

**As Introduced**  
**CORRECTED VERSION**

**124th General Assembly**  
**Regular Session**  
**2001-2002**

**H. B. No. 5**

**REPRESENTATIVE Lendrum**

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**A B I L L**

To amend sections 303.12, 519.12, 3375.03, 3501.05,	1
3501.11, 3501.38, 3504.02, 3505.24, 3505.32,	2
3506.12, 3506.15, 3509.01, 3509.04, 3509.07,	3
3511.05, 3511.09, 3511.11, 3513.07, 3513.261,	4
3515.04, and 3519.05 and to enact section 3506.16	5
of the Revised Code to revise the Election Law by	6
requiring designated board of elections employees	7
to examine punch card ballots prior to their	8
counting and, in specified circumstances, to remove	9
partially detached chads from them or remake	10
ballots voted backwards, by specifying that no chad	11
attached to a punch card ballot by three or four	12
corners counts as a vote, by specifying that armed	13
service absent voter's ballots from voters who will	14
be outside of the United States on election day	15
that do not have any postmark or have an illegible	16
postmark are valid if mailed prior to the close of	17
the polls on election day and if received within	18
the appropriate period, and by making other	19
changes; and to create the Election System Study	20
Committee.	21

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

**Section 1.** That sections 303.12, 519.12, 3375.03, 3501.05, 22  
3501.11, 3501.38, 3504.02, 3505.24, 3505.32, 3506.12, 3506.15, 23  
3509.01, 3509.04, 3509.07, 3511.05, 3511.09, 3511.11, 3513.07, 24  
3513.261, 3515.04, and 3519.05 be amended and section 3506.16 of 25  
the Revised Code be enacted to read as follows: 26

**Sec. 303.12.** (A) Amendments to the zoning resolution may be 27  
initiated by motion of the county rural zoning commission, by the 28  
passage of a resolution ~~therefor~~ by the board of county 29  
commissioners, or by the filing of an application ~~therefor~~ by one 30  
or more of the owners or lessees of property within the area 31  
proposed to be changed or affected by the proposed amendment with 32  
the county rural zoning commission. The board of county 33  
commissioners may require that the owner or lessee of property 34  
filing an application to amend the zoning resolution pay a fee 35  
~~therefor~~ to defray the cost of advertising, mailing, filing with 36  
the county recorder, and other expenses. If the board of county 37  
commissioners requires such a fee, it shall be required generally, 38  
for each application. The board of county commissioners shall upon 39  
the passage of such resolution certify it to the county rural 40  
zoning commission. 41

Upon the adoption of such motion, ~~or~~ the certification of 42  
such resolution, or the filing of such application, the county 43  
rural zoning commission shall set a date for a public hearing 44  
~~thereon~~, which date shall not be less than twenty nor more than 45  
forty days from the date of adoption of such motion ~~or~~, the date 46  
of the certification of such resolution, or the date of the filing 47  
of such application. Notice of such hearing shall be given by the 48  
county rural zoning commission by one publication in one or more 49  
newspapers of general circulation in each township affected by 50  
such proposed amendment at least ten days before the date of such 51  
hearing. 52

(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 84  
publication and mail; 85

(7) Any other information requested by the zoning commission; 86  
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(8) A statement that, after the conclusion of such hearing, 88  
the matter will be submitted to the board of county commissioners 89  
for its action. 90

(D) If the proposed amendment alters the text of the zoning 91  
resolution, or rezones or redistricts more than ten parcels of 92  
land, as listed on the county auditor's current tax list, the 93  
published notice shall set forth the time, date, and place of the 94  
public hearing, and shall include all of the following: 95

(1) The name of the zoning commission that will be conducting 96  
the public hearing on the proposed amendment; 97

(2) A statement indicating that the motion, application, or 98  
resolution is an amendment to the zoning resolution; 99

(3) The time and place where the text and maps of the 100  
proposed amendment will be available for examination for a period 101  
of at least ten days prior to the public hearing; 102

(4) The name of the person responsible for giving notice of 103  
the public hearing by publication; 104

(5) A statement that, after the conclusion of such hearing, 105  
the matter will be submitted to the board of county commissioners 106  
for its action; 107

(6) Any other information requested by the zoning commission. 108  
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Hearings shall be held in the county court house or in a 110  
public place designated by the zoning commission. 111

(E) Within five days after the adoption of such motion or, 112

the certification of such resolution, or the filing of such 113  
application, the county rural zoning commission shall transmit a 114  
copy thereof of it together with text and map pertaining ~~thereto~~ 115  
to it to the county or regional planning commission, if there is 116  
such a commission. 117

The county or regional planning commission shall recommend 118  
the approval or denial of the proposed amendment or the approval 119  
of some modification ~~thereof~~ of it and shall submit such 120  
recommendation to the county rural zoning commission. Such 121  
recommendation shall be considered at the public hearing held by 122  
the county rural zoning commission on such proposed amendment. 123

The county rural zoning commission, within thirty days after 124  
such hearing, shall recommend the approval or denial of the 125  
proposed amendment, or the approval of some modification ~~thereof~~ 126  
of it and shall submit such recommendation together with such 127  
application or resolution, the text and map pertaining ~~thereto~~ to 128  
it, and the recommendation of the county or regional planning 129  
commission ~~thereon~~ on it to the board of county commissioners. 130

The board of county commissioners, upon receipt of such 131  
recommendation, shall set a time for a public hearing on such 132  
proposed amendment, which date shall be not more than thirty days 133  
from the date of the receipt of such recommendation from the 134  
county rural zoning commission. Notice of such public hearing 135  
shall be given by the board by one publication in one or more 136  
newspapers of general circulation in the county, at least ten days 137  
before the date of such hearing. 138

(F) If the proposed amendment intends to rezone or redistrict 139  
ten or fewer parcels of land as listed on the county auditor's 140  
current tax list, the published notice shall set forth the time, 141  
date, and place of the public hearing and shall include all of the 142  
following: 143

(1) The name of the board that will be conducting the public 144

hearing;	145
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	146 147
(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;	148 149 150 151
(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;	152 153 154
(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;	155 156 157 158
(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;	159 160 161
(7) Any other information requested by the board.	162
(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:	163 164 165 166 167
(1) The name of the board that will be conducting the public hearing on the proposed amendment;	168 169
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	170 171
(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;	172 173 174

(4) The name of the person responsible for giving notice of the public hearing by publication; 175  
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(5) Any other information requested by the board. 177

(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. 178  
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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. 184  
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The form of a petition calling for a zoning referendum and the statement of the circulator shall be substantially as follows: 203  
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"PETITION FOR ZONING REFERENDUM 205

(if the proposal is identified by a particular name or number, or both, these should be inserted here) ..... 206  
..... 207

A proposal to amend the zoning map of the unincorporated area of ..... Township, ..... County, Ohio, adopted ..... (date) ..... (followed by brief summary of the proposal). 208  
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To the Board of County Commissioners of ..... County, Ohio: 212  
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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. 214  
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Street Address Date of Signature or R.F.D. Township Precinct County Signing ..... 227  
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STATEMENT OF CIRCULATOR 231

I, .....(name of circulator)..... 232

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 233  
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.....(number)..... signatures; that ~~he~~ I have witnessed the 237  
affixing of every signature; that all signers were to the best of 238  
~~his~~ my knowledge and belief qualified to sign; and that every 239  
signature is to the best of ~~his~~ my knowledge and belief the 240  
signature of the person whose signature it purports to be. 241

..... 242  
(Signature of circulator) 243  
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(Address) 245  
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(City, village or township, and 247  
zip code) 248

~~THE PENALTY FOR WHOEVER COMMITS ELECTION FALSIFICATION IS 249  
IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE 250  
THAN ONE THOUSAND DOLLARS, OR BOTH GUILTY OF A FELONY OF THE FIFTH 251  
DEGREE." 252~~

No amendment for which such referendum vote has been 253  
requested shall be put into effect unless a majority of the vote 254  
cast on the issue is in favor of the amendment. Upon certification 255  
by the board of elections that the amendment has been approved by 256  
the voters, it shall take immediate effect. 257

Within five working days after an amendment's effective date, 258  
the board of county commissioners shall file the text and maps of 259  
the amendment in the office of the county recorder and with the 260  
regional or county planning commission, if one exists. 261

The board shall file all amendments, including text and maps, 262  
that are in effect on January 1, 1992, in the office of the county 263  
recorder within thirty working days after that date. The board 264  
shall also file duplicates of the same documents with the regional 265  
or county planning commission, if one exists, within the same 266  
period. 267

The failure to file any amendment, or any text and maps, or 268

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.

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**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.

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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.

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(B) If the proposed amendment intends to rezone or redistrict  
ten or fewer parcels of land, as listed on the county auditor's

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current tax list, written notice of the hearing shall be mailed by 300  
the zoning commission, by first class mail, at least ten days 301  
before the date of the public hearing to all owners of property 302  
within and contiguous to and directly across the street from such 303  
area proposed to be rezoned or redistricted to the addresses of 304  
such owners appearing on the county auditor's current tax list. 305  
The failure of delivery of such notice shall not invalidate any 306  
such amendment. 307

(C) If the proposed amendment intends to rezone or redistrict 308  
ten or fewer parcels of land as listed on the county auditor's 309  
current tax list, the published and mailed notices shall set forth 310  
the time, date, and place of the public hearing, and shall include 311  
all of the following: 312

(1) The name of the zoning commission that will be conducting 313  
the public hearing; 314

(2) A statement indicating that the motion, resolution, or 315  
application is an amendment to the zoning resolution; 316

(3) A list of the addresses of all properties to be rezoned 317  
or redistricted by the proposed amendment and of the names of 318  
owners of these properties, as they appear on the county auditor's 319  
current tax list; 320

(4) The present zoning classification of property named in 321  
the proposed amendment and the proposed zoning classification of 322  
such property; 323

(5) The time and place where the motion, resolution, or 324  
application proposing to amend the zoning resolution will be 325  
available for examination for a period of at least ten days prior 326  
to the public hearing; 327

(6) The name of the person responsible for giving notice of 328  
the public hearing by publication or by mail, or by both 329  
publication and mail; 330

(7) Any other information requested by the zoning commission;	331
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(8) A statement that, after the conclusion of such hearing,	333
the matter will be submitted to the board of township trustees for	334
its action.	335
(D) If the proposed amendment alters the text of the zoning	336
resolution, or rezones or redistricts more than ten parcels of	337
land, as listed on the county auditor's current tax list, the	338
published notice shall set forth the time, date, and place of the	339
public hearing, and shall include all of the following:	340
(1) The name of the zoning commission that will be conducting	341
the public hearing on the proposed amendment;	342
(2) A statement indicating that the motion, application, or	343
resolution is an amendment to the zoning resolution;	344
(3) The time and place where the text and maps of the	345
proposed amendment will be available for examination for a period	346
of at least ten days prior to the public hearing;	347
(4) The name of the person responsible for giving notice of	348
the public hearing by publication;	349
(5) A statement that, after the conclusion of such hearing,	350
the matter will be submitted to the board of township trustees for	351
its action;	352
(6) Any other information requested by the zoning commission.	353
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(E) Within five days after the adoption of such motion or,	355
the certification of such resolution, or the filing of such	356
application, the township zoning commission shall transmit a copy	357
<del>thereof</del> <u>of it</u> together with text and map pertaining <del>thereto</del> <u>to it</u>	358
to the county or regional planning commission, if there is such a	359
commission.	360

The county or regional planning commission shall recommend 361  
the approval or denial of the proposed amendment or the approval 362  
of some modification ~~thereof~~ of it and shall submit such 363  
recommendation to the township zoning commission. Such 364  
recommendation shall be considered at the public hearing held by 365  
the township zoning commission on such proposed amendment. 366

The township zoning commission shall, within thirty days 367  
after such hearing, recommend the approval or denial of the 368  
proposed amendment, or the approval of some modification ~~thereof~~ 369  
of it and submit such recommendation together with such 370  
application or resolution, the text and map pertaining ~~thereto to~~ 371  
it, and the recommendation of the county or regional planning 372  
commission ~~thereon~~ on it to the board of township trustees. 373

The board of township trustees shall, upon receipt of such 374  
recommendation, set a time for a public hearing on such proposed 375  
amendment, which date shall not be more than thirty days from the 376  
date of the receipt of such recommendation from the township 377  
zoning commission. Notice of such public hearing shall be given by 378  
the board by one publication in one or more newspapers of general 379  
circulation in the township, at least ten days before the date of 380  
such hearing. 381

(F) If the proposed amendment intends to rezone or redistrict 382  
ten or fewer parcels of land as listed on the county auditor's 383  
current tax list, the published notice shall set forth the time, 384  
date, and place of the public hearing and shall include all of the 385  
following: 386

(1) The name of the board that will be conducting the public 387  
hearing; 388

(2) A statement indicating that the motion, application, or 389  
resolution is an amendment to the zoning resolution; 390

(3) A list of the addresses of all properties to be rezoned 391

or redistricted by the proposed amendment and of the names of 392  
owners of these properties, as they appear on the county auditor's 393  
current tax list; 394

(4) The present zoning classification of property named in 395  
the proposed amendment and the proposed zoning classification of 396  
such property; 397

(5) The time and place where the motion, application, or 398  
resolution proposing to amend the zoning resolution will be 399  
available for examination for a period of at least ten days prior 400  
to the public hearing; 401

(6) The name of the person responsible for giving notice of 402  
the public hearing by publication or by mail, or by both 403  
publication and mail; 404

(7) Any other information requested by the board. 405

(G) If the proposed amendment alters the text of the zoning 406  
resolution, or rezones or redistricts more than ten parcels of 407  
land as listed on the county auditor's current tax list, the 408  
published notice shall set forth the time, date, and place of the 409  
public hearing, and shall include all of the following: 410

(1) The name of the board that will be conducting the public 411  
hearing on the proposed amendment; 412

(2) A statement indicating that the motion, application, or 413  
resolution is an amendment to the zoning resolution; 414

(3) The time and place where the text and maps of the 415  
proposed amendment will be available for examination for a period 416  
of at least ten days prior to the public hearing; 417

(4) The name of the person responsible for giving notice of 418  
the public hearing by publication; 419

(5) Any other information requested by the board. 420

(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). 453

To the Board of Township Trustees of ..... 454

Township, ..... County, Ohio: 455

..... County, Ohio: 456

We, the undersigned, being electors residing in the 457

unincorporated area of ..... Township, included 458

within the ..... Township Zoning Plan, equal to not less 459

than eight per cent of the total vote cast for all candidates for 460

governor in the area at the preceding general election at which a 461

governor was elected, request the Board of Township Trustees to 462

submit this amendment of the zoning resolution to the electors of 463

..... Township residing within the 464

unincorporated area of the township included in the 465

..... Township Zoning Resolution, for approval or 466

rejection at a special election to be held on the day of the next 467

primary or general election to be held on .....(date)....., 468

pursuant to section 519.12 of the Revised Code. 469

Street Address Date of 470

Signature or R.F.D. Township Precinct County Signing 471

..... 472

..... 473

STATEMENT OF CIRCULATOR 474

I, .....(name of circulator)..... ~~declares, declare~~ 475

under penalty of election falsification that ~~he is~~ I am an elector 476

of the state of Ohio and ~~resides~~ reside at the address appearing 477

below ~~his~~ my signature ~~hereto~~; that ~~he is~~ I am the circulator of 478

the foregoing part petition containing .....(number)..... 479

signatures; that ~~he~~ I have witnessed the affixing of every 480

signature; that all signers were to the best of ~~his~~ my knowledge 481

and belief qualified to sign; and that every signature is to the 482

best of ~~his~~ my knowledge and belief the signature of the person 483



whose signature it purports to be. 484  
..... 485  
(Signature of circulator) 486  
..... 487  
(Address) 488  
..... 489  
(City, village or township, and 490  
zip code) 491

~~THE PENALTY FOR WHOEVER COMMITS ELECTION FALSIFICATION IS 492  
IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE 493  
THAN ONE THOUSAND DOLLARS, OR BOTH GUILTY OF A FELONY OF THE FIFTH 494  
DEGREE." 495~~

The petition shall be filed, accompanied by an appropriate 496  
map of the area affected by the zoning proposal, with the board of 497  
township trustees, which shall then transmit the petition within 498  
two weeks of its receipt to the board of elections, which shall 499  
determine the sufficiency and validity of the petition. The 500  
petition shall be certified to the board of elections not less 501  
than seventy-five days prior to the election at which the question 502  
is to be voted upon. 503

No amendment for which such referendum vote has been 504  
requested shall be put into effect unless a majority of the vote 505  
cast on the issue is in favor of the amendment. Upon certification 506  
by the board of elections that the amendment has been approved by 507  
the voters, it shall take immediate effect. 508

Within five working days after an amendment's effective date, 509  
the board of township trustees shall file the text and maps of the 510  
amendment in the office of the county recorder and with the 511  
regional or county planning commission, if one exists. 512

The board shall file all amendments, including text and maps, 513  
that are in effect on January 1, 1992, in the office of the county 514  
recorder within thirty working days after that date. The board 515

shall also file duplicates of the same documents with the regional  
or county planning commission, if one exists, within the same  
period.

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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.

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**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.

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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~~

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person signed the petition with knowledge of its contents. The 547  
petition may contain additional information that shall fairly and 548  
accurately present the question to prospective petition signers. 549

The form of a petition calling for a referendum and the 550  
statement of the circulator shall be substantially as follows: 551

"PETITION FOR REFERENDUM ON LIBRARY 552

DISTRICT TRANSFER 553

A petition against the transfer of territory currently 554  
located in the ..... library district and 555  
proposed for transfer by the state library board to the 556  
..... library district. 557

We, the undersigned, being electors residing in the area 558  
proposed to be transferred, equal in number to not less than ten 559  
per cent of the qualified electors in the area subject to transfer 560  
who voted at the last general election request the 561  
..... library board to submit the question of 562  
the transfer of territory to the ..... library 563  
district to the electors residing within the territory proposed to 564  
be transferred for approval or rejection at the next primary or 565  
general election. 566

Street Address Date of 567  
Signature or R.F.D. Precinct Signing 568  
..... 569  
..... 570

STATEMENT OF CIRCULATOR 571

I, ..... (name of circulator) ..... 572  
..... ~~declares~~, declare under penalty of election 573  
falsification that ~~he is~~ I am an elector of the state of Ohio and 574  
~~resides~~ reside at the address appearing below ~~his~~ my signature 575  
~~hereto~~; that ~~he is~~ I am the circulator of the foregoing part 576  
petition containing .....(number)..... signatures; that 577

he I have witnessed the affixing of every signature; that all 578  
signers were to the best of ~~his~~ my knowledge and belief qualified 579  
to sign; that every signature is to the best of ~~his~~ my knowledge 580  
and belief the signature of the person whose signature it purports 581  
to be; and that such person signed the petition with knowledge of 582  
its contents. 583

..... 584  
(Signature of circulator) 585  
..... 586  
(Address) 587  
..... 588  
(City or village and zip code) 589

~~THE PENALTY FOR WHOEVER COMMITS ELECTION FALSIFICATION IS 590  
IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, A FINE OF NOT MORE THAN 591  
ONE THOUSAND DOLLARS, OR BOTH GUILTY OF A FELONY OF THE FIFTH 592  
DEGREE." 593~~

The person presenting a referendum petition under this 594  
section shall be given a receipt containing the time of day and 595  
the date on which the petition is filed with the library board and 596  
noting the purpose of and the number of signatures on the 597  
petition. The secretary of the library board shall cause the board 598  
of elections of the county or counties in which the territory to 599  
be transferred is located to check the sufficiency of signatures 600  
on such petition, and if these are found to be sufficient, ~~he~~ the 601  
secretary shall present the petition to the library board at a 602  
meeting of the board, which shall occur not later than thirty days 603  
following the filing of the petition with the board. The board 604  
shall promptly certify the question to the board of elections of 605  
the county or counties in which the territory to be transferred is 606  
located for the purpose of having the proposal placed on the 607  
ballot within ~~such~~ that territory at the next general or primary 608  
election occurring not less than sixty days after the 609

certification. 610

The form of the ballot to be used at the election on the 611  
question of the transfer shall be as follows: 612

"Shall the territory ..... (here insert its 613  
boundaries) which is currently within the ..... 614  
..... (here insert the name of the current library district) 615  
library district be transferred to the ..... 616  
(here insert the name of the library district to which the 617  
territory is proposed to be transferred) library district? 618  
..... For the transfer 619  
..... Against the transfer" 620

The persons qualified to vote on the question are the 621  
electors residing in the territory proposed to be transferred. The 622  
costs of an election held under this section shall be paid by the 623  
board of library trustees of the current library district of the 624  
territory to be transferred. The board of elections shall certify 625  
the result of the election to the state library board and to the 626  
library boards of the affected library district. 627

If a majority of electors voting on the question vote in 628  
favor of the transfer, the transfer shall take effect on the date 629  
of the certification of the election to the state library board. 630  
If a majority of the voters voting on the question do not vote for 631  
the transfer, the transfer shall not take place. 632

**Sec. 3501.05.** The secretary of state shall do all of the 633  
following: 634

(A) Appoint all members of boards of elections; 635

(B) ~~Advise~~ Issue directives and advisory opinions to members 636  
of ~~such~~ the boards as to the proper methods of conducting 637  
elections; 638

(C) Prepare rules and instructions for the conduct of 639

elections;	640
(D) Publish and furnish to the boards from time to time a sufficient number of indexed copies of all election laws then in force;	641 642 643
(E) Edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters;	644 645
(F) Prescribe the form of registration cards, blanks, and records;	646 647
(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;	648 649 650 651
(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;	652 653 654
(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;	655 656 657 658
(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;	659 660 661
(K) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of <del>such</del> <u>those</u> petitions;	662 663 664
(L) Require such reports from the several boards as are provided by law, or as the secretary of state <del>deems</del> <u>considers</u> necessary;	665 666 667
(M) Compel the observance by election officers in the several counties of the requirements of the election laws;	668 669

(N)(1) Except as otherwise provided in division (N)(2) of 670  
this section, investigate the administration of election laws, 671  
frauds, and irregularities in elections in any county, and report 672  
violations of election laws to the attorney general or prosecuting 673  
attorney, or both, for prosecution; 674

(2) On and after ~~the effective date of this amendment~~ August 675  
24, 1995, report a failure to comply with or a violation of a 676  
provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 677  
3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code, 678  
whenever the secretary of state has or should have knowledge of a 679  
failure to comply with or a violation of a provision in one of 680  
those sections, by filing a complaint with the Ohio elections 681  
commission under section 3517.153 of the Revised Code; 682

(O) Make an annual report to the governor containing the 683  
results of elections, cost of elections in the various counties, a 684  
tabulation of the votes in the several political subdivisions, and 685  
~~such~~ other information and recommendations relative to elections 686  
~~as~~ the secretary ~~deems~~ of state considers desirable; 687

(P) Prescribe and distribute to boards of elections a list of 688  
instructions indicating all legal steps necessary to petition 689  
successfully for local option elections under sections 4301.32 to 690  
4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 691

(Q) Prescribe a general program to remove ineligible voters 692  
from official registration lists by reason of change of residence, 693  
which shall be uniform, nondiscriminatory, and in compliance with 694  
the Voting Rights Act of 1965 and the National Voter Registration 695  
Act of 1993, including a program that uses the national change of 696  
address service provided by the United States postal system 697  
through its licensees; 698

(R) Prescribe a general program for registering voters or 699  
updating voter registration information, such as name and 700

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 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 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 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 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 there

are cases pending in more than one jurisdiction that involve the 764  
same or similar issues, Franklin county. 765

Public high schools and vocational schools, public libraries, 766  
and the office of a county treasurer shall implement voter 767  
registration programs as directed by the secretary of state 768  
pursuant to this section. 769

**Sec. 3501.11.** Each board of elections shall exercise by a 770  
majority vote all powers granted to ~~such~~ the board by Title XXXV 771  
of the Revised Code, shall perform all the duties imposed by law, 772  
and shall do all of the following: 773

(A) Establish, define, provide, rearrange, and combine 774  
election precincts; 775

(B) Fix and provide the places for registration and for 776  
holding primaries and elections; 777

(C) Provide for the purchase, preservation, and maintenance 778  
of booths, ballot boxes, books, maps, flags, blanks, cards of 779  
instructions, and other forms, papers, and equipment used in 780  
registration, nominations, and elections; 781

(D) Appoint and remove its director, deputy director, and 782  
employees and all registrars, judges, and other officers of 783  
elections, fill vacancies, and designate the ward or district and 784  
precinct in which each shall serve; 785

(E) Make and issue ~~such~~ rules and instructions, not 786  
inconsistent with law or the rules ~~established, directives, or~~ 787  
advisory opinions issued by the secretary of state, as it 788  
considers necessary for the guidance of election officers and 789  
voters; 790

(F) Advertise and contract for the printing of all ballots 791  
and other supplies used in registrations and elections; 792

(G) Provide for the issuance of all notices, advertisements, 793

and publications concerning elections, except as otherwise	794
provided in division (G) of section 3501.17 of the Revised Code;	795
(H) Provide for the delivery of ballots, pollbooks, and other	796
required papers and material to the polling places;	797
(I) Cause the polling places to be suitably provided with	798
stalls and other required supplies;	799
(J) Investigate irregularities, nonperformance of duties, or	800
violations of Title XXXV of the Revised Code by election officers	801
and other persons; administer oaths, issue subpoenas, summon	802
witnesses, and compel the production of books, papers, records,	803
and other evidence in connection with any such investigation; and	804
report the facts to the prosecuting attorney;	805
(K) Review, examine, and certify the sufficiency and validity	806
of petitions and nomination papers, and, after certification,	807
return to the secretary of state all petitions and nomination	808
papers that the secretary of state forwarded to the board;	809
	810
(L) Receive the returns of elections, canvass the returns,	811
make abstracts <del>thereof</del> <u>of them</u> , and transmit such abstracts to the	812
proper authorities;	813
(M) Issue certificates of election on forms to be prescribed	814
by the secretary of state;	815
(N) Make an annual report to the secretary of state, on the	816
form prescribed by the secretary of state, containing a statement	817
of the number of voters registered, elections held, votes cast,	818
appropriations received, <del>and</del> expenditures made, and <del>such</del> other	819
data <del>as is</del> required by the secretary of state;	820
(O) Prepare and submit to the proper appropriating officer a	821
budget estimating the cost of elections for the ensuing fiscal	822
year;	823

- (P) Perform ~~such~~ other duties as ~~are~~ prescribed by law or the 824  
rules, directives, or advisory opinions of the secretary of state; 825  
826
- (Q) Investigate and determine the residence qualifications of 827  
electors; 828
- (R) Administer oaths in matters pertaining to the 829  
administration of the election laws; 830
- (S) Prepare and submit to the secretary of state whenever the 831  
secretary of state requires, a report containing the names and 832  
residence addresses of all incumbent county, municipal, township, 833  
and board of education officials serving in their respective 834  
counties; 835
- (T) Establish and maintain a voter registration of all 836  
qualified electors in the county who offer to register; 837
- (U) Maintain voter registration records, make reports 838  
concerning voter registration as required by the secretary of 839  
state, and remove ineligible electors from voter registration 840  
lists in accordance with law and directives of the secretary of 841  
state. 842
- (V) At least annually, on a schedule and in a format 843  
prescribed by the secretary of state, submit to the secretary of 844  
state an accurate and current list of all registered voters in the 845  
county for the purpose of assisting the secretary of state to 846  
maintain a master list of registered voters pursuant to section 847  
3503.27 of the Revised Code; 848
- (W) Give approval to ballot language for any local question 849  
or issue and transmit the language to the secretary of state for 850  
the secretary of state's final approval; 851
- (X) Prepare and cause the following notice to be displayed in 852  
a prominent location in every polling place: 853

"NOTICE 854

Ohio law prohibits any person from voting or attempting to 855  
vote more than once at the same election. 856

Violators are guilty of a felony of the fourth degree and 857  
shall be imprisoned and additionally may be fined in accordance 858  
with law." 859

In all cases of a tie vote or a disagreement in the board, if 860  
no decision can be arrived at, the director or chairperson shall 861  
submit the matter in controversy, not later than fourteen days 862  
after the tie vote or the disagreement, to the secretary of state, 863  
who shall summarily decide the question and the secretary of 864  
state's decision shall be final. 865

(Y) Assist each designated agency, deputy registrar of motor 866  
vehicles, public high school and vocational school, public 867  
library, and office of a county treasurer in the implementation of 868  
a program for registering voters at all voter registration 869  
locations as prescribed by the secretary of state. Under this 870  
program, each board of elections shall direct to the appropriate 871  
board of elections any voter registration applications for persons 872  
residing outside the county where the board is located within five 873  
days after receiving the applications. 874

On any day on which an elector may vote in person at the 875  
office of the board or at another site designated by the board, 876  
the board or other designated site shall be considered a polling 877  
place for that day and all requirements or prohibitions of law 878  
that apply to a polling place shall apply to the office of the 879  
board or other designated site on that day. 880

**Sec. 3501.38.** All declarations of candidacy, nominating 881  
petitions, or other petitions presented to or filed with the 882  
secretary of state or a board of elections or with any other 883  
public office for the purpose of becoming a candidate for any 884

nomination or office or for the holding of an election on any 885  
issue shall, in addition to meeting the other specific 886  
requirements prescribed in the sections of the Revised Code 887  
relating ~~thereto~~ to them, be governed by the following rules: 888

(A) Only electors qualified to vote on the candidacy or issue 889  
which is the subject of the petition shall sign a petition. Each 890  
signer shall be a registered elector pursuant to section 3503.11 891  
of the Revised Code. The facts of qualification shall be 892  
determined as of the date when the petition is filed. 893

(B) Signatures shall be affixed in ink. Each signer may also 894  
print ~~his~~ the signer's name, so as to clearly identify ~~his~~ the 895  
signer's signature. 896

(C) Each signer shall place on the petition after ~~his~~ the 897  
signer's name the date of signing and the location of ~~his~~ the 898  
signer's voting residence, including the street and number if in a 899  
municipal corporation or the rural route number, post office 900  
address, or township if outside a municipal corporation. The 901  
voting address given on the petition shall be the address 902  
appearing in the registration records at the board of elections. 903

(D) No person shall write any name other than ~~his~~ the 904  
person's own on any petition. No person may authorize another to 905  
sign for ~~him~~ the person. Where a petition contains the signature 906  
of an elector two or more times, only the first ~~such~~ signature 907  
shall be counted. 908

(E) On each petition paper, the circulator shall indicate the 909  
number of signatures contained ~~thereon~~ on it, and shall sign a 910  
statement made under penalty of election falsification that ~~he~~ the 911  
circulator witnessed the affixing of every signature, that all 912  
signers were to the best of ~~his~~ the circulator's knowledge and 913  
belief qualified to sign, and that every signature is to the best 914  
of ~~his~~ the circulator's knowledge and belief the signature of the 915  
person whose signature it purports to be. 916

(F) If a circulator knowingly permits an unqualified person 917  
to sign a petition paper or permits a person to write a name other 918  
than ~~his~~ the person's own on a petition paper, that petition paper 919  
is invalid; otherwise, the signature of a person not qualified to 920  
sign shall be rejected but shall not invalidate the other valid 921  
signatures on the paper. 922

(G) The circulator of a petition may, before filing it in a 923  
public office, strike from it any signature ~~he~~ the circulator does 924  
not wish to present as a part of ~~his~~ the petition. 925

(H) Any signer of a petition may remove ~~his~~ the signer's 926  
signature ~~therefrom~~ from that petition at any time before the 927  
petition is filed in a public office by striking ~~his~~ the signer's 928  
name ~~therefrom~~ from the petition; no signature may be removed 929  
after the petition is filed in any public office. 930

(I) No alterations, corrections, or additions may be made to 931  
a petition after it is filed in a public office. 932

(J) All declarations of candidacy, nominating petitions, or 933  
other petitions under this section shall be accompanied by the 934  
following statement in boldface capital letters: ~~THE PENALTY FOR~~ 935  
~~WHOEVER COMMITS ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT~~ 936  
~~MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND~~ 937  
~~DOLLARS, OR BOTH~~ GUILTY OF A FELONY OF THE FIFTH DEGREE. 938

(K) All separate petition papers shall be filed at the same 939  
time, as one instrument. 940

**Sec. 3504.02.** Any citizen who desires to vote in a 941  
presidential election under ~~sections 3504.01 to 3504.06 of the~~ 942  
~~Revised Code,~~ this chapter shall, not later than four p.m. of the 943  
thirtieth day prior to the date of ~~such~~ the presidential election, 944  
complete a certificate of intent to vote for presidential and 945  
vice-presidential electors. The certificate of intent shall be 946

completed in duplicate on a form prescribed by the secretary of 947  
state that may be obtained and filed personally in the office of 948  
the board of elections of the county in which such person last 949  
resided before removal from this state, or mailed to such board of 950  
elections. 951

Immediately following the spaces on the certificate for 952  
inserting information as requested by the secretary of state, the 953  
following statement shall be printed: "I declare under penalty of 954  
election falsification that the statements herein contained are 955  
true to the best of my knowledge and belief; that I am legally 956  
qualified to vote; that I am not registered to vote in any other 957  
state; and that I have not voted in an election in any other state 958  
since removing myself from the state of Ohio. 959

..... 960  
Signature of applicant 961  
..... 962  
Date 963

~~THE PENALTY FOR WHOEVER COMMITS ELECTION FALSIFICATION IS 964  
IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE 965  
THAN ONE THOUSAND DOLLARS, OR BOTH GUILTY OF A FELONY OF THE FIFTH 966  
DEGREE. " 967~~

**Sec. 3505.24.** Any elector who declares to the presiding judge 969  
of elections that ~~he~~ the elector is unable to mark ~~his~~ the 970  
elector's ballot by reason of ~~either~~ blindness, disability, or 971  
~~illiteracy or physical infirmity may receive the assistance of two~~ 972  
~~election officials of different political parties. If a physical~~ 973  
~~infirmity is apparent to the judges to be sufficient to~~ 974  
~~incapacitate the voter from marking his ballot properly, the~~ 975  
~~elector may upon request be aided by a near relative who shall be~~ 976  
~~admitted to the booth with such elector, or he may receive the~~ 977  
~~assistance in the marking thereof of the two officials of~~ 978



~~elections belonging to different political parties, and they shall~~ 979  
~~thereafter give no information in regard to this matter; except~~ 980  
~~that a blind person, as defined under section 4511.47 of the~~ 981  
~~Revised Code,~~ may be accompanied in the voting booth and aided by 982  
any person of his the elector's choice, other than the elector's 983  
employer, an agent of the elector's employer, or an officer or 984  
agent of the elector's union, if any. Any judge may require ~~such a~~ 985  
declaration of inability to be made by the elector under oath 986  
before ~~him~~ the judge. ~~Such assistance~~ Assistance shall not be 987  
rendered for other causes, and no candidate whose name appears on 988  
the ballot shall assist any person in marking that person's 989  
ballot. 990

**Sec. 3505.32.** (A) Except as otherwise provided in division 991  
(D) of this section, not earlier than the eleventh day ~~nor~~ or 992  
later than the fifteenth day after a general or special election, 993  
~~or,~~ if a special election was held on the day of a presidential 994  
primary election, not earlier than the twenty-first day ~~nor~~ or 995  
later than the twenty-fifth day after the special election, the 996  
board of elections shall begin to canvass the election returns 997  
from the precincts in which electors were entitled to vote at ~~such~~ 998  
that election. It shall continue ~~such the~~ canvass daily until it 999  
is completed and the results of the voting in ~~such that~~ election 1000  
in each of ~~such the~~ precincts are determined. 1001

The board shall complete the canvass not later than the date 1002  
set by the secretary of state under division (U) of section 1003  
3501.05 of the Revised Code. Sixty days after the date set by the 1004  
secretary of state for the completion of the canvass, the canvass 1005  
of election returns shall be deemed final, and no amendments to 1006  
the canvass may be made after that date. The secretary of state 1007  
may specify an earlier date upon which the canvass of election 1008  
returns shall be deemed final, and after which amendments to the 1009  
final canvass may not be made, if so required by federal law. 1010

(B) The county executive committee of each political party, 1011  
each committee designated in a petition nominating an independent 1012  
or nonpartisan candidate for election at ~~such an~~ election, each 1013  
committee designated in a petition to represent the petitioners 1014  
~~thereon~~ pursuant to which a question or issue was submitted at 1015  
~~such an~~ election, and any committee opposing a question or issue 1016  
submitted at ~~such an~~ election ~~and which~~ that was permitted by 1017  
section 3505.21 of the Revised Code to have a qualified elector 1018  
serve as a witness during the counting of the ballots at each 1019  
polling place at ~~such an~~ election may designate a qualified 1020  
elector who may be present and may witness the making of ~~such the~~ 1021  
official canvass. 1022

(C) The board shall first open all envelopes containing 1023  
uncounted ballots and shall count and tally them. 1024

In connection with its investigation of any apparent or 1025  
suspected error or defect in the election returns from a polling 1026  
place, the board may cause subpoenas to be issued and served 1027  
requiring the attendance before it of the election officials of 1028  
~~such that~~ polling place, and it may examine them under oath 1029  
regarding the manner in which the votes were cast and counted in 1030  
~~such that~~ polling place, or the manner in which the returns were 1031  
prepared and certified, or as to any other matters bearing upon 1032  
the voting and the counting of the votes in ~~such that~~ polling 1033  
place at ~~such that~~ election. 1034

Finally, the board shall open the sealed container containing 1035  
the ballots that were counted in the polling place at the election 1036  
and count ~~such those~~ ballots, during the official canvass, in the 1037  
presence of all of the members of the board and any other persons 1038  
who are entitled to witness the official canvass. 1039

(D) Prior to the tenth day after a primary, general, or 1040  
special election, the board may examine the pollbooks, poll lists, 1041  
and tally sheets received from each polling place for its files 1042

and may compare the results of the voting in any polling place 1043  
with the summary statement received from the polling place. If the 1044  
board finds that any of these records or any portion of them is 1045  
missing, or that they are incomplete, not properly certified, or 1046  
ambiguous, or that the results of the voting in the polling place 1047  
as shown on the summary statement from the polling place are 1048  
different from the results of the voting in the polling place as 1049  
shown by the pollbook, poll list, or tally sheet from the polling 1050  
place, or that there is any other defect in the records, the board 1051  
may make whatever changes to the pollbook, poll list, or tally 1052  
sheet it determines to be proper in order to correct the errors or 1053  
defects. 1054

**Sec. 3506.12.** In counties where marking devices, automatic 1055  
tabulating equipment, voting machines, or any combination of these 1056  
are in use or are to be used, the board of elections: 1057

(A) May combine, rearrange, and enlarge precincts; but the 1058  
board shall arrange for a sufficient number of these devices to 1059  
accommodate the number of electors in each precinct as determined 1060  
by the number of votes cast in that precinct at the most recent 1061  
election for the office of governor, taking into consideration the 1062  
size and location of each selected polling place, available 1063  
parking, handicap accessibility and other accessibility to the 1064  
polling place, and the number of candidates and issues to be voted 1065  
on. Notwithstanding section 3501.22 of the Revised Code, the board 1066  
may appoint more than four precinct officers to each precinct if 1067  
this is made necessary by the number of voting machines to be used 1068  
in that precinct. 1069

(B) ~~Shall~~ Except as otherwise provided in this division, 1070  
shall establish one or more counting stations to receive voted 1071  
ballots and other precinct election supplies after the polling 1072  
precincts are closed. ~~Such~~ Those stations shall be under the 1073

supervision and direction of the board of elections. Processing 1074  
and counting of voted ballots, and the preparation of summary 1075  
sheets, shall be done in the presence of witnesses approved by the 1076  
board. A certified copy of the summary sheet for the precinct 1077  
shall be posted at each ~~such~~ counting station immediately after 1078  
completion of the summary sheet. 1079

In counties where punch card ballots are used, only one 1080  
counting station, located at the board of elections, shall be 1081  
established, at which location all punch card ballots shall be 1082  
counted. 1083

As used in this division, "punch card ballot" has the same 1084  
meaning as in section 3506.16 of the Revised Code. 1085

**Sec. 3506.15.** The secretary of state shall provide each board 1086  
of elections with rules and instructions regarding the 1087  
examination, testing, and use of the voting machine and tabulating 1088  
equipment, the assignment of duties of booth officials, the 1089  
procedure for casting a vote on the machine, how the vote shall be 1090  
tallied and reported to the board, and ~~such~~ other rules and 1091  
instructions ~~as are found~~ the secretary of state finds necessary 1092  
to ensure the adequate care and custody of voting equipment, and 1093  
the accurate registering, counting, and canvassing of the votes as 1094  
required by ~~sections 3506.01 to 3506.15 of the Revised Code~~ this 1095  
chapter. The ~~board in such counties~~ boards of elections shall be 1096  
charged with the responsibility of providing for the adequate 1097  
instruction of voters and election officials in the proper use of 1098  
the voting machine and marking devices. ~~Such~~ The boards' 1099  
instructions shall include, in counties where punch card ballots 1100  
are used, instructions that each voter shall examine the voter's 1101  
marked ballot card and remove any chads that remain partially 1102  
attached to it before returning it to election officials. 1103

The secretary of state's rules and instructions provided 1104

under this section shall comply, insofar as practicable, with 1105  
sections 3506.01 to 3506.15 of the Revised Code this chapter. The 1106  
provisions of Title XXXV of the Revised Code, not inconsistent 1107  
with the provisions relating to voting machines, apply in any 1108  
county using ~~the~~ a voting machine. 1109

As used in this section, "chad" and "punch card ballot" have 1110  
the same meanings as in section 3506.16 of the Revised Code. 1111

**Sec. 3506.16.** (A) As used in this section: 1112

(1) "Chad" means the small piece of paper or cardboard 1113  
produced from a punch card ballot when a voter pierces a hole in a 1114  
perforated, designated position on the ballot with a marking 1115  
device to record the voter's candidate, question, or issue choice. 1116

(2) "Punch card ballot" means a ballot card that contains 1117  
small perforated designated positions that a marking device must 1118  
pierce to form a hole that records a voter's candidate, question, 1119  
or issue choice. 1120

(B)(1) In counties where punch card ballots are used, 1121  
employees of the board of elections designated by the board under 1122  
division (C) of this section shall inspect those ballots at the 1123  
board of elections prior to their counting by automatic tabulating 1124  
equipment. 1125

(2) Those designees shall remove from a punch card ballot any 1126  
chad attached by two or fewer corners. They shall not remove from 1127  
a punch card ballot any chad attached by three or four corners. If 1128  
a chad is attached to a punch card ballot by three or four 1129  
corners, it shall be deemed that a voter did not record a 1130  
candidate, question, or issue choice at the particular position on 1131  
the ballot, and the chad shall not be counted as a vote. 1132

(3)(a) Those designees shall remake and count as a valid 1133  
ballot any punch card ballot in which the pattern of holes punched 1134

in areas of the ballot card other than the designated positions 1135  
assigned to candidates, questions, or issues makes it clear to the 1136  
designees that the voter inserted the ballot card into the voting 1137  
machine with the back side of the ballot card facing up. 1138

Notwithstanding division (B)(2) of this section, only holes that 1139  
are cleanly pierced through so that the chad is entirely detached 1140  
from the original punch card ballot shall be remade and counted. 1141  
The designees shall remake and count a punch card ballot under 1142  
this division whether the voter voted for one candidate, question, 1143  
or issue, more than one but not all candidates, questions, or 1144  
issues, or all candidates, questions, and issues. 1145

(b) If the pattern of holes pierced through a punch card 1146  
ballot indicates that the ballot card was inserted into the voting 1147  
machine with the back side of the ballot facing up, partially 1148  
voted, then removed from the voting machine, reinserted properly, 1149  
and voted correctly, the designees shall remake and count as valid 1150  
only those votes represented by the properly punched side of the 1151  
original punch card ballot. 1152

(C) The board of elections of a county where punch card 1153  
ballots are used shall designate teams to inspect those ballots 1154  
under division (B) of this section and, as necessary, to remove 1155  
chads from those ballots or remake those ballots. Those teams 1156  
shall consist of two employees of the board, one from each major 1157  
political party. The board may designate as many teams as the 1158  
board considers necessary to efficiently inspect those ballots 1159  
prior to their counting. The board also may designate teams of two 1160  
employees, one from each major political party, to monitor the 1161  
teams conducting the inspection of those ballots under division 1162  
(B) of this section. 1163

**Sec. 3509.01.** The board of elections of each county shall 1164  
provide absent voter's ballots for use at every primary and 1165

general election, or special election to be held on the day 1166  
specified by division (E) of section 3501.01 of the Revised Code 1167  
for the holding of a primary election, designated by the general 1168  
assembly for the purpose of submitting constitutional amendments 1169  
proposed by the general assembly to the voters of the state. ~~Such~~ 1170  
Those ballots shall be the same size, shall be printed on the same 1171  
kind of paper, and shall be in the same form as has been approved 1172  
for use at the election for which ~~such~~ those ballots are to be 1173  
voted; except that, in counties using marking devices, ballot 1174  
cards may be used for absent voter's ballots, and ~~such~~ those 1175  
absent voters shall be instructed to record the vote in the manner 1176  
provided on the ballot cards. ~~The~~ In counties where punch card 1177  
ballots are used, those absent voters shall be instructed to 1178  
examine their marked ballot cards and to remove any chads that 1179  
remain partially attached to them before returning them to 1180  
election officials. 1181

The rotation of names of candidates and questions and issues 1182  
shall be substantially complied with on absent voter's ballots, 1183  
within the limitation of time allotted. ~~Such~~ Those ballots shall 1184  
be designated as "Absent Voter's Ballots" and shall be printed and 1185  
ready for use on the thirty-fifth day before the day of the 1186  
election, except that ~~such~~ those ballots shall be printed and 1187  
ready for use on the twenty-fifth day before the day of a 1188  
presidential primary election. 1189

Absent voter's ballots provided for use at a general or 1190  
primary election, or special election to be held on the day 1191  
specified by division (E) of section 3501.01 of the Revised Code 1192  
for the holding of a primary election, designated by the general 1193  
assembly for the purpose of submitting constitutional amendments 1194  
proposed by the general assembly to the voters of the state, shall 1195  
include only ~~such~~ those questions, issues, and candidacies ~~as~~ that 1196  
have been lawfully ordered submitted to the electors voting at 1197

~~such that~~ election. 1198

Absent voter's ballots for special elections held on days 1199  
other than the day on which general or primary elections are held, 1200  
shall be ready for use as many days before the day of the election 1201  
as reasonably possible under the laws governing the holding of 1202  
~~such that~~ special election. 1203

A copy of the absent voter's ballots shall be forwarded by 1204  
the director of the board in each county to the secretary of state 1205  
at least twenty-five days before the election. 1206

As used in this section, "chad" and "punch card ballot" have 1207  
the same meanings as in section 3506.16 of the Revised Code. 1208

**Sec. 3509.04.** Upon receipt by the director of elections of an 1209  
application for absent voter's ballots, as provided by sections 1210  
3509.03 and 3509.031, and division (G) of section 3503.16, of the 1211  
Revised Code, the director, if the director finds that the 1212  
applicant is a qualified elector and is entitled to vote absent 1213  
voter's ballots as applied for in the application, shall deliver 1214  
to the applicant in person or mail directly to the applicant by 1215  
special delivery mail, air mail, or regular mail, postage prepaid, 1216  
proper absent voter's ballots. The director shall give proper 1217  
absent voter's ballots to any qualified elector who presents self 1218  
to vote at the office of the board of elections or at another 1219  
location designated by the board as provided in division (B) or 1220  
(C) of section 3503.16 of the Revised Code. The director shall 1221  
give, deliver, or mail with the ballots an unsealed identification 1222  
envelope upon the face of which shall be printed a form 1223  
substantially as follows: 1224

"Identification Envelope Statement of Voter 1225

I, the undersigned voter, declare under penalty of election 1226  
falsification that the within ballot or ballots contained no 1227  
voting marks of any kind when I received them, and I caused the 1228



ballot or ballots to be marked, enclosed in the identification envelope, and sealed in <del>said</del> <u>that</u> envelope.	1229 1230
My voting residence in Ohio is	1231
.....	1232
(Street and Number, if any, or Rural Route and Number)	1233
of ..... (City, Village, or Township)	1234
Ohio, which is in Ward ..... Precinct .....	1235
in <del>said</del> <u>that</u> city, village, or township.	1236
.....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)	1237 1238 1239
.....I shall be absent from the county on the day of the election.	1240
.....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.)	1241 1242 1243 1244
.....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.	1245 1246 1247
.....I shall be absent from my polling place on the day of the election due to physical illness, disability, or infirmity.	1248 1249
.....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.	1250 1251 1252
.....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.	1253 1254 1255
.....I shall be unable to vote on election day because of observance of my religious belief.	1256 1257

.....I am the secretary of state.	1258
.....I am an employee of the secretary of state.	1259
.....I am a member of the board of elections.	1260
.....I am an employee of or person temporarily hired by the board of elections.	1261 1262
.....I am a polling place official.	1263
.....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.	1264 1265 1266 1267
.....I am sixty-two years of age or older.	1268
.....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.	1269 1270 1271
.....I changed my name on or prior to the day of an election and did not file a notice of change of name.	1272 1273
The primary election ballots, if any, within this envelope are primary election ballots of the ..... Party.	1274 1275
Ballots contained herein are to be voted at the ..... (general, special, or primary) election to be held on the ..... day of ....., ....	1276 1277 1278
I hereby declare, under penalty of election falsification, that the statements above are true, as I verily believe.	1279 1280
..... (Signature of Voter)	1281 1282
<del>THE PENALTY FOR <u>WHOEVER COMMITS</u> ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH <u>GUILTY OF A FELONY OF THE FIFTH DEGREE.</u> "</del>	1283 1284 1285 1286

The director shall mail with the ballots and the unsealed 1287  
identification envelope that the director mails an unsealed return 1288  
envelope upon the face of which shall be printed the official 1289  
title and post-office address of such director. In the upper left 1290  
corner on the face of such envelope, several blank lines shall be 1291  
printed upon which the voter may write the voter's name and return 1292  
address, and beneath these lines there shall be printed a box 1293  
beside the words "check if out-of-country." The voter shall check 1294  
this box if the voter will be outside the United States on the day 1295  
of the election. The return envelope shall be of such size that 1296  
the identification envelope can be conveniently placed within it 1297  
for returning such identification envelope to the director. 1298

**Sec. 3509.07.** If ~~it is found~~ the judges of election find that 1299  
the statement accompanying an absent voter's ballot or absent 1300  
voter's presidential ballot is insufficient, that the signatures 1301  
do not correspond with ~~his~~ the person's registration signature, 1302  
that the applicant is not a qualified elector in the precinct, 1303  
that the ballot envelope contains more than one ballot of any one 1304  
kind, or any voted ballot ~~which such~~ that the elector is not 1305  
entitled to vote, ~~such,~~ or that Stub A is detached from the absent  
voter's ballot or absent voter's presidential ballot, the vote 1306  
shall not be accepted or counted. Whenever it appears to the 1307  
judges of election by sufficient proof that any elector who has 1308  
marked and forwarded ~~his~~ the elector's ballot as provided in 1309  
section 3509.05 of the Revised Code has died, ~~then~~ the ballot of 1311  
~~such~~ the deceased voter shall not be counted. The vote of any 1312  
absent voter may be challenged for cause in the same manner as 1313  
other votes are challenged, and the judge shall determine the 1314  
legality of ~~such~~ that ballot. Every ~~such~~ ballot not counted shall 1315  
be indorsed on ~~the~~ its back ~~thereof~~ "Not Counted" with the reasons 1316  
~~therefor~~ the ballot was not counted, and shall be enclosed and 1317  
returned to or retained by the board of elections along with the 1318

contested ballots. 1319

**Sec. 3511.05.** (A) The director of the board of elections 1320  
shall place armed service absent voter's ballots sent by mail in 1321  
an unsealed identification envelope, gummed ready for sealing. The 1322  
director shall include with armed service absent voter's ballots 1323  
sent by facsimile machine an instruction sheet for preparing a 1324  
gummed envelope in which the ballots shall be returned. The 1325  
envelope for returning ballots sent by either means shall have 1326  
printed or written on its face a form as follows: 1327

"IDENTIFICATION ENVELOPE 1328

Armed Service Absent Voter's Ballots-- 1329

Election ..... 1330

(Day of week and date) 1331

Information Concerning Voter 1332

1. What is your full name? ..... 1333

(Name must be printed) 1334

1335

2. What is the date of your birth? ..... 1336

3. Are you a citizen of the United States? ..... 1337

4. Where were you born? ..... 1338

5. If a naturalized citizen, when and in what court were you 1339  
naturalized? ..... 1340

6. Are you serving in the armed forces of the United States, 1341  
or are you the spouse of a person serving in the armed forces of 1342  
the United States? (Indicate which one) ..... 1343

7. What was the date at the commencement of your service, or 1344  
the date you left the state of Ohio to be with or near your 1345  
service member spouse? ..... 1346

8. Did you reside in the state of Ohio at the time of the 1347

commencement of your service, or the time you left the state of Ohio to be with or near your service member spouse? .....	1348 1349
If so: What street and street number? .....	1350
What city or village? .....	1351
What township? .....	1352
What county? .....	1353
What is your present Ohio address? .....	1354
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? .....	1355 1356 1357 1358
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.)	1359 1360 1361 1362
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.	1363 1364 1365 1366 1367
<del>THE PENALTY FOR <u>WHOEVER COMMITS</u> ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH <u>GUILTY OF A FELONY OF THE FIFTH DEGREE</u>.</del>	1368 1369 1370 1371
.....	1372
(Voter must WRITE <del>his</del> <u>the voter's</u> usual signature here.)"	1373 1374
If the identification envelope is for use in a primary election, it shall contain an additional question as follows:	1375 1376

"11. With what political party are you affiliated? " 1377

(B) The director shall also mail with the ballots and the 1378  
unsealed identification envelope sent by mail an unsealed return 1379  
envelope, gummed, ready for sealing, for use by the voter in 1380  
returning ~~his~~ the voter's marked ballots to the director. The 1381  
director shall send with the ballots and the instruction sheet for 1382  
preparing a gummed envelope sent by facsimile machine an 1383  
instruction sheet for preparing a second gummed envelope as 1384  
described in this division, for use by the voter in returning that 1385  
voter's marked ballots to the director. The return envelope shall 1386  
have two parallel lines, each one quarter of an inch in width, 1387  
printed across its face paralleling the top, with an intervening 1388  
space of one quarter of an inch between such lines. The top line 1389  
shall be one and one-quarter inches from the top of the envelope. 1390  
Between the parallel lines shall be printed: "OFFICIAL ELECTION 1391  
ARMED SERVICE ABSENT VOTER'S BALLOTS -- VIA AIR MAIL." Three blank 1392  
lines shall be printed in the upper left corner on the face of the 1393  
envelope for the use by the voter in placing the voter's complete 1394  
military, naval, or mailing address ~~thereon~~ on these lines, and 1395  
beneath these lines there shall be printed a box beside the words 1396  
"check if out-of-country." The voter shall check this box if the 1397  
voter will be outside the United States on the day of the 1398  
election. The official title and the post-office address of the 1399  
director to whom the envelope shall be returned shall be printed 1400  
on the face of such envelope in the lower right portion below the 1401  
bottom parallel line. 1402

(C) On the back of each identification envelope and each 1403  
return envelope shall be printed the following: 1404

"Instructions to voter: 1405

If the flap on this envelope is so firmly stuck to the back 1406  
of the envelope when received by you as to require forcible 1407  
opening in order to use it, open the envelope in the manner least 1408

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 1440  
election day. 1441

Every armed services absent voter's ballot identification 1442  
envelope shall be accompanied by the following statement in ~~bold~~ 1443  
~~face~~ boldface capital letters: ~~THE PENALTY FOR WHOEVER COMMITS~~ 1444  
~~ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX~~ 1445  
~~MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH~~ 1446  
GUILTY OF A FELONY OF THE FIFTH DEGREE. 1447

**Sec. 3511.11.** (A) Upon receipt of any return envelope bearing 1448  
the designation "Official Election Armed Service Absent Voter's 1449  
Ballot" prior to the twenty-first day after the day of a 1450  
presidential primary election or prior to the eleventh day after 1451  
the day of any other election, the director of the board of 1452  
elections shall open it but shall not open the identification 1453  
envelope ~~therein~~ contained in it. If, upon so opening ~~such outer~~ 1454  
the return envelope, the director finds ballots ~~therein which in~~ 1455  
it that are not enclosed in and properly sealed in the 1456  
identification envelope ~~properly sealed, he~~ the director shall not 1457  
look at the markings upon ~~such~~ the ballots and shall promptly 1458  
place them ~~within in~~ the identification envelope and promptly seal 1459  
it. If, upon so opening ~~such outer~~ the return envelope, the 1460  
director finds that ~~the~~ ballots are ~~within~~ enclosed in the 1461  
identification envelope, but that it is not properly sealed, ~~he~~ 1462  
the director shall not look at the markings upon the ballots and 1463  
shall promptly seal the identification envelope. 1464

(B) Armed service absent voter's ballots delivered to the 1465  
director not later than the close of the polls on election day 1466  
shall be counted in the manner provided in section 3509.06 of the 1467  
Revised Code. ~~Any~~ 1468

(C) A return envelope that indicates that the voter will be 1469  
outside of the United States on the day of an election is not 1470



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 1504  
designation, that so indicate, and that are received after the 1505  
tenth day following the election, or, if the election was a 1506  
presidential primary election, after the twentieth day following 1507  
the election, shall not be ~~opened or~~ counted, but shall be 1508  
preserved in ~~such~~ their identification envelopes unopened for a 1509  
period of forty days after the day of election. Thereafter, they 1510  
may be destroyed on the order of the board unless the secretary of 1511  
state orders them preserved for a longer period of time. 1512

**Sec. 3513.07.** The form of declaration of candidacy and 1513  
petition of a person desiring to be a candidate for a party 1514  
nomination or a candidate for election to an office or position to 1515  
be voted for at a primary election shall be substantially as 1516  
follows: 1517

"DECLARATION OF CANDIDACY PARTY PRIMARY ELECTION 1518

I, ..... (Name of Candidate), the 1519  
undersigned, hereby declare under penalty of election 1520  
falsification that my voting residence is in ..... 1521  
precinct of the ..... (Township) or (Ward 1522  
and City or Village) in the county of ....., Ohio; that 1523  
my voting residence is ..... (Street and Number, if any, 1524  
or Rural Route and Number) of the ..... 1525  
(City or Village) of ....., Ohio; and that I am a 1526  
qualified elector in the precinct in which my voting residence is 1527  
located. I am a member of the ..... Party. I hereby declare 1528  
that I desire to be ..... (a candidate for 1529  
nomination as a candidate of ~~the Party~~ the Party for election to 1530  
the office of ..... (a candidate for election to the 1531  
office or position of .....) for the ..... in the 1532  
state, district, (Full term or unexpired term ending 1533  
.....) county, city, or village of ....., 1534  
at the primary election to be held on the ..... day of 1535

....., ....., and I hereby request that my name be printed upon 1536  
the official primary election ballot of the said ..... Party 1537  
as a candidate for ..... (such nomination) or (such election) 1538  
as provided by law. 1539

I further declare that, if elected to said office or 1540  
position, I will qualify therefor, and that I will support and 1541  
abide by the principles enunciated by the ..... Party. 1542

Dated this ..... day of ....., ..... 1543  
..... 1544  
(Signature of candidate) 1545

~~THE PENALTY FOR WHOEVER COMMITS ELECTION FALSIFICATION IS 1546  
IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE 1547  
THAN ONE THOUSAND DOLLARS, OR BOTH GUILTY OF A FELONY OF THE FIFTH 1548  
DEGREE. 1549~~

PETITION OF CANDIDATE 1550

We, the undersigned, qualified electors of the state of Ohio, 1551  
whose voting residence is in the county, city, village, ward, 1552  
township, or school district, and precinct set opposite our names, 1553  
and members of the ..... Party, 1554  
hereby certify that ..... (Name of 1555  
candidate) whose declaration of candidacy is filed herewith, is a 1556  
member of the ..... Party, and is, in our opinion, well 1557  
qualified to perform the duties of the office or position to which 1558  
that candidate desires to be elected. 1559

Street City, 1560

and Village or 1561

Signature Number Township Ward Precinct County Date 1562

(Must use address on file with the board of elections) 1563

..... 1564

..... 1565

..... 1566

..... (Name of circulator 1567  
of petition), declares under penalty of election falsification 1568  
that the circulator of the petition is a qualified elector of the 1569  
state of Ohio and resides at the address appearing below the 1570  
signature of that circulator; that the circulator is a member of 1571  
the ..... Party; that the circulator is the circulator of 1572  
the foregoing petition paper containing ..... (Number) 1573  
signatures; that the circulator witnessed the affixing of every 1574  
signature<sup>7</sup>; that all signers were to the best of the circulator's 1575  
knowledge and belief qualified to sign<sup>7</sup>; and that every signature 1576  
is to the best of the circulator's knowledge and belief the 1577  
signature of the person whose signature it purports to be. 1578

..... 1579  
(Signature of circulator) 1580  
..... 1581  
(Address of circulator) 1582

~~THE PENALTY FOR WHOEVER COMMITS ELECTION FALSIFICATION IS 1583  
IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE 1584  
THAN ONE THOUSAND DOLLARS, OR BOTH GUILTY OF A FELONY OF THE FIFTH 1585  
DEGREE." 1586~~

The secretary of state shall prescribe a form of declaration 1587  
of candidacy and petition, and the form shall be substantially 1588  
similar to the declaration of candidacy and petition set forth in 1589  
this section, that will be suitable for joint candidates for the 1590  
offices of governor and lieutenant governor. 1591

The petition provided for in this section shall be circulated 1592  
only by a member of the same political party as the candidate. 1593

**Sec. 3513.261.** A nominating petition may consist of one or 1594  
more separate petition papers, each of which shall be 1595  
substantially in the form prescribed in this section. If the 1596  
petition consists of more than one separate petition paper, the 1597

statement of candidacy of the candidate or joint candidates named 1598  
need be signed by the candidate or joint candidates on only one of 1599  
such separate petition papers, but the statement of candidacy so 1600  
signed shall be copied on each other separate petition paper 1601  
before the signatures of electors are placed ~~thereon~~ on it. Each 1602  
nominating petition containing signatures of electors of more than 1603  
one county shall consist of separate petition papers each of which 1604  
shall contain signatures of electors of only one county; provided 1605  
that petitions containing signatures of electors of more than one 1606  
county shall not thereby be declared invalid. In case petitions 1607  
containing signatures of electors of more than one county are 1608  
filed, the board of elections shall determine the county from 1609  
which the majority of the signatures came, and only signatures 1610  
from this county shall be counted. Signatures from any other 1611  
county shall be invalid. 1612

All signatures on nominating petitions shall be written in 1613  
ink or indelible pencil. 1614

At the time of filing a nominating petition, the candidate 1615  
designated in the nominating petition, and joint candidates for 1616  
governor and lieutenant governor, shall pay to the election 1617  
officials with whom it is filed the fees specified for the office 1618  
under divisions (A) and (B) of section 3513.10 of the Revised 1619  
Code. The fees shall be disposed of by those election officials in 1620  
the manner that is provided in section 3513.10 of the Revised Code 1621  
for the disposition of other fees, and in no case shall a fee 1622  
required under that section be returned to a candidate. 1623

Candidates or joint candidates whose names are written on the 1624  
ballot, and who are elected, shall pay the same fees under section 1625  
3513.10 of the Revised Code that candidates who file nominating 1626  
petitions pay. Payment of these fees shall be a condition 1627  
precedent to the granting of their certificates of election. 1628

Each nominating petition shall contain a statement of 1629

candidacy ~~which~~ that shall be signed by the candidate or joint 1630  
candidates named ~~therein~~ in it. Such statement of candidacy shall 1631  
contain a declaration made under penalty of election falsification 1632  
that the candidate desires to be a candidate for the office named 1633  
~~therein~~ in it, and that the candidate is an elector qualified to 1634  
vote for the office the candidate seeks. 1635

The form of the nominating petition and statement of 1636  
candidacy shall be substantially as follows: 1637

"STATEMENT OF CANDIDACY 1638

I, ..... (Name of candidate), 1639  
the undersigned, hereby declare under penalty of election 1640  
falsification that my voting residence is in ..... 1641  
..... Precinct of the ..... (Township) or 1642  
(Ward and City, or Village) in the county of ..... Ohio; 1643  
that my post-office address is ..... 1644  
(Street and Number, if any, or Rural Route and Number) of the 1645  
..... (City, Village, or post office) of 1646  
....., Ohio; and that I am a qualified elector in 1647  
the precinct in which my voting residence is located. I hereby 1648  
declare that I desire to be a candidate for election to the office 1649  
of ..... in the ..... (State, 1650  
District, County, City, Village, Township, or School District) for 1651  
the ..... (Full term or unexpired 1652  
term ending .....) at the General Election to be held 1653  
on the ..... day of ....., .... 1654

I further declare that I am an elector qualified to vote for 1655  
the office I seek. Dated this ..... day of ....., .... 1656  
..... 1657  
(Signature of candidate) 1658

~~THE PENALTY FOR WHOEVER COMMITS ELECTION FALSIFICATION IS 1659  
IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE 1660  
THAN ONE THOUSAND DOLLARS GUILTY OF A FELONY OF THE FIFTH DEGREE. 1661~~

I, ....., hereby constitute the 1662  
persons named below a committee to represent me: 1663

Name	Residence	
.....		1664
.....		1665
.....		1666
.....		1667
.....		1668
.....		1669

NOMINATING PETITION 1670

We, the undersigned, qualified electors of the state of Ohio, 1671  
whose voting residence is in the County, City, Village, Ward, 1672  
Township or Precinct set opposite our names, hereby nominate 1673  
..... as a candidate for election to the office of 1674  
..... in the ..... 1675  
(State, District, County, City, Village, Township, or School 1676  
District) for the ..... (Full term or unexpired term 1677  
ending ..... ) to be voted for at the general 1678  
election next hereafter to be held, and certify that this person 1679  
is, in our opinion, well qualified to perform the duties of the 1680  
office or position to which the person desires to be elected. 1681

---

Street 1682  
Address 1683  
or R.F.D. 1684  
(Must use 1685  
address on 1686  
file with City, 1687  
the board of Village or Date of 1688  
Signature elections) Township Ward Precinct County Signing 1689  
..... 1690  
..... 1691  
..... 1692

.....	1693
.....	1694
....., declares under penalty of election	1695
falsification that such person is a qualified elector of the state	1696
of Ohio and resides at the address appearing below such person's	1697
signature hereto; that such person is the circulator of the	1698
foregoing petition paper containing ..... signatures;	1699
that such person witnessed the affixing of every signature; that	1700
all signers were to the best of such person's knowledge and belief	1701
qualified to sign; and that every signature is to the best of such	1702
person's knowledge and belief the signature of the person whose	1703
signature it purports to be.	1704
.....	1705
(Signature of circulator)	1706
.....	1707
(Address)	1708
<del>THE PENALTY FOR <u>WHOEVER COMMITS</u> ELECTION FALSIFICATION IS</del>	1709
<del>IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE</del>	1710
<del>THAN ONE THOUSAND DOLLARS, OR BOTH <u>GUILTY OF A FELONY OF THE FIFTH</u></del>	1711
<del><u>DEGREE.</u>"</del>	1712
The secretary of state shall prescribe a form of nominating	1713
petition for a group of candidates for the office of member of a	1714
board of education, township office, and for offices of municipal	1715
corporations of under two thousand population.	1716
The secretary of state shall prescribe a form of statement of	1717
candidacy and nominating petition, which shall be substantially	1718
similar to the form of statement of candidacy and nominating	1719
petition set forth in this section, that will be suitable for	1720
joint candidates for the offices of governor and lieutenant	1721
governor.	1722
If such petition nominates a candidate whose election is to	1723



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 the  
chad shall not be counted as a vote 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 1756  
listed in an application for the recount or involved in a recount 1757  
pursuant to section 3515.011 of the Revised Code have been 1758  
recounted, the applicant or declared losing candidate or nominee 1759  
or each of the declared losing candidates or nominees entitled to 1760  
file a request prior to the commencement of a recount, as provided 1761  
in section 3515.03 of the Revised Code, may file with the board a 1762  
written request to stop the recount and not recount the ballots 1763  
from the precincts so listed ~~and which~~ that have not been 1764  
recounted prior to the time of ~~such~~ the request. If, upon ~~such~~ the 1765  
request, the board finds that results of the votes in the 1766  
precincts recounted, if substituted for the results of the votes 1767  
in ~~such~~ those precincts as shown in the abstract of the votes in 1768  
~~such~~ those precincts, would not cause the applicant, if a person 1769  
for whom votes were cast for nomination or election, to be 1770  
declared nominated or elected or if an election upon a question or 1771  
issue would not cause a result contrary to the result ~~thereof~~ as 1772  
declared prior to such recount, it shall grant ~~such~~ the request 1773  
and shall not recount the ballots of the precincts listed in the 1774  
application for recount ~~which~~ that have not been recounted prior 1775  
to ~~such~~ that time. If the board finds otherwise, it shall deny 1776  
~~such~~ the request and shall continue to recount ballots until the 1777  
ballots from all of the precincts listed in the application for 1778  
recount have been recounted; provided that, if ~~such~~ the request is 1779  
denied, it may be renewed from time to time. Upon any such 1780  
renewal, the board shall consider and act upon the request in the 1781  
same manner as provided in this section in connection with an 1782  
original request. 1783

As used in this section, "chad" and "punch card ballot" have 1784  
the same meanings as in section 3506.16 of the Revised Code. 1785

**Sec. 3519.05.** If the measure to be submitted proposes a 1786  
constitutional amendment, the heading of each part of the petition 1787

shall be prepared in the following form, and printed in capital 1788  
letters in type of the approximate size set forth: 1789

INITIATIVE PETITION 1790

Number ..... 1791

Issued to ..... 1792

(Name of solicitor) 1793

Date of issuance ..... 1794

..... 1795

Amendment to the Constitution 1796

Proposed by Initiative Petition 1797

To be submitted directly to the electors 1798

"Amendment" printed in fourteen-point boldface type shall 1799  
precede the title, which shall be briefly expressed and printed in 1800  
eight-point type. The summary shall then be set forth printed in 1801  
ten-point type, and then shall follow the certification of the 1802  
attorney general, under proper date, which shall also be printed 1803  
in ten-point type. The petition shall then set forth the names and 1804  
addresses of the committee of not less than three nor more than 1805  
five to represent the petitioners in all matters relating to the 1806  
petition or its circulation. 1807

Immediately above the heading of the place for signatures on 1808  
each part of the petition the following notice shall be printed in 1809  
boldface type: 1810

"NOTICE 1811

Whoever knowingly signs this petition more than once, signs a 1812  
name other than his one's own, or signs when not a qualified 1813  
voter, is liable to prosecution. 1814

In consideration ~~of his~~ for services in soliciting signatures 1815  
to this petition the solicitor has received or expects to 1816  
receive ..... 1817

from ..... 1818  
(Whose address is)..... 1819  
....." 1820  
Before any elector signs the part-petition, the solicitor shall 1821  
completely fill in the above blanks if the solicitor has received 1822  
or will receive any consideration and if the solicitor has not 1823  
received and will not receive any consideration ~~he~~ the solicitor 1824  
shall insert "nothing." 1825  
The heading of the place for signatures shall be 1826  
substantially as follows: 1827  
"(Sign with ink or indelible pencil. Your name, residence, and 1828  
date of signing must be given.) 1829  
----- 1830  
Rural Route or 1831  
other Post- 1832  
Signature County Township office Address Month Day Year 1833  
----- 1834  
(Voters who do not live in a municipal corporation should fill in 1835  
the information called for by headings printed above.) 1836  
(Voters who reside in municipal corporations should fill in the 1837  
information called for by headings printed below.) 1838  
----- 1839  
City Street 1840  
or and 1841  
Signature County Village Number Ward Precinct Month Day Year" 1842  
----- 1843  
The text of the proposed amendment shall be printed in full, 1844  
immediately following the place for signatures, and shall be 1845  
prefaced by "Be it resolved by the people of the State of Ohio." 1846  
Immediately following the text of the proposed amendment must 1847

appear the following form: 1848

"I, ....., ~~declares~~ declare under penalty of election 1849  
falsification that ~~he is~~ I am the circulator of the foregoing 1850  
petition paper containing the signatures of ..... electors, 1851  
that the signatures appended hereto were made and appended in ~~his~~ 1852  
my presence on the date set opposite each respective name, and are 1853  
the signatures of the persons whose names they purport to be, and 1854  
that the electors signing this petition did so with knowledge of 1855  
the contents of same. 1856

(Signed) ..... (Solicitor) 1857

(Address)..... 1858

~~The penalty for election falsification is imprisonment for 1859  
not more than six months, or a fine of not more than one thousand 1860  
dollars, or both~~ WHOEVER COMMITS ELECTION FALSICATION IS GUILTY OF 1861  
A FELONY OF THE FIFTH DEGREE. 1862

If the measure proposes a law, the heading of each part of 1863  
the petition shall be prepared as follows: 1864

INITIATIVE PETITION 1865

Number ..... 1866

..... 1867

Issued to ..... 1868

..... 1869

(Name of Solicitor) 1870

Date of issuance ..... 1871

..... 1872

Law proposed by initiative petition first to be submitted to 1873  
the General Assembly." 1874

In all other respects the form shall be as provided for the 1875  
submission of a constitutional amendment, except that the text of 1876

the proposed law shall be prefaced by "Be it enacted by the people  
of the state of Ohio." 1877  
1878

The form for a supplementary initiative petition shall be the 1879  
same as that provided for an initiative petition, with the 1880  
exception that "supplementary" shall precede "initiative" in the 1881  
title thereof. 1882

The general provisions set forth in this section relative to 1883  
the form and order of an initiative petition shall be, so far as 1884  
practical, applicable to a referendum petition, the heading of 1885  
which shall be as follows: 1886

"REFERENDUM PETITION 1887

Number ..... 1888

..... 1889

Issued to ..... 1890

..... 1891

(Name of Solicitor) 1892

Date of issuance ..... 1893

..... 1894

To be submitted to the electors for their approval or 1895

rejection" 1896

The title, which follows the heading, shall contain a brief 1897

legislative history of the law, section, or item of law to be 1898

referred. The text of the law so referred shall be followed by the 1899

certification of the secretary of state, in accordance with 1900

division (B)(2)(b) of section 3519.01 of the Revised Code, that it 1901

has been compared with the copy of the enrolled ~~bill~~ act, on file 1902

in ~~his~~ the secretary of state's office, containing such law, 1903

section, or item of law, and found to be correct. 1904

**Section 2.** That existing sections 303.12, 519.12, 3375.03, 1905

3501.05, 3501.11, 3501.38, 3504.02, 3505.24, 3505.32, 3506.12, 1906  
3506.15, 3509.01, 3509.04, 3509.07, 3511.05, 3511.09, 3511.11, 1907  
3513.07, 3513.261, 3515.04, and 3519.05 of the Revised Code are 1908  
hereby repealed. 1909

**Section 3.** (A) There is hereby created the Election System 1910  
Study Committee, the purpose of which is to study the election 1911  
process in this state and, based upon the testimony of public and 1912  
private election experts, to make recommendations for improving 1913  
the current election process and to estimate any potential costs 1914  
associated with the recommended changes. 1915

(B) The committee shall consist of nine members to be 1916  
appointed as follows: 1917

(1) Two members of the House of Representatives of the same 1918  
political party as the Speaker of the House of Representatives, to 1919  
be appointed by the Speaker of the House of Representatives; 1920

(2) One member of the House of Representatives of the major 1921  
political party of which the Speaker of the House of 1922  
Representatives is not a member, to be appointed by the Speaker of 1923  
the House of Representatives; 1924

(3) Two members of the Senate of the same political party as 1925  
the President of the Senate, to be appointed by the President of 1926  
the Senate; 1927

(4) One member of the Senate of the major political party of 1928  
which the President of the Senate is not a member, to be appointed 1929  
by the President of the Senate; 1930

(5) One member of the public, to be appointed by the Speaker 1931  
of the House of Representatives; 1932

(6) One member of the public, to be appointed by the 1933  
President of the Senate; 1934

(7) The Secretary of State, or the Secretary of State's  
designee. 1935  
1936

Vacancies on the committee shall be filled in the manner  
provided for original appointments. 1937  
1938

(C) Members of the committee shall receive no compensation,  
but shall be reimbursed for necessary expenses incurred in the  
performance of their official duties. 1939  
1940  
1941

(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. 1942  
1943  
1944  
1945  
1946  
1947  
1948  
1949

(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. 1950  
1951  
1952  
1953  
1954  
1955  
1956

(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. 1957  
1958  
1959  
1960  
1961  
1962  
1963

**Section 4.** Section 3501.05 of the Revised Code is presented 1964



in this act as a composite of the section as amended by both Am. 1965  
Sub. H.B. 99 and Am. Sub. S.B. 9 of the 123rd General Assembly. 1966  
The General Assembly, applying the principle stated in division 1967  
(B) of section 1.52 of the Revised Code that amendments are to be 1968  
harmonized if reasonably capable of simultaneous operation, finds 1969  
that the composite is the resulting version of the section in 1970  
effect prior to the effective date of the section as presented in 1971  
this act. 1972