to the date of an election, the date by which the boards shall complete the canvass of election returns under section 3505.32 or 3513.22 of the Revised Code;

(V) Perform ~~such~~ other duties ~~as are~~ required by law.

Whenever a primary election is held under section 3513.32 of the Revised Code or a special election is held under section 3521.03 of the Revised Code to fill a vacancy in the office of representative to congress, the secretary of state shall establish a deadline, notwithstanding any other deadline required under the Revised Code, by which any or all of the following shall occur: the filing of a declaration of candidacy and petitions or a statement of candidacy and nominating petition together with the

applicable filing fee; the filing of protests against the candidacy of any person filing a declaration of candidacy or nominating petition; the filing of a declaration of intent to be a write-in candidate; the filing of campaign finance reports; the preparation of, and the making of corrections or challenges to, precinct voter registration lists; the receipt of applications for absent voter's ballots or armed service absent voter's ballots; the supplying of election materials to precincts by boards of elections; the holding of hearings by boards of elections to consider challenges to the right of a person to appear on a voter registration list; and the scheduling of programs to instruct or reinstruct election officers.

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

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

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

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

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

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

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

(B) Fix and provide the places for registration and for holding primaries and elections;

(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;

(D) Appoint and remove its director, deputy director, and employees and all registrars, judges, and other officers of elections, fill vacancies, and designate the ward or district and precinct in which each shall serve;

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

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

(G) Provide for the issuance of all notices, advertisements, and publications concerning elections, except as otherwise provided in division (G) of section 3501.17 of the Revised Code;

(H) Provide for the delivery of ballots, pollbooks, and other required papers and material to the polling places;

(I) Cause the polling places to be suitably provided with stalls and other required supplies;

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

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

(L) Receive the returns of elections, canvass the returns, make abstracts ~~thereof of them~~, and transmit ~~such~~ those abstracts to the proper authorities;

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

(N) Make an annual report to the secretary of state, on the form prescribed by the secretary of state, containing a statement of the number of voters registered, elections held, votes cast, appropriations received, ~~and~~

expenditures made, and ~~such~~ other data ~~as is~~ required by the secretary of state;

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

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

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

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

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

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

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

(V) At least annually, on a schedule and in a format prescribed by the secretary of state, submit to the secretary of state an accurate and current list of all registered voters in the county for the purpose of assisting the secretary of state to maintain a master list of registered voters pursuant to section 3503.27 of the Revised Code;

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

(X) Prepare and cause the following notice to be displayed in a prominent location in every polling place:

"NOTICE

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

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

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

(Y) Assist each designated agency, deputy registrar of motor vehicles,

public high school and vocational school, public library, and office of a county treasurer in the implementation of a program for registering voters at all voter registration locations as prescribed by the secretary of state. Under this program, each board of elections shall direct to the appropriate board of elections any voter registration applications for persons residing outside the county where the board is located within five days after receiving the applications.

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, the board or other designated site shall be considered a polling place for that day, and 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.

Sec. 3501.38. All declarations of candidacy, nominating petitions, or other petitions presented to or filed with the secretary of state or a board of elections or with any other public office for the purpose of becoming a candidate for any nomination or office or for the holding of an election on any issue shall, in addition to meeting the other specific requirements prescribed in the sections of the Revised Code relating ~~thereto~~ to them, be governed by the following rules:

(A) Only electors qualified to vote on the candidacy or issue which is the subject of the petition shall sign a petition. Each signer shall be a registered elector pursuant to section 3503.11 of the Revised Code. The facts of qualification shall be determined as of the date when the petition is filed.

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

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

(D) No person shall write any name other than ~~his~~ the person's own on any petition. No person may authorize another to sign for ~~him~~ the person. Where a petition contains the signature of an elector two or more times, only the first ~~such~~ signature shall be counted.

(E) On each petition paper, the circulator shall indicate the number of signatures contained ~~thereon~~ on it, and shall sign a statement made under penalty of election falsification that ~~he~~ the circulator witnessed the affixing of every signature, that all signers were to the best of ~~his~~ the circulator's

nowledge and belief qualified to sign, and that every signature is to the best of ~~his~~ the circulator's knowledge and belief the signature of the person whose signature it purports to be.

(F) If a circulator knowingly permits an unqualified person to sign a petition paper or permits a person to write a name other than ~~his~~ the person's own on a petition paper, that petition paper is invalid; otherwise, the signature of a person not qualified to sign shall be rejected but shall not invalidate the other valid signatures on the paper.

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

(H) Any signer of a petition may remove ~~his~~ the signer's signature ~~therefrom~~ from that petition at any time before the petition is filed in a public office by striking ~~his~~ the signer's name ~~therefrom~~ from the petition; no signature may be removed after the petition is filed in any public office.

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

(J) All declarations of candidacy, nominating petitions, or other petitions under this section shall be accompanied by the following statement in boldface capital letters: ~~THE PENALTY FOR WHOEVER COMMITS ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH~~ GUILTY OF A FELONY OF THE FIFTH DEGREE.

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

Sec. 3504.02. Any citizen who desires to vote in a presidential election under ~~sections 3504.01 to 3504.06 of the Revised Code,~~ this chapter shall, not later than four p.m. of the thirtieth day prior to the date of ~~such~~ the presidential election, complete a certificate of intent to vote for presidential and vice-presidential electors. The certificate of intent shall be completed in duplicate on a form prescribed by the secretary of state that may be obtained and filed personally in the office of the board of elections of the county in which such person last resided before removal from this state, or mailed to such board of elections.

Immediately following the spaces on the certificate for inserting information as requested by the secretary of state, the following statement shall be printed: "I declare under penalty of election falsification that the statements herein contained are true to the best of my knowledge and belief; that I am legally qualified to vote; that I am not registered to vote in any

other state; and that I have not voted in an election in any other state since removing myself from the state of Ohio.

.....
Signature of applicant

.....
Date

~~THE PENALTY FOR WHOEVER COMMITS ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH GUILTY OF A FELONY OF THE FIFTH DEGREE."~~

Sec. 3505.24. Any elector who declares to the presiding judge of elections that ~~he~~ the elector is unable to mark ~~his~~ the elector's ballot by reason of ~~either blindness, disability, or illiteracy or physical infirmity~~ may receive the assistance of two election officials of different political parties. ~~If a physical infirmity is apparent to the judges to be sufficient to incapacitate the voter from marking his ballot properly, the elector may upon request be aided by a near relative who shall be admitted to the booth with such elector, or he may receive the assistance in the marking thereof of the two officials of elections belonging to different political parties, and they shall thereafter give no information in regard to this matter; except that a blind person, as defined under section 4511.47 of the Revised Code, may be accompanied in the voting booth and aided by any person of his~~ 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. Any~~ The elector also may request and receive assistance in the marking of the elector's ballot from two election officials of different political parties. Any person providing assistance in the marking of an elector's ballot under this section shall thereafter provide no information in regard to the marking of that ballot.

Any judge may require ~~such~~ a declaration of inability to be made by the elector under oath before ~~him~~ the judge. ~~Such assistance~~ Assistance shall not be rendered for ~~other~~ other than those specified in this section, and no candidate whose name appears on the ballot shall assist any person in marking that person's ballot.

Sec. 3505.31. When the results of the voting in a polling place on the day of an election have been determined and entered upon the proper forms and the certifications ~~thereof~~ of those results have been signed by the precinct officials, ~~such~~ those officials, before leaving the polling place, shall place all ballots ~~which~~ that they have counted in containers provided for ~~such~~ that purpose by the board of elections, and shall seal each ~~such~~

container in ~~such~~ a manner that it cannot be opened without breaking the seal or the material of which the container is made. They shall also seal the pollbook, poll list or signature pollbook, and tally sheet in ~~such~~ a manner that the data contained in these items cannot be seen without breaking the seals. On the outside of these items shall be a plain indication that they are to be filed with the board. The presiding judge shall ~~thereupon forthwith~~ then deliver to the board ~~such the~~ containers of ballots and the sealed pollbook, poll list, and tally sheet, together with all other election reports, materials, and supplies required to be delivered to ~~such the~~ board.

The board shall carefully preserve all ballots prepared and provided by it for use in an election, whether used or unused, for sixty days after the day of ~~such the~~ election, except that, if an election includes the nomination or election of candidates for any of the offices of president, vice-president, presidential elector, member of the senate of the congress of the United States, or member of the house of representatives of the congress of the United States, the board shall carefully preserve all ballots prepared and provided by it for use in that election, whether used or unused, for twenty-two months after the day of the election. If an election is held within ~~the that~~ sixty-day period, the board shall have authority to transfer ~~such those~~ ballots to other containers to preserve ~~the same them~~ until the sixty-day period has expired. ~~Thereupon such~~ After that sixty-day period, the ballots shall be disposed of by said the board as wastepaper in such a manner as said that the board orders, or where voting machines have been used the counters may be turned back to zero; provided that the secretary of state may, within such that sixty-day period of sixty days, may order such the board to preserve such the ballots or any part thereof of the ballots for a longer period of time, in which event said the board shall preserve such those ballots for such that longer period of time.

In counties where voting machines are used, if an election is to be held within the sixty days immediately following a primary, general, or special election or within any period of time within which the ballots have been ordered preserved by the secretary of state or a court of competent jurisdiction, the board, after giving notice to all interested parties and affording them an opportunity to have a representative present, shall open the compartments of the machines and, without unlocking the ~~machine~~ machines, shall recanvass the vote cast ~~therein in them~~ as if a recount were being held. The results shall be certified by the board, and this certification shall be filed in the board's office and retained for the remainder of the period for which ballots must be kept. After preparation of the certificate, the counters may be turned back to zero, and the machines may be used for

the election.

The board shall carefully preserve the pollbook, poll list or signature pollbook, and tally sheet delivered to it from each polling place until it has completed the official canvass of the election returns from all precincts in which electors were entitled to vote at ~~such an~~ such an election, and has prepared and certified the abstracts ~~thereof of election returns~~, as required by law. The board shall not break, or permit anyone to break, the seals upon the pollbook, poll list or signature pollbook, and tally sheet, or make, or permit any one to make, any changes or notations ~~therein in these items~~, while ~~these items they~~ they are in its custody, except as provided by section 3505.32 of the Revised Code.

Pollbooks and poll lists or signature pollbooks of a party primary election delivered to the board from polling places shall be carefully preserved by it for two years after the day of election in which they were used, and shall ~~thereupon then~~ be disposed of by ~~said the~~ said the board as ~~wastepaper in such a manner as said that the~~ board orders.

Pollbooks, poll lists or signature pollbooks, tally sheets, summary statements, and other records and returns of an election delivered to it from polling places shall be carefully preserved by the board for two years after the day of the election in which they were used, and shall ~~thereupon then~~ be disposed of by ~~said the~~ said the board as ~~wastepaper in such a manner as said that the~~ board orders.

Sec. 3505.32. (A) Except as otherwise provided in division (D) of this section, not earlier than the eleventh day ~~nor or~~ or later than the fifteenth day after a general or special election; or, if a special election was held on the day of a presidential primary election, not earlier than the twenty-first day ~~nor or~~ or later than the twenty-fifth day after the special election, the board of elections shall begin to canvass the election returns from the precincts in which electors were entitled to vote at ~~such that~~ such that election. It shall continue ~~such the~~ the canvass daily until it is completed and the results of the voting in ~~such that~~ that election in each of ~~such the~~ the precincts are determined.

The board shall complete the canvass not later than the date set by the secretary of state under division (U) of section 3501.05 of the Revised Code. Sixty days after the date set by the secretary of state for the completion of the canvass, the canvass of election returns shall be deemed final, and no amendments to the canvass may be made after that date. The secretary of state may specify an earlier date upon which the canvass of election returns shall be deemed final, and after which amendments to the final canvass may not be made, if so required by federal law.

(B) The county executive committee of each political party, each

committee designated in a petition nominating an independent or nonpartisan candidate for election at ~~such an~~ election, each committee designated in a petition to represent the petitioners ~~thereon~~ pursuant to which a question or issue was submitted at ~~such an~~ election, and any committee opposing a question or issue submitted at ~~such an~~ election ~~and which that~~ was permitted by section 3505.21 of the Revised Code to have a qualified elector serve as a witness during the counting of the ballots at each polling place at ~~such an~~ election may designate a qualified elector who may be present and may witness the making of ~~such the~~ official canvass.

(C) The board shall first open all envelopes containing uncounted ballots and shall count and tally them.

In connection with its investigation of any apparent or suspected error or defect in the election returns from a polling place, the board may cause subpoenas to be issued and served requiring the attendance before it of the election officials of ~~such that~~ polling place, and it may examine them under oath regarding the manner in which the votes were cast and counted in ~~such that~~ polling place, or the manner in which the returns were prepared and certified, or as to any other matters bearing upon the voting and the counting of the votes in ~~such that~~ polling place at ~~such that~~ election.

Finally, the board shall open the sealed container containing the ballots that were counted in the polling place at the election and count ~~such those~~ ballots, during the official canvass, in the presence of all of the members of the board and any other persons who are entitled to witness the official canvass.

(D) Prior to the tenth day after a primary, general, or special election, the board may examine the pollbooks, poll lists, and tally sheets received from each polling place for its files and may compare the results of the voting in any polling place with the summary statement received from the polling place. If the board finds that any of these records or any portion of them is missing, or that they are incomplete, not properly certified, or ambiguous, or that the results of the voting in the polling place as shown on the summary statement from the polling place are different from the results of the voting in the polling place as shown by the pollbook, poll list, or tally sheet from the polling place, or that there is any other defect in the records, the board may make whatever changes to the pollbook, poll list, or tally sheet it determines to be proper in order to correct the errors or defects.

Sec. 3506.12. In counties where marking devices, automatic tabulating equipment, voting machines, or any combination of these are in use or are to be used, the board of elections:

(A) May combine, rearrange, and enlarge precincts; but the board shall

range for a sufficient number of these devices to accommodate the number of electors in each precinct as determined by the number of votes cast in that precinct at the most recent election for the office of governor, taking into consideration the size and location of each selected polling place, available parking, handicap accessibility and other accessibility to the polling place, and the number of candidates and issues to be voted on. Notwithstanding section 3501.22 of the Revised Code, the board may appoint more than four precinct officers to each precinct if this is made necessary by the number of voting machines to be used in that precinct.

(B) ~~Shall~~ Except as otherwise provided in this division, shall establish one or more counting stations to receive voted ballots and other precinct election supplies after the polling precincts are closed. ~~Such~~ Those stations shall be under the supervision and direction of the board of elections. Processing and counting of voted ballots, and the preparation of summary sheets, shall be done in the presence of witnesses approved by the board. A certified copy of the summary sheet for the precinct shall be posted at each ~~such~~ counting station immediately after completion of the summary sheet.

In counties where punch card ballots are used, one or more counting stations, located at the board of elections, shall be established, at which location all punch card ballots shall be counted.

As used in this division, "punch card ballot" has the same meaning as in section 3506.16 of the Revised Code.

Sec. 3506.15. The secretary of state shall provide each board of elections with rules ~~and~~, instructions, directives, and advisories regarding the examination, testing, and use of the voting machine and tabulating equipment, the assignment of duties of booth officials, the procedure for casting a vote on the machine, and how the vote shall be tallied and reported to the board, and ~~such~~ with other rules ~~and~~, instructions ~~as are found~~, directives, and advisories the secretary of state finds necessary to ensure the adequate care and custody of voting equipment, and the accurate registering, counting, and canvassing of the votes as required by ~~sections 3506.01 to 3506.15 of the Revised Code~~ this chapter. ~~The board in such counties~~ boards of elections shall be charged with the responsibility of providing for the adequate instruction of voters and election officials in the proper use of the voting machine and marking devices. ~~Such~~ The boards' instructions shall include, in counties where punch card ballots are used, instructions that each voter shall examine the voter's marked ballot card and remove any chads that remain partially attached to it before returning it to election officials.

The secretary of state's rules, instructions, directives, and advisories provided under this section shall comply, insofar as practicable, with

~~sections 3506.01 to 3506.15 of the Revised Code~~ this chapter. The provisions of Title XXXV of the Revised Code, not inconsistent with the provisions relating to voting machines, apply in any county using ~~the~~ a voting machine.

As used in this section, "chad" and "punch card ballot" have the same meanings as in section 3506.16 of the Revised Code.

Sec. 3506.16. (A) As used in this section:

(1) "Chad" means the small piece of paper or cardboard produced from a punch card ballot when a voter pierces a hole in a perforated, designated position on the ballot with a marking device to record the voter's candidate, question, or issue choice.

(2) "Punch card ballot" means a ballot card that contains small perforated designated positions that a marking device must pierce to form a hole that records a voter's candidate, question, or issue choice.

(B)(1) In counties where punch card ballots are used, employees of the board of elections designated by the board under division (C) of this section shall take all reasonable steps, in a manner prescribed by the secretary of state, to inspect those ballots at the board of elections prior to their counting by automatic tabulating equipment.

(2) Those designees shall take all reasonable steps, in a manner prescribed by the secretary of state, to remove from a punch card ballot chads attached by two or fewer corners. They shall not remove from a punch card ballot any chad attached by three or four corners. If a chad is attached to a punch card ballot by three or four corners, it shall be deemed that a voter did not record a candidate, question, or issue choice at that particular position on the ballot, and a vote shall not be counted at that particular position on the ballot.

(3)(a) Those designees shall remake and count as a valid ballot any punch card ballot in which the pattern of holes punched in areas of the ballot card other than the designated positions assigned to candidates, questions, or issues makes it clear to the designees that the voter inserted the ballot card into the voting machine with the back side of the ballot card facing up. Only holes that are clearly pierced through the punch card ballot shall be remake and counted. The designees shall remake and count a punch card ballot under this division whether the voter voted for one candidate, question, or issue, more than one but not all candidates, questions, or issues, or all candidates, questions, and issues.

hine, reinserted properly, and voted correctly, the designees shall remake and count as valid only those votes represented by the properly punched side of the original punch card ballot.

(C) The board of elections of a county where punch card ballots are used shall designate teams to inspect those ballots under division (B) of this section and, as necessary, to remove chads from those ballots or remake those ballots. Those teams shall consist of two employees of the board, one from each major political party. The board may designate as many teams as the board considers necessary to efficiently inspect those ballots prior to their counting. The board also may designate teams of two employees, one from each major political party, to monitor the teams conducting the inspection of those ballots under division (B) of this section.

Sec. 3509.01. The board of elections of each county shall provide absent voter's ballots for use at every primary and general election, or 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 constitutional amendments proposed by the general assembly to the voters of the state. ~~Such~~ Those ballots shall be the same size, shall be printed on the same kind of paper, and shall be in the same form as has been approved for use at the election for which ~~such~~ those ballots are to be voted; except that, in counties using marking devices, ballot cards may be used for absent voter's ballots, and ~~such~~ those absent voters shall be instructed to record the vote in the manner provided on the ballot cards. ~~The~~ In counties where punch card ballots are used, those absent voters shall be instructed to examine their marked ballot cards and to remove any chads that remain partially attached to them before returning them to election officials.

The rotation of names of candidates and questions and issues shall be substantially complied with on absent voter's ballots, within the limitation of time allotted. ~~Such~~ Those ballots shall be designated as "Absent Voter's Ballots" and shall be printed and ready for use on the thirty-fifth day before the day of the election, except that ~~such~~ those ballots shall be printed and ready for use on the twenty-fifth day before the day of a presidential primary election.

Absent voter's ballots provided for use at a general or primary election, or 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 constitutional amendments proposed by the general assembly to the voters of the state, shall include only ~~such~~ those questions, issues, and candidacies

as ~~that~~ have been lawfully ordered submitted to the electors voting at ~~such~~ that election.

Absent voter's ballots for special elections held on days other than the day on which general or primary elections are held; shall be ready for use as many days before the day of the election as reasonably possible under the laws governing the holding of ~~such~~ that special election.

A copy of the absent voter's ballots shall be forwarded by the director of the board in each county to the secretary of state at least twenty-five days before the election.

As used in this section, "chad" and "punch card ballot" have the same meanings as in section 3506.16 of the Revised Code.

Sec. 3509.04. Upon receipt by the director of elections of an application for absent voter's ballots, as provided by sections 3509.03 and 3509.031, and division (G) of section 3503.16, of the Revised Code, the director, if the director finds that the applicant is a qualified elector and is entitled to vote absent voter's ballots as applied for in the application, shall deliver to the applicant in person or mail directly to the applicant by special delivery mail, air mail, or regular mail, postage prepaid, proper absent voter's ballots. The director shall give proper absent voter's ballots to any qualified elector who presents self to vote at the office of the board of elections or at another location designated by the board as provided in division (B) or (C) of section 3503.16 of the Revised Code. The director shall give, deliver, or mail with the ballots an unsealed identification envelope upon the face of which shall be printed a form substantially as follows:

"Identification Envelope Statement of Voter

I, the undersigned voter, declare under penalty of election falsification that the within ballot or ballots contained no voting marks of any kind when I received them, and I caused the ballot or ballots to be marked, enclosed in the identification envelope, and sealed in ~~said~~ that envelope.

My voting residence in Ohio is

.....
(Street and Number, if any, or Rural Route and Number)
of (City, Village, or Township) Ohio, which is in Ward
..... Precinct in ~~said~~ that city, village, or township.

.....I am a qualified elector of the state of Ohio. (Applicant must check the true statement concerning the applicant's reason for voting by absent voter's ballots)

.....I shall be absent from the county on the day of the election.

.....I shall be outside the United States on the day of the election.

(Applicants who check this statement must also check the appropriate

box on the enclosed return envelope to indicate that they will be outside the United States.)

.....I shall be absent from my polling place on the day of the election due to my entry or the entry of a member of my family into a hospital for medical or surgical treatment.

.....I shall be absent from my polling place on the day of the election due to physical illness, disability, or infirmity.

.....My employment as a full-time fire fighter, peace officer, or provider of emergency medical services may prevent me from voting at my polling place on the day of the election.

.....I shall be absent from my polling place on the day of the election because I am on active duty with the organized militia in the state of Ohio.

.....I shall be unable to vote on election day because of observance of my religious belief.

.....I am the secretary of state.

.....I am an employee of the secretary of state.

.....I am a member of the board of elections.

.....I am an employee of or person temporarily hired by the board of elections.

.....I am a polling place official.

.....I shall be absent from my polling place on the day of the election due to my confinement in a jail or workhouse under sentence for a misdemeanor or awaiting trial on a felony or misdemeanor.

.....I am sixty-two years of age or older.

.....I moved from one precinct to another in the same county or from one county to another on or prior to the day of an election and did not file a notice of change of residence.

.....I changed my name on or prior to the day of an election and did not file a notice of change of name.

The primary election ballots, if any, within this envelope are primary election ballots of the Party.

Ballots contained herein are to be voted at the (general, special, or primary) election to be held on the day of,
.....

I hereby declare, under penalty of election falsification, that the statements above are true, as I verily believe.

.....

(Signature of Voter)

~~THE PENALTY FOR~~ WHOEVER COMMITS ELECTION

~~FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH~~ GUILTY OF A FELONY OF THE FIFTH DEGREE."

The director shall mail with the ballots and the unsealed identification envelope that the director mails an unsealed return envelope upon the face of which shall be printed the official title and post-office address of such director. In the upper left corner on the face of such envelope, several blank lines shall be printed upon which the voter may write the voter's name and return address, and beneath these lines there shall be printed a box beside the words "check if out-of-country." The voter shall check this box if the voter will be outside the United States on the day of the election. The return envelope shall be of such size that the identification envelope can be conveniently placed within it for returning such identification envelope to the director.

Sec. 3509.07. ~~If it is found~~ election officials find that the statement accompanying an absent voter's ballot or absent voter's presidential ballot is insufficient, that the signatures do not correspond with ~~his~~ the person's registration signature, that the applicant is not a qualified elector in the precinct, that the ballot envelope contains more than one ballot of any one kind, or any voted ballot ~~which such~~ that the elector is not entitled to vote, ~~such~~, or that Stub A is detached from the absent voter's ballot or absent voter's presidential ballot, the vote shall not be accepted or counted. Whenever it appears to the ~~judges of~~ election officials by sufficient proof that any elector who has marked and forwarded ~~his~~ the elector's ballot as provided in section 3509.05 of the Revised Code has died, ~~then~~ the ballot of ~~such~~ the deceased voter shall not be counted. The vote of any absent voter may be challenged for cause in the same manner as other votes are challenged, and the ~~judge~~ election officials shall determine the legality of ~~such~~ that ballot. Every ~~such~~ ballot not counted shall be indorsed on ~~the~~ its back ~~thereof~~ "Not Counted" with the reasons ~~therefor~~ the ballot was not counted, and shall be enclosed and returned to or retained by the board of elections along with the contested ballots.

Sec. 3511.05. (A) The director of the board of elections shall place armed service absent voter's ballots sent by mail in an unsealed identification envelope, gummed ready for sealing. The director shall include with armed service absent voter's ballots sent by facsimile machine an instruction sheet for preparing a gummed envelope in which the ballots shall be returned. The envelope for returning ballots sent by either means shall have printed or written on its face a form as follows:

"IDENTIFICATION ENVELOPE

Armed Service Absent Voter's Ballots--

Election

(Day of week and date)

Information Concerning Voter

1. What is your full name?

(Name must be printed)

2. What is the date of your birth?

3. Are you a citizen of the United States?

4. Where were you born?

5. If a naturalized citizen, when and in what court were you naturalized?

.....

6. Are you serving in the armed forces of the United States, or are you the spouse of a person serving in the armed forces of the United States? (Indicate which one)

7. What was the date at the commencement of your service, or the date you left the state of Ohio to be with or near your service member spouse?

8. Did you reside in the state of Ohio at the time of the commencement of your service, or the time you left the state of Ohio to be with or near your service member spouse?

If so: What street and street number?

What city or village?

What township?

What county?

What is your present Ohio address?

9. How long had you continuously resided in Ohio immediately preceding the commencement of your service, or immediately preceding the date you left the state of Ohio to be with or near your service member spouse?

10. Will you be outside the United States on the day of the election? (Applicants who answer "yes" to this question must also check the appropriate box on the return envelope to indicate that they will be outside the United States.)

I hereby declare, under penalty of election falsification, that the answers to the questions above set out are true and correct to the best of my knowledge and belief, and that I am not claiming, for the purpose of voting, a voting residence in any other state.

~~THE PENALTY FOR WHOEVER COMMITS ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX~~

~~MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH GUILTY OF A FELONY OF THE FIFTH DEGREE.~~

.....
(Voter must WRITE ~~his~~ the
voter's
usual signature here.)"

If the identification envelope is for use in a primary election, it shall contain an additional question as follows:

"11. With what political party are you affiliated?
....."

(B) The director shall also mail with the ballots and the unsealed identification envelope sent by mail an unsealed return envelope, gummed, ready for sealing, for use by the voter in returning ~~his~~ the voter's marked ballots to the director. The director shall send with the ballots and the instruction sheet for preparing a gummed envelope sent by facsimile machine an instruction sheet for preparing a second gummed envelope as described in this division, for use by the voter in returning that voter's marked ballots to the director. The return envelope shall have two parallel lines, each one quarter of an inch in width, printed across its face paralleling the top, with an intervening space of one quarter of an inch between such lines. The top line shall be one and one-quarter inches from the top of the envelope. Between the parallel lines shall be printed: "OFFICIAL ELECTION ARMED SERVICE ABSENT VOTER'S BALLOTS -- VIA AIR MAIL." Three blank lines shall be printed in the upper left corner on the face of the envelope for the use by the voter in placing the voter's complete military, naval, or mailing address ~~thereon~~ on these lines, and beneath these lines there shall be printed a box beside the words "check if out-of-country." The voter shall check this box if the voter will be outside the United States on the day of the election. The official title and the post-office address of the director to whom the envelope shall be returned shall be printed on the face of such envelope in the lower right portion below the bottom parallel line.

(C) On the back of each identification envelope and each return envelope shall be printed the following:

"Instructions to voter:

If the flap on this envelope is so firmly stuck to the back of the envelope when received by you as to require forcible opening in order to use it, open the envelope in the manner least injurious to it, and, after marking your ballots and enclosing same in the envelope for mailing them to the director

of the board of elections, reclose the envelope in the most practicable way, by sealing or otherwise, and sign the blank form printed below.

The flap on this envelope was firmly stuck to the back of the envelope when received, and required forced opening before sealing and mailing.

.....
(Signature of voter)"

(D) Division (C) of this section does not apply when absent voter's ballots are sent by facsimile machine.

Sec. 3511.09. Upon receiving ~~his~~ armed service absent voter's ballots, the elector shall cause the questions on the face of the identification envelope to be answered, and, by writing ~~his~~ the elector's usual signature in the proper place ~~thereon~~ on the identification envelope, ~~he~~ the elector shall declare under penalty of election falsification that the answers to those questions are true and correct to the best of ~~his~~ the elector's knowledge and belief. Then ~~he~~, the elector shall note whether there are any voting marks on the ballot. ~~In the event~~ If there are any voting marks, the ballot shall be returned immediately to the board of elections; otherwise ~~he~~, the elector shall cause the ballot to be marked, folded separately so as to conceal the markings ~~thereon~~ on it, and deposited in the identification envelope, and securely sealed in the identification envelope. ~~He shall~~ The elector then shall cause the identification envelope to be placed within the return envelope, sealed in the return envelope, and mailed to the director of the board of elections to whom it is addressed. Each elector who will be outside the United States on the day of the election shall check the box on the return envelope indicating this fact and shall mail the return envelope to the director prior to the close of the polls on election day.

Every armed services absent voter's ballot identification envelope shall be accompanied by the following statement in ~~bold face~~ boldface capital letters: ~~THE PENALTY FOR WHOEVER COMMITS ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH GUILTY OF A FELONY OF THE FIFTH DEGREE.~~

Sec. 3511.11. (A) Upon receipt of any return envelope bearing the designation "Official Election Armed Service Absent Voter's Ballot" prior to the twenty-first day after the day of a presidential primary election or prior to the eleventh day after the day of any other election, the director of the board of elections shall open it but shall not open the identification envelope ~~therein~~ contained in it. If, upon so opening ~~such outer~~ the return envelope, the director finds ballots ~~therein which~~ in it that are not enclosed in and

~~properly sealed in the identification envelope properly sealed, he the director shall not look at the markings upon such the ballots and shall promptly place them within in the identification envelope and promptly seal it. If, upon so opening such outer the return envelope, the director finds that the ballots are within enclosed in the identification envelope; but that it is not properly sealed, he the director shall not look at the markings upon the ballots and shall promptly seal the identification envelope.~~

(B) Armed service absent voter's ballots delivered to the director not later than the close of the polls on election day shall be counted in the manner provided in section 3509.06 of the Revised Code. Any

(C) A return envelope that indicates that the voter will be outside of the United States on the day of an election is not required to be postmarked in order for an armed service absent voter's ballot contained in it to be valid. Except as otherwise provided in this division, whether or not the return envelope containing the ballot is postmarked or contains an illegible postmark, an armed service absent voter's ballots ballot that are is received after the close of the polls on election day through the tenth day thereafter, after the election day or, if the election was a presidential primary election, through the twentieth day thereafter after the election day, and that are is delivered in a return envelope that indicates that the voter will be outside the United States on the day of the election shall be counted on the eleventh day; after the election day or, if the election was a presidential primary election, on the twenty-first day after the election day, at the office of the board of elections in the manner provided in divisions (C) and (D) of section 3509.06 of the Revised Code. Any such ballot However, if a return envelope containing an armed service absent voter's ballot is so received and so indicates, but it is postmarked, or the identification envelope in it is signed, after the close of the polls on election day, however, the armed service absent voter's ballot shall not be counted.

~~Envelopes bearing~~ (D) Armed service absent voter's ballots contained in return envelopes that bear the designation "Official Election Armed Service Absent Voter's Ballots," that are received by the director after the close of the polls on the day of the election, and that do not indicate they are from voters who will be outside the United States on the day of the election, and any such armed service absent voter's ballots contained in return envelopes that have been checked to bear that designation, that indicate that the voter will be outside the United States on the day of the election, and that either are signed or postmarked, or contain an identification envelope that is signed, after the close of the polls on the day of election or, and armed service absent voter's ballots contained in return envelopes that bear that

designation, that so indicate, and that are received after the tenth day following the election; or, if the election was a presidential primary election, after the twentieth day following the election, shall not be opened or counted, but shall be preserved in such their identification envelopes unopened for a period of forty days after the day of election. Thereafter they may be destroyed on the order of the board unless the secretary of state orders them preserved for a longer period of time until the time provided by section 3505.31 of the Revised Code for the destruction of all other ballots used at the election for which ballots were provided, at which time they shall be destroyed.

Sec. 3513.07. The form of declaration of candidacy and petition of a person desiring to be a candidate for a party nomination or a candidate for election to an office or position to be voted for at a primary election shall be substantially as follows:

"DECLARATION OF CANDIDACY PARTY PRIMARY ELECTION

I, (Name of Candidate), the undersigned, hereby declare under penalty of election falsification that my voting residence is in precinct of the (Township) or (Ward and City or Village) in the county of, Ohio; that my voting residence is (Street and Number, if any, or Rural Route and Number) of the (City or Village) of, Ohio; and that I am a qualified elector in the precinct in which my voting residence is located. I am a member of the Party. I hereby declare that I desire to be (a candidate for nomination as a candidate of ~~the Party~~ the Party for election to the office of) (a candidate for election to the office or position of) for the in the state, district, (Full term or unexpired term ending) county, city, or village of, at the primary election to be held on the day of,, and I hereby request that my name be printed upon the official primary election ballot of the said Party as a candidate for (such nomination) or (such election) as provided by law.

I further declare that, if elected to said office or position, I will qualify therefor, and that I will support and abide by the principles enunciated by the Party.

Dated this day of,

.....
(Signature of candidate)

~~THE PENALTY FOR WHOEVER COMMITS ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND~~

~~DOLLARS, OR BOTH~~ GUILTY OF A FELONY OF THE FIFTH DEGREE.

PETITION OF CANDIDATE

We, the undersigned, qualified electors of the state of Ohio, whose voting residence is in the county, city, village, ward, township, or school district, and precinct set opposite our names, and members of the Party, hereby certify that (Name of candidate) whose declaration of candidacy is filed herewith, is a member of the Party, and is, in our opinion, well qualified to perform the duties of the office or position to which that candidate desires to be elected.

Street City,
and Village or
Signature Number Township Ward Precinct County Date
(Must use address on file with the board of elections)

.....
.....
.....

..... (Name of circulator of petition), declares under penalty of election falsification that the circulator of the petition is a qualified elector of the state of Ohio and resides at the address appearing below the signature of that circulator; that the circulator is a member of the Party; that the circulator is the circulator of the foregoing petition paper containing (Number) signatures; that the circulator witnessed the affixing of every signature; that all signers were to the best of the circulator's knowledge and belief qualified to sign; and that every signature is to the best of the circulator's knowledge and belief the signature of the person whose signature it purports to be.

.....
(Signature of circulator)

.....
(Address of circulator)

~~THE PENALTY FOR WHOEVER COMMITS ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH~~ GUILTY OF A FELONY OF THE FIFTH DEGREE."

The secretary of state shall prescribe a form of declaration of candidacy and petition, and the form shall be substantially similar to the declaration of candidacy and petition set forth in this section, that will be suitable for joint candidates for the offices of governor and lieutenant governor.

The petition provided for in this section shall be circulated only by a member of the same political party as the candidate.

Sec. 3513.22. (A) Not earlier than the eleventh day ~~nor~~ or later than the fifteenth day after a primary election, the board of elections shall begin to canvass the election returns from the precincts in which electors were entitled to vote at ~~such that~~ election and shall continue ~~such the~~ canvass daily until it is completed.

The board shall complete the canvass not later than the date set by the secretary of state under division (U) of section 3501.05 of the Revised Code. Sixty days after the date set by the secretary of state for the completion of the canvass, the canvass of election returns shall be deemed final, and no amendments to the canvass may be made after that date. The secretary of state may specify an earlier date upon which the canvass of election returns shall be deemed final, and after which amendments to the final canvass may not be made, if so required by federal law.

(B) The county executive committee of each political party ~~which that~~ participated in the election, and each committee designated in a petition to represent the petitioners ~~thereon~~ pursuant to which a question or issue was submitted at ~~such the~~ election, may designate a qualified elector who may be present at and may witness the making of ~~such the~~ canvass. Each person for whom votes were cast in ~~such the~~ election may also be present at and witness the making of ~~such the~~ canvass.

(C) When the canvass of the election returns from all of the precincts in the county in which electors were entitled to vote at ~~such the~~ election has been completed, the board shall determine and declare the results of the elections determined by the electors of ~~such the~~ county or of a district or subdivision within ~~such the~~ county. If more than the number of persons to be nominated for or elected to an office received the largest and an equal number of votes, the tie shall be resolved by lot by the ~~chairman~~ chairperson of the board in the presence of a majority of the members of the board. ~~Such~~ The declaration shall be in writing and shall be signed by at least a majority of the members of the board. It shall bear the date of the day upon which it is made, and a copy ~~thereof~~ of it shall be posted by the board in a conspicuous place in its office. The board shall keep ~~such the~~ copy posted for a period of at least five days.

The board shall ~~thereupon~~ promptly certify abstracts of the results of ~~such the~~ elections within its county upon ~~such~~ forms as the secretary of state prescribes. One certified copy of each abstract shall be kept in the office of the board, and one certified copy of each abstract shall promptly be sent to the secretary of state. The board shall also promptly send a certified copy of

that part of ~~such an~~ abstract ~~which that~~ pertains to an election in which only electors of a district comprised of more than one county but less than all of the counties of the state voted to the board of the most populous county in ~~such the~~ district. It shall also promptly send a certified copy of that part of ~~such an~~ abstract ~~which that~~ pertains to an election in which only electors of a subdivision located partly within the county voted to the board of the county in which the major portion of the population of ~~such the~~ subdivision is located.

If, after certifying and sending abstracts and parts ~~thereof of abstracts~~, a board finds that any ~~such~~ abstract or part ~~thereof of any abstract~~ is incorrect, it shall promptly prepare, certify, and send a corrected abstract or part ~~thereof of an abstract~~ to take the place of each incorrect abstract or part ~~thereof theretofore of an abstract previously~~ certified and sent.

(D)(1) When certified copies of abstracts are received by the secretary of state, ~~he the secretary of state~~ shall canvass ~~such those~~ abstracts and determine and declare the results of all elections in which electors throughout the entire state voted. If more than the number of persons to be nominated for or elected to an office received the largest and an equal number of votes, the tie shall be resolved by lot by the secretary of state in the presence of the governor, the auditor of state, and the attorney general, who at the request of the secretary of state shall assemble to witness the drawing of ~~such the~~ lot. ~~Such The~~ declaration of results by the secretary of state shall be in writing and shall be signed by ~~him the secretary of state~~. It shall bear the date of the day upon which it is made, and a copy ~~thereof of it~~ shall be posted by the secretary of state in a conspicuous place in ~~his the secretary of state's~~ office. ~~He The secretary of state~~ shall keep ~~such the~~ copy posted for a period of at least five days.

(2) When certified copies of parts of abstracts are received by the board of the most populous county in a district from the boards of all of the counties in the district, the board receiving ~~such those~~ abstracts shall canvass them and determine and declare the results of the elections in which only electors of the district voted. If more than the number of persons to be nominated for or elected to an office received the largest and equal number of votes, the tie shall be resolved by lot by the ~~chairman~~ chairperson of ~~such the~~ board in the presence of a majority of the members of the board. ~~Such The~~ declaration of results by ~~such the~~ board shall be in writing and shall be signed by at least a majority of the members of ~~such the~~ board. It shall bear the date of the day upon which it is made, and a copy ~~thereof of it~~ shall be posted by ~~such the~~ board in a conspicuous place in its office. The board shall keep ~~such the~~ copy posted for a period of at least five days.

(3) When certified copies of parts of abstracts are received by the board of a county in which the major portion of the population of a subdivision located in more than one county is located from the boards of each county in which other portions of ~~such that~~ subdivision are located, the board receiving ~~such those~~ abstracts shall canvass them and determine and declare the results of the elections in which only electors of ~~such that~~ subdivision voted. If more than the number of persons to be nominated for or elected to an office received the largest and an equal number of votes, the tie shall be resolved by lot by the ~~chairman~~ chairperson of ~~such the~~ board in the presence of a majority of the members of the board. ~~Such The~~ declaration of results by ~~such the~~ board shall be in writing and shall be signed by at least a majority of the members of ~~such the~~ board. It shall bear the date of the day upon which it is made, and a copy ~~thereof of it~~ shall be posted by ~~such the~~ board in a conspicuous place in its office. The board shall keep ~~such the~~ copy posted for a period of at least five days.

(E) Election officials, who are required to declare the results of primary elections, shall issue to each person declared nominated for or elected to an office, an appropriate certificate of nomination or election, provided that the boards required to determine and declare the results of the elections for candidates for nomination to the office of representative to congress from a congressional district shall, in lieu of issuing a certificate of nomination, certify to the secretary of state the names of ~~such the~~ candidates nominated, and the secretary of state, upon receipt of ~~such that~~ certification, shall issue a certificate of nomination to each person whose name is so certified. Certificates of nomination or election issued by boards to candidates and certifications to the secretary of state shall not be issued before the expiration of the time within which applications for recounts of votes may be filed or before recounts of votes, which have been applied for, are completed.

Sec. 3513.261. A nominating petition may consist of one or more separate petition papers, each of which shall be substantially in the form prescribed in this section. If the petition consists of more than one separate petition paper, the statement of candidacy of the candidate or joint candidates named need be signed by the candidate or joint candidates on only one of such separate petition papers, but the statement of candidacy so signed shall be copied on each other separate petition paper before the signatures of electors are placed ~~thereon~~ on it. Each nominating petition containing signatures of electors of more than one county shall consist of separate petition papers each of which shall contain signatures of electors of only one county; provided that petitions containing signatures of electors of

more than one county shall not thereby be declared invalid. In case petitions containing signatures of electors of more than one county are filed, the board of elections shall determine the county from which the majority of the signatures came, and only signatures from this county shall be counted. Signatures from any other county shall be invalid.

All signatures on nominating petitions shall be written in ink or indelible pencil.

At the time of filing a nominating petition, the candidate designated in the nominating petition, and joint candidates for governor and lieutenant governor, shall pay to the election officials with whom it is filed the fees specified for the office under divisions (A) and (B) of section 3513.10 of the Revised Code. The fees shall be disposed of by those election officials in the manner that is provided in section 3513.10 of the Revised Code for the disposition of other fees, and in no case shall a fee required under that section be returned to a candidate.

Candidates or joint candidates whose names are written on the ballot, and who are elected, shall pay the same fees under section 3513.10 of the Revised Code that candidates who file nominating petitions pay. Payment of these fees shall be a condition precedent to the granting of their certificates of election.

Each nominating petition shall contain a statement of candidacy ~~which~~ that shall be signed by the candidate or joint candidates named ~~therein~~ in it. Such statement of candidacy shall contain a declaration made under penalty of election falsification that the candidate desires to be a candidate for the office named ~~therein~~ in it, and that the candidate is an elector qualified to vote for the office the candidate seeks.

The form of the nominating petition and statement of candidacy shall be substantially as follows:

"STATEMENT OF CANDIDACY

I, (Name of candidate), the undersigned, hereby declare under penalty of election falsification that my voting residence is in Precinct of the (Township) or (Ward and City, or Village) in the county of Ohio; that my post-office address is (Street and Number, if any, or Rural Route and Number) of the (City, Village, or post office) of, Ohio; and that I am a qualified elector in the precinct in which my voting residence is located. I hereby declare that I desire to be a candidate for election to the office of in the (State, District, County, City, Village, Township, or School District) for the (Full term or unexpired term ending) at

the General Election to be held on the day of,

I further declare that I am an elector qualified to vote for the office I seek. Dated this day of,

.....
(Signature of candidate)

~~THE PENALTY FOR WHOEVER COMMITS ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS GUILTY OF A FELONY OF THE FIFTH DEGREE.~~

I,, hereby constitute the persons named below a committee to represent me:

Name	Residence
.....
.....
.....
.....
.....

NOMINATING PETITION

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.

	Street	
	Address	
	or R.F.D.	
	(Must use	
	address on	
	file with	City,
	the board of	Village or
Signature	elections)	Township Ward Precinct County
		Date of Signing

.....

.....

.....

....., declares under penalty of election falsification that such person is a qualified elector of the state of Ohio and resides at the address appearing below such person's signature hereto; that such person is the circulator of the foregoing petition paper containing signatures; that such person witnessed the affixing of every signature; that all signers were to the best of such person's knowledge and belief qualified to sign; and that every signature is to the best of such person's knowledge and belief the signature of the person whose signature it purports to be.

.....
(Signature of circulator)

.....
(Address)

~~THE PENALTY FOR WHOEVER COMMITS ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH~~ GUILTY OF A FELONY OF THE FIFTH DEGREE."

The secretary of state shall prescribe a form of nominating petition for a group of candidates for the office of member of a board of education, township office, and ~~for~~ offices of municipal corporations of under two thousand population.

The secretary of state shall prescribe a form of statement of candidacy and nominating petition, which shall be substantially similar to the form of statement of candidacy and nominating petition set forth in this section, that will be suitable for joint candidates for the offices of governor and lieutenant governor.

If such petition nominates a candidate whose election is to be determined by the electors of a county or a district or subdivision within the county, it shall be filed with the board of such county. If the petition nominates a candidate whose election is to be determined by the voters of a subdivision located in more than one county, it shall be filed with the board of the county in which the major portion of the population of such subdivision is located.

If the petition nominates a candidate whose election is to be determined by the electors of a district comprised of more than one county but less than all of the counties of the state, it shall be filed with the board of elections of the most populous county in such district. If the petition nominates a candidate whose election is to be determined by the electors of the state at large, it shall be filed with the secretary of state.

Sec. 3515.04. At the time and place fixed for making a recount, the

board of elections, in the presence of all witnesses who may be in attendance, shall open the sealed containers containing the ballots to be recounted, and shall recount them. If a county used punch card ballots and if a chad is attached to a punch card ballot by three or four corners, the voter shall be deemed by the board not to have recorded a candidate, question, or issue choice at the particular position on the ballot, and a vote shall not be counted at that particular position on the ballot in the recount. Ballots shall be handled only by the members of the board or by the director or other employees of the board. Witnesses shall be permitted to see the ballots, but they shall not be permitted to touch them, and the board shall not permit the counting or tabulation of votes shown on the ballots for any nomination, or for election to any office or position, or upon any question or issue, other than the votes shown on such ballots for the nomination, election, ~~or~~ question, or issue concerning which a recount of ballots was applied for.

At any time before the ballots from all of the precincts listed in an application for the recount or involved in a recount pursuant to section 3515.011 of the Revised Code have been recounted, the applicant or declared losing candidate or nominee or each of the declared losing candidates or nominees entitled to file a request prior to the commencement of a recount, as provided in section 3515.03 of the Revised Code, may file with the board a written request to stop the recount and not recount the ballots from the precincts so listed ~~and which that~~ have not been recounted prior to the time of ~~such the~~ request. If, upon ~~such the~~ request, the board finds that results of the votes in the precincts recounted, if substituted for the results of the votes in ~~such those~~ precincts as shown in the abstract of the votes in ~~such those~~ precincts, would not cause the applicant, if a person for whom votes were cast for nomination or election, to be declared nominated or elected or if an election upon a question or issue would not cause a result contrary to the result ~~thereof~~ as declared prior to such recount, it shall grant ~~such the~~ request and shall not recount the ballots of the precincts listed in the application for recount ~~which that~~ have not been recounted prior to ~~such that~~ time. If the board finds otherwise, it shall deny ~~such the~~ request and shall continue to recount ballots until the ballots from all of the precincts listed in the application for recount have been recounted; provided that, if ~~such the~~ request is denied, it may be renewed from time to time. Upon any such renewal, the board shall consider and act upon the request in the same manner as provided in this section in connection with an original request.

As used in this section, "chad" and "punch card ballot" have the same meanings as in section 3506.16 of the Revised Code.

Sec. 3519.05. If the measure to be submitted proposes a constitutional

amendment, the heading of each part of the petition shall be prepared in the following form, and printed in capital letters in type of the approximate size set forth:

INITIATIVE PETITION

Number

Issued to

(Name of solicitor)

Date of issuance

.....

Amendment to the Constitution

Proposed by Initiative Petition

To be submitted directly to the electors

"Amendment" printed in fourteen-point boldface type shall precede the title, which shall be briefly expressed and printed in eight-point type. The summary shall then be set forth printed in ten-point type, and then shall follow the certification of the attorney general, under proper date, which shall also be printed in ten-point type. The petition shall then set forth the names and addresses of the committee of not less than three nor more than five to represent the petitioners in all matters relating to the petition or its circulation.

Immediately above the heading of the place for signatures on each part of the petition the following notice shall be printed in boldface type:

"NOTICE

Whoever knowingly signs this petition more than once, signs a name other than ~~his~~ one's own, or signs when not a qualified voter, is liable to prosecution.

In consideration ~~of his~~ for services in soliciting signatures to this petition, the solicitor has received or expects to

receive

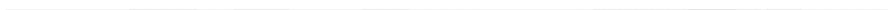
from

(Whose address is).....

....."

Before any elector signs the part-petition, the solicitor shall completely fill in the above blanks if the solicitor has received or will receive any consideration, and if the solicitor has not received and will not receive any consideration ~~he,~~ the solicitor shall insert "nothing."

The heading of the place for signatures shall be substantially as follows: "(Sign with ink or indelible pencil. Your name, residence, and date of signing must be given.)"



Rural Route or
other Post-
SignatureCounty Townshipoffice Address Month Day Year

(Voters who do not live in a municipal corporation should fill in the information called for by headings printed above.)

(Voters who reside in municipal corporations should fill in the information called for by headings printed below.)

City Street
or and
SignatureCountyVillage Number Ward Precinct Month Day Year"

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:

"I,, ~~declares~~ declare under penalty of election falsification that ~~he~~ I am the circulator of the foregoing petition paper containing the signatures of electors, that the signatures appended hereto were made and appended in ~~his~~ my presence on the date set opposite each respective name, and are the signatures of the persons whose names they purport to be, and that the electors signing this petition did so with knowledge of the contents of same.

(Signed) (Solicitor)
(Address).....

~~The penalty for election falsification is imprisonment for not more than six months, or a fine of not more than one thousand dollars, or both~~
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

If the measure proposes a law, the heading of each part of the petition shall be prepared as follows:

INITIATIVE PETITION

Number

Issued to

(Name of Solicitor)

Date of issuance

Law proposed by initiative petition first to be submitted to the General Assembly."

In all other respects the form shall be as provided for the submission of a constitutional amendment, except that the text of the proposed law shall be prefaced by "Be it enacted by the people of the state of Ohio."

The form for a supplementary initiative petition shall be the same as that provided for an initiative petition, with the exception that "supplementary" shall precede "initiative" in the title thereof.

The general provisions set forth in this section relative to the form and order of an initiative petition shall be, so far as practical, applicable to a referendum petition, the heading of which shall be as follows:

"REFERENDUM PETITION

Number

Issued to

(Name of Solicitor)

Date of issuance

To be submitted to the electors for their approval or rejection"

The title, which follows the heading, shall contain a brief legislative history of the law, section, or item of law to be referred. The text of the law so referred shall be followed by the certification of the secretary of state, in accordance with division (B)(2)(b) of section 3519.01 of the Revised Code, that it has been compared with the copy of the enrolled ~~bill~~ act, on file in ~~his~~ the secretary of state's office, containing such law, section, or item of law, and found to be correct.

SECTION 2. That existing sections 303.12, 519.12, 3375.03, 3501.05, 3501.11, 3501.38, 3504.02, 3505.24, 3505.31, 3505.32, 3506.12, 3506.15, 3509.01, 3509.04, 3509.07, 3511.05, 3511.09, 3511.11, 3513.07, 3513.22, 3513.261, 3515.04, and 3519.05 of the Revised Code are hereby repealed.

SECTION 3. (A) There is hereby created the Election System Study Committee, the purpose of which is to study the election process in this state and, based upon the testimony of public and private election experts, to make recommendations for improving the current election process and to estimate any potential costs associated with the recommended changes.

(B) The committee shall consist of eleven members to be appointed as

follows:

(1) Two members of the House of Representatives of the same political party as the Speaker of the House of Representatives, to be appointed by the Speaker of the House of Representatives;

(2) One member of the House of Representatives of the major political party of which the Speaker of the House of Representatives is not a member, to be appointed by the Speaker of the House of Representatives;

(3) Two members of the Senate of the same political party as the President of the Senate, to be appointed by the President of the Senate;

(4) One member of the Senate of the major political party of which the President of the Senate is not a member, to be appointed by the President of the Senate;

(5) One member of the public, to be appointed by the Speaker of the House of Representatives;

(6) One member of the public, to be appointed by the President of the Senate;

(7) One member of a board of county commissioners, to be appointed by the Speaker of the House of Representatives from among three county commissioners nominated by the County Commissioners Association of Ohio;

(8) One member of a county board of elections, to be appointed by the President of the Senate from among three members of county boards of elections nominated by the Ohio Association of Election Officials;

(9) The Secretary of State, or the Secretary of State's designee.

Vacancies on the committee shall be filled in the manner provided for original appointments.

(C) Members of the committee shall receive no compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties.

(D) For the sole purpose of permitting membership on the committee and the holding of any other public office or employment, membership on the committee does not constitute the holding of any other public office or employment. No member of the committee is disqualified from holding any public office or employment, nor does any member of the committee forfeit any public office or employment, by reason of the member's position as a member of the committee.

(E) Within seven days after the effective date of this section, the Secretary of State, or the Secretary of State's designee, shall convene the first meeting of the committee. The committee then shall elect a chairperson, by majority vote, from among the committee members who are elected

officials. Thereafter, the chairperson shall convene meetings of the committee as the chairperson considers necessary to carry out its purpose.

(F) Not later than October 1, 2001, the committee shall prepare its recommendations and associated costs estimates and file a written copy of them with the Speaker of the House of Representatives, the President of the Senate, and the Secretary of State. Once the committee has filed its recommendations and associated costs estimates as required by this division, it shall cease to exist.

SECTION 4. Section 3501.05 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 99 and Am. Sub. S.B. 9 of the 121st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____