

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

**125th General Assembly
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Sub. H. B. No. 262

**Representatives Carmichael, Peterson, Seitz, Niehaus, Bocchieri, Aslanides,
Reinhard, Koziura, Buehrer, Calvert, D. Evans, Flowers, Gilb, Grendell,
Kilbane, Schmidt, Taylor**

A B I L L

To amend sections 124.57, 3501.05, 3501.10, 3501.28,	1
3506.01, 3506.05, 3506.06, 3506.10, 3509.07,	2
3513.052, 3517.109, 3517.1010, 3519.16, 4117.03,	3
4301.323, 4301.355, and 4301.365 and to enact	4
sections 3506.17, 3506.18, and 3506.19 of the	5
Revised Code and to amend Section 99 of Am. Sub.	6
H.B. 95 of the 125th General Assembly to revise	7
the Election Law, the Liquor Control Law, the	8
Collective Bargaining Law, or the Campaign Finance	9
Law by increasing the maximum poll worker pay,	10
permitting employees of the state and of political	11
subdivisions to work as judges of elections and	12
receive poll worker pay in addition to their	13
regular employment compensation under certain	14
circumstances, eliminating the required ballot	15
language describing certain past local option	16
elections when a local option election is held on	17
sales of alcoholic beverages at a specific	18
location, changing the ballot language for certain	19
of those local option elections to specify that	20
the election applies to spirituous liquor instead	21

of intoxicating liquor, establishing requirements 22
for protests against initiative or referendum 23
petitions, prohibiting collective bargaining 24
between county boards of elections and their 25
employees, requiring all direct recording 26
electronic voting machines used in this state to 27
include a voter verified paper audit trail, 28
changing the process for counties to acquire 29
voting systems using funds made available pursuant 30
to the Help America Vote Act of 2002, changing the 31
applicability of the law relative to the disposal 32
of excess funds and excess aggregate 33
contributions, and making other changes, and to 34
make an appropriation. 35

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

Section 1. That sections 124.57, 3501.05, 3501.10, 3501.28, 36
3506.01, 3506.05, 3506.06, 3506.10, 3509.07, 3513.052, 3517.109, 37
3517.1010, 3519.16, 4117.03, 4301.323, 4301.355, and 4301.365 be 38
amended and sections 3506.17, 3506.18, and 3506.19 of the Revised 39
Code be enacted to read as follows: 40

Sec. 124.57. (A) No officer or employee in the classified 41
service of the state, the several counties, cities, and city 42
school districts ~~thereof~~ of the state, ~~and or the~~ civil service 43
townships, of the state shall directly or indirectly, orally or by 44
letter, solicit or receive, or be in any manner concerned in 45
soliciting or receiving, any assessment, subscription, or 46
contribution for any political party or for any candidate for 47
public office; nor shall any person solicit directly or 48
indirectly, orally or by letter, or be in any manner concerned in 49
soliciting, any such assessment, contribution, or payment from any 50

officer or employee in the classified service of the state ~~and,~~ 51
the several counties, cities, or city school districts ~~thereof of~~ 52
the state, or the civil service townships of the state; nor shall 53
any officer or employee in the classified service of the state, 54
the several counties, cities, and city school districts ~~thereof of~~ 55
the state, ~~and or the~~ civil service townships, of the state be an 56
officer in any political organization or take part in politics 57
other than to vote as the officer or employee pleases and to 58
express freely political opinions. 59

(B)(1) Nothing in division (A) of this section prohibits an 60
officer or employee described in that division from serving as a 61
precinct election official under section 3501.22 of the Revised 62
Code. ~~An officer or employee who serves as a precinct election~~ 63
~~official may use vacation leave to so serve.~~ 64

(2) Nothing in division (A) of this section prohibits an 65
employee of the Ohio cooperative extension service whose position 66
is transferred from the unclassified civil service to the 67
classified civil service and who also holds the office of 68
president of a city legislative authority from completing the 69
existing term of office as president. 70

Sec. 3501.05. The secretary of state shall do all of the 71
following: 72

(A) Appoint all members of boards of elections; 73

(B) Issue instructions by directives and advisories to 74
members of the boards as to the proper methods of conducting 75
elections; 76

(C) Prepare rules and instructions for the conduct of 77
elections; 78

(D) Publish and furnish to the boards from time to time a 79
sufficient number of indexed copies of all election laws then in 80

force;	81
(E) Edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters;	82 83
(F) Prescribe the form of registration cards, blanks, and records;	84 85
(G) Determine and prescribe the forms of ballots and the forms of all blanks, cards of instructions, pollbooks, tally sheets, certificates of election, and forms and blanks required by law for use by candidates, committees, and boards;	86 87 88 89
(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;	90 91 92
(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;	93 94 95 96
(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;	97 98 99
(K) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of those petitions;	100 101 102
(L) Require such reports from the several boards as are provided by law, or as the secretary of state considers necessary;	103 104
(M) Compel the observance by election officers in the several counties of the requirements of the election laws;	105 106
(N)(1) Except as otherwise provided in division (N)(2) of this section, investigate the administration of election laws, frauds, and irregularities in elections in any county, and report violations of election laws to the attorney general or prosecuting	107 108 109 110

attorney, or both, for prosecution;	111
(2) On and after August 24, 1995, report a failure to comply	112
with or a violation of a provision in sections 3517.08 to 3517.13,	113
3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the	114
Revised Code, whenever the secretary of state has or should have	115
knowledge of a failure to comply with or a violation of a	116
provision in one of those sections, by filing a complaint with the	117
Ohio elections commission under section 3517.153 of the Revised	118
Code;	119
(O) Make an annual report to the governor containing the	120
results of elections, the cost of elections in the various	121
counties, a tabulation of the votes in the several political	122
subdivisions, and other information and recommendations relative	123
to elections the secretary of state considers desirable;	124
(P) Prescribe and distribute to boards of elections a list of	125
instructions indicating all legal steps necessary to petition	126
successfully for local option elections under sections 4301.32 to	127
4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code;	128
(Q) Prescribe a general program to remove ineligible voters	129
from official registration lists by reason of change of residence,	130
which shall be uniform, nondiscriminatory, and in compliance with	131
the Voting Rights Act of 1965 and the National Voter Registration	132
Act of 1993, including a program that uses the national change of	133
address service provided by the United States postal system	134
through its licensees;	135
(R) Prescribe a general program for registering voters or	136
updating voter registration information, such as name and	137
residence changes, at designated agencies, the offices of deputy	138
registrars of motor vehicles, public high schools and vocational	139
schools, public libraries, and the offices of county treasurers,	140
and prescribe a program of distribution of voter registration	141

forms through those agencies, the offices of the registrar and 142
deputy registrars of motor vehicles, public high schools and 143
vocational schools, public libraries, and the offices of county 144
treasurers; 145

(S) To the extent feasible, provide copies, at no cost and 146
upon request, of the voter registration form in post offices in 147
this state; 148

(T) Adopt rules pursuant to section 111.15 of the Revised 149
Code for the purpose of implementing the program for registering 150
voters at designated agencies and the offices of the registrar and 151
deputy registrars of motor vehicles consistent with this chapter; 152

(U) Specify, by a directive issued not later than thirty-five 153
days prior to the date of an election, the date by which the 154
boards shall complete the canvass of election returns under 155
section 3505.32 or 3513.22 of the Revised Code; 156

(V) Establish the full-time position of Americans with 157
Disabilities Act coordinator within the office of the secretary of 158
state to do all of the following: 159

(1) Assist the secretary of state with ensuring that there is 160
equal access to polling places for persons with disabilities; 161

(2) Assist the secretary of state with ensuring that each 162
voter may cast the voter's ballot in a manner that provides the 163
same opportunity for access and participation, including privacy 164
and independence, as for other voters; 165

(3) Advise the secretary of state in the development of 166
standards for the certification of voting machines, marking 167
devices, and automatic tabulating equipment. 168

(W) Perform other duties required by law. 169

Whenever a primary election is held under section 3513.32 of 170
the Revised Code or a special election is held under section 171

3521.03 of the Revised Code to fill a vacancy in the office of 172
representative to congress, the secretary of state shall establish 173
a deadline, notwithstanding any other deadline required under the 174
Revised Code, by which any or all of the following shall occur: 175
the filing of a declaration of candidacy and petitions or a 176
statement of candidacy and nominating petition together with the 177
applicable filing fee; the filing of protests against the 178
candidacy of any person filing a declaration of candidacy or 179
nominating petition; the filing of a declaration of intent to be a 180
write-in candidate; the filing of campaign finance reports; the 181
preparation of, and the making of corrections or challenges to, 182
precinct voter registration lists; the receipt of applications for 183
absent voter's ballots or armed service absent voter's ballots; 184
the supplying of election materials to precincts by boards of 185
elections; the holding of hearings by boards of elections to 186
consider challenges to the right of a person to appear on a voter 187
registration list; and the scheduling of programs to instruct or 188
reinstruct election officers. 189

In the performance of the secretary of state's duties as the 190
chief election officer, the secretary of state may administer 191
oaths, issue subpoenas, summon witnesses, compel the production of 192
books, papers, records, and other evidence, and fix the time and 193
place for hearing any matters relating to the administration and 194
enforcement of the election laws. 195

In any controversy involving or arising out of the adoption 196
of registration or the appropriation of funds for registration, 197
the secretary of state may, through the attorney general, bring an 198
action in the name of the state in the court of common pleas of 199
the county where the cause of action arose or in an adjoining 200
county, to adjudicate the question. 201

In any action involving the laws in Title XXXV of the Revised 202
Code wherein the interpretation of those laws is in issue in such 203

a manner that the result of the action will affect the lawful 204
duties of the secretary of state or of any board of elections, the 205
secretary of state may, on the secretary of state's motion, be 206
made a party. 207

The secretary of state may apply to any court that is hearing 208
a case in which the secretary of state is a party, for a change of 209
venue as a substantive right, and the change of venue shall be 210
allowed, and the case removed to the court of common pleas of an 211
adjoining county named in the application or, if there are cases 212
pending in more than one jurisdiction that involve the same or 213
similar issues, the court of common pleas of Franklin county. 214

Public high schools and vocational schools, public libraries, 215
and the office of a county treasurer shall implement voter 216
registration programs as directed by the secretary of state 217
pursuant to this section. 218

Sec. 3501.10. (A) The board of elections shall, as an expense 219
of the board, provide suitable rooms for its offices and records 220
and the necessary and proper furniture and supplies for ~~such~~ those 221
rooms. The board may lease such offices and rooms, necessary to 222
its operation, for ~~such~~ the length of time and upon ~~such~~ the terms 223
~~as~~ the board deems in the best interests of the public, provided 224
that the term of any such lease shall not exceed fifteen years. 225

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Thirty days prior to entering into such a lease, the board 227
shall notify the board of county commissioners in writing of its 228
intent to enter into the lease. The notice shall specify the terms 229
and conditions of the lease. Prior to the thirtieth day after 230
receiving that notice and before any lease is entered into, the 231
board of county commissioners may reject the proposed lease by a 232
majority vote. After receiving written notification of the 233
rejection by the board of county commissioners, the board of 234

elections shall not enter into the lease that was rejected, but 235
may immediately enter into additional lease negotiations, subject 236
to the requirements of this section. 237

The board of elections in any county may, by resolution, 238
request that the board of county commissioners submit to the 239
electors of the county, in accordance with section 133.18 of the 240
Revised Code, the question of issuing bonds for the acquisition of 241
real estate and the construction on it of a suitable building with 242
necessary furniture and equipment for the proper administration of 243
the duties of the board of elections. The resolution declaring the 244
necessity for issuing such bonds shall relate only to the 245
acquisition of real estate and to the construction, furnishing, 246
and equipping of a building as provided in this division. 247

(B) The board of elections in each county shall keep its 248
offices, or one or more of its branch registration offices, open 249
for the performance of its duties ~~an additional seven hours each~~ 250
~~week for three weeks before the close~~ until nine p.m. on the last 251
day of registration before a general or primary election. At all 252
other times during each week, the board shall keep its offices and 253
rooms open for a period of time that ~~such~~ the board considers 254
necessary for the performance of its duties. 255

(C) The board of elections may maintain permanent or 256
temporary branch offices at any place within the county. 257

Sec. 3501.28. (A) As used in this section: 258

(1) "Fair Labor Standards Act" or "Act" means the "Fair Labor 259
Standards Act of 1938," 52 Stat. 1062, 29 U.S.C.A. 201, as 260
amended. 261

(2) "Full election day" means the period of time between the 262
opening of the polls and the completion of the procedures 263
contained in section 3501.26 of the Revised Code. 264

(3) "Services" means services at each general, primary, or special election. 265
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~~(B) For any election held in 1997 on or after the effective date of this amendment, each judge of an election in a county shall be paid for the judge's services at the same hourly rate, which shall be the minimum hourly rate established by the Fair Labor Standards Act.~~ 267
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~~(C) Beginning with calendar year 1998, each judge of an election in a county shall be paid for the judge's services at the same hourly rate, which shall be not less than the minimum hourly rate established by the Fair Labor Standards Act and not more than eighty-five dollars per diem.~~ 272
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(C) Beginning with calendar year 2004, each judge of an election in a county shall be paid for the judge's services at the same hourly rate, which shall be not less than the minimum hourly rate established by the Fair Labor Standards Act and not more than ninety-five dollars per diem. 277
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~~(D) Beginning with calendar year 1998, the The secretary of state shall establish, by rule adopted under section 111.15 of the Revised Code, the maximum amount of per diem compensation that may be paid to judges of an election under this section each time the Fair Labor Standards Act is amended to increase the minimum hourly rate established by the act. Upon learning of such an increase, the secretary of state shall determine by what percentage the minimum hourly rate has been increased under the act and establish a new maximum amount of per diem compensation that judges of an election may be paid under this section that is increased by the same percentage that the minimum hourly rate has been increased under the act.~~ 282
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~~(E)(1) Beginning with calendar year 1990, no (a) No board of elections shall increase the pay of a judge of an election under~~ 294
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this section during a calendar year unless the board has given 296
written notice of the proposed increase to the board of county 297
commissioners not later than the first day of October of the 298
preceding calendar year. ~~Beginning with calendar year 1998, except~~ 299

(b) Except as otherwise provided in division (E)(2) of this 300
section, ~~no~~ a board of elections ~~shall~~ may increase the pay of a 301
judge of an election during a calendar year by ~~more than~~ up to, 302
but not exceeding, nine per cent over the compensation paid to a 303
judge of an election in the county where the board is located 304
during the previous calendar year, if the compensation so paid 305
during the previous calendar year was eighty-five dollars or less 306
per diem. 307

(c) Except as otherwise provided in division (E)(2) of this 308
section, a board of elections may increase the pay of a judge of 309
an election during a calendar year by up to, but not exceeding, 310
four and one-half per cent over the compensation paid to a judge 311
of an election in the county where the board is located during the 312
previous calendar year, if the compensation so paid during the 313
previous calendar year was more than eighty-five but less than 314
ninety-five dollars per diem. 315

(2) The board of county commissioners may review and comment 316
upon a proposed increase and may enter into a written agreement 317
with a board of elections to permit an increase in the 318
compensation paid to judges of an election for their services 319
during a calendar year that is greater than the ~~nine per cent~~ 320
applicable percentage limitation described in division (E)(1)(b) 321
or (c) of this section. 322

(F) No judge of an election who works less than the full 323
election day shall be paid the maximum amount allowed under this 324
section or the maximum amount as set by the board of elections, 325
whichever is less. 326

(G)(1) Except as otherwise provided in divisions (G)(4) to 327
(6) of this section, any employee of the state or of any political 328
subdivision of the state may serve as a judge of elections on the 329
day of an election without loss of the employee's regular 330
compensation for that day as follows: 331

(a) For employees of a county office, department, commission, 332
board, or other entity, or of a court of common pleas, county 333
court, or county-operated municipal court, as defined in section 334
1901.03 of the Revised Code, the employee's appointing authority 335
may permit leave with pay for this service in accordance with a 336
resolution setting forth the terms and conditions for that leave 337
passed by the board of county commissioners. 338

(b) For all other employees of a political subdivision of the 339
state, leave with pay for this service shall be subject to the 340
terms and conditions set forth in an ordinance or a resolution 341
passed by the legislative authority of the applicable political 342
subdivision. 343

(c) For state employees, leave with pay for this service 344
shall be subject to the terms and conditions set forth by the head 345
of the state agency, as defined in section 1.60 of the Revised 346
Code, by which the person is employed. 347

(2) Any terms and conditions set forth by a board of county 348
commissioners, legislative authority of a political subdivision, 349
or head of a state agency under division (G)(1) of this section 350
shall include a standard procedure for deciding which employees 351
are permitted to receive leave with pay if multiple employees of 352
an entity or court described in division (G)(1)(a) of this 353
section, of an entity of a political subdivision described in 354
division (G)(1)(b) of this section, or of a state agency as 355
defined in section 1.60 of the Revised Code apply to serve as a 356
judge of elections on the day of an election. This procedure shall 357

be applied uniformly to all similarly situated employees.

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(3) Any employee who is eligible for leave with pay under
division (G)(1) of this section shall receive, in addition to the
employee's regular compensation, the compensation paid to the
judge of an election under division (B), (C), or (D) of this
section.

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

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(a) Election officials;

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(b) Public school teachers.

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

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

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

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Sec. 3506.01. As used in this chapter and Chapters 3501., 388
3503., 3505., 3509., 3511., 3513., 3515., 3517., 3519., 3521., 389
3523., and 3599. of the Revised Code: 390

(A) "Marking device" means an apparatus operated by a voter 391
to record ~~his~~ the voter's choices through the piercing or marking 392
of ballots enabling them to be examined and counted by automatic 393
tabulating equipment. 394

(B) "Ballot" means the official election presentation of 395
offices and candidates, including write-in candidates, and of 396
questions and issues, and the means by which votes are recorded. 397

(C) "Automatic tabulating equipment" means a machine or 398
interconnected or interrelated machines that will automatically 399
examine and count votes recorded on ballots. 400

(D) "Central counting station" means a location, or one of a 401
number of locations, designated by the board of elections for the 402
automatic examining, sorting, or counting of ballots. 403

(E) "Voting machines" means mechanical or electronic 404
equipment for the direct recording and tabulation of votes. 405

(F) "Direct recording electronic voting machine" means a 406
voting machine that records votes by means of a ballot display 407
provided with mechanical or electro-optical components that can be 408
actuated by the voter, that processes the data by means of a 409
computer program, and that records voting data and ballot images 410
in internal or external memory components. A "direct recording 411
electronic voting machine" produces a tabulation of the voting 412
data stored in a removable memory component and in printed copy. 413

(G) "Help America Vote Act of 2002" means the "Help America 414
Vote Act of 2002," Public Law 107-252, 116 Stat. 1666. 415

(H) "Voter verified paper audit trail" means a physical paper 416
printout on which the voter's ballot choices, as registered by a 417

direct recording electronic voting machine, are recorded. The 418
voter shall be permitted to visually or audibly inspect the 419
contents of the physical paper printout. The physical paper 420
printout shall be securely retained at the polling place until the 421
close of the polls on the day of the election; the secretary of 422
state shall adopt rules under Chapter 119. of the Revised Code 423
specifying the manner of storing the physical paper printout at 424
the polling place. After the physical paper printout is produced, 425
but before the voter's ballot is recorded, the voter shall have an 426
opportunity to accept or reject the contents of the printout as 427
matching the voter's ballot choices. If a voter rejects the 428
contents of the physical paper printout, the system that produces 429
the voter verified paper audit trail shall invalidate the printout 430
and permit the voter to recast the voter's ballot. On and after 431
the first federal election that occurs after January 1, 2006, 432
unless required sooner by the Help America Vote Act of 2002, any 433
system that produces a voter verified paper audit trail shall be 434
accessible to disabled voters, including visually impaired voters, 435
in the same manner as the direct recording electronic voting 436
machine that produces it. 437

Sec. 3506.05. (A) As used in this section, except when used 438
as part of the phrase "tabulating equipment" or "automatic 439
tabulating equipment": 440

(1) "Equipment" means a voting machine, marking device, 441
automatic tabulating equipment, or software~~r~~. 442

(2) "Vendor" means the person that owns, manufactures, 443
distributes, or has the legal right to control the use of 444
equipment, or ~~his~~ the person's agent. 445

(B) No voting machine, marking device, automatic tabulating 446
equipment, or software for the purpose of casting or tabulating 447
votes or for communications among systems involved in the 448

tabulation, storage, or casting of votes shall be purchased, 449
leased, put in use, or continued to be used, except for 450
experimental use as provided in division (B) of section 3506.04 of 451
the Revised Code, unless it, ~~and~~ a manual of procedures governing 452
its use, and training materials, service, and other support 453
arrangements, ~~7~~ have been certified by the secretary of state and 454
unless the board of elections of each county where the equipment 455
will be used has assured that a demonstration of the use of ~~such~~ 456
the equipment has been made available to all interested electors. 457
The secretary of state shall appoint a board of voting machine 458
examiners to examine and approve equipment and ~~examine and approve~~ 459
its related manuals and support arrangements. The board shall 460
consist of one competent and experienced election officer and two 461
persons who are knowledgeable about the operation of such 462
equipment, who shall serve during the secretary of state's term. 463

~~(1)~~ For ~~his~~ the member's service, each member of ~~such the~~ 464
board shall receive three hundred dollars per day for each 465
combination of marking device, tabulating equipment, and voting 466
machine examined and reported, but in no event shall a member 467
receive more than six hundred dollars to examine and report on any 468
one marking device, item of tabulating equipment, or voting 469
machine. Each member of the board shall be reimbursed for expenses 470
~~he~~ the member incurs during an examination or during the 471
performance of any related duties that may be required by the 472
secretary of state. Reimbursement of these expenses shall be made 473
in accordance with, and shall not exceed, the rates provided for 474
under section 126.31 of the Revised Code. 475

~~(2)~~ Neither the secretary of state nor the board, nor any 476
public officer who participates in the authorization, examination, 477
testing, or purchase of equipment, shall have any pecuniary 478
interest in the equipment or any affiliation with the vendor. 479

(C)(1) A vendor who desires to have the secretary of state 480

certify equipment shall first submit the equipment, ~~and~~ all 481
current related procedural manuals, and a current description of 482
all related support arrangements, to the board of voting machine 483
examiners for examination, testing, and approval. The submission 484
shall be accompanied by a fee of eighteen hundred dollars and a 485
detailed explanation of the construction and method of operation 486
of the equipment, a full statement of its advantages, and a list 487
of the patents and copyrights used in operations essential to the 488
processes of vote recording and tabulating, vote storage, system 489
security, and other crucial operations of the equipment as may be 490
determined by the board. An additional fee, in an amount to be set 491
by rules promulgated by the board, may be imposed to pay for the 492
costs of alternative testing or testing by persons other than 493
board members, record-keeping, and other extraordinary costs 494
incurred in the examination process. Moneys not used shall be 495
returned to the person or entity submitting the equipment for 496
examination. 497

(2) Fees collected by the secretary of state under this 498
section shall be deposited into the state treasury to the credit 499
of the board of voting machine examiners fund, which is hereby 500
created. All moneys credited to this fund shall be used solely for 501
the purpose of paying for the services and expenses of each member 502
of the board ~~of voting machine examiners~~ or for ~~such~~ other 503
expenses ~~as may be~~ incurred relating to the examination, testing, 504
reporting, or certification of voting machine devices, the 505
performance of any related duties as required by the secretary of 506
state, or the reimbursement of any person submitting an 507
examination fee as provided in this chapter. 508

(D) Within sixty days after the submission of the equipment 509
and payment of the fee, or as soon thereafter as is reasonably 510
practicable, but in any event within not more than ninety days 511
after the submission and payment, the board of voting machine 512

examiners shall examine the equipment and file with the secretary 513
of state a written report ~~thereon~~ on the equipment with its 514
recommendations and its determination or condition of approval 515
regarding whether the equipment, manual, and other related 516
materials or arrangements meet the criteria set forth in sections 517
3506.07 and 3506.10 of the Revised Code and can be safely used by 518
the voters at elections under the conditions prescribed in Title 519
XXXV of the Revised Code, or a written statement of reasons for 520
which testing requires a longer period. The board may grant 521
temporary approval for the purpose of allowing experimental use of 522
equipment. If the board finds that the equipment meets the 523
criteria set forth in sections 3506.06, 3506.07, and 3506.10 of 524
the Revised Code, can be used safely and can be depended upon to 525
record and count accurately and continuously the votes of 526
electors, and has the capacity to be warranted, maintained, and 527
serviced, it shall approve the equipment and recommend that the 528
secretary of state certify the equipment. The secretary of state 529
shall notify all boards of elections of any such certification. 530
~~Such equipment~~ Equipment of the same model and make, if it 531
provides for recording of voter intent, system security, voter 532
privacy, retention of vote, and communication of voting records in 533
an identical manner, may then be adopted for use at elections. 534

(E) The vendor shall notify the secretary of state, who shall 535
then notify the board of voting machine examiners, of any 536
enhancement and any significant adjustment to the hardware or 537
software that could result in a patent or copyright change or that 538
significantly alters the methods of recording voter intent, system 539
security, voter privacy, retention of the vote, communication of 540
voting records, and connections between the system and other 541
systems. The vendor shall provide the secretary of state with an 542
updated operations manual for the equipment, and the secretary of 543
state shall forward the manual to the board. Upon receiving such a 544
notification and manual, the board may require the vendor to 545

submit the equipment to an examination and test in order for the 546
equipment to remain certified. The board or the secretary of state 547
shall periodically examine, test, and inspect certified equipment 548
to determine continued compliance with the requirements of this 549
chapter and the initial certification. Any examination, test, or 550
inspection conducted for the purpose of continuing certification 551
of any equipment in which a significant problem has been uncovered 552
or in which a record of continuing problems exists shall be 553
performed pursuant to divisions (C) and (D) of this section, in 554
the same manner as the examination, test, or inspection is 555
performed for initial approval and certification. 556

(F) If at any time after the certification of equipment, the 557
board of voting machine examiners or the secretary of state is 558
notified by ~~the~~ a board of elections of any significant problem 559
with the equipment or determines that the equipment fails to meet 560
the requirements necessary for approval or continued compliance 561
with the requirements of this chapter, or if the board of voting 562
machine examiners determines that there are significant 563
enhancements or adjustments to the hardware or software, or if 564
notice of such enhancements or adjustments has not been given as 565
required by division (E) of this section, the secretary of state 566
shall notify the users and vendors of that equipment that 567
certification of the equipment may be withdrawn. 568

(G)(1) The notice given by the secretary of state under 569
division (F) of this section shall be in writing and shall specify 570
both of the following: 571

(a) The reasons why the certification may be withdrawn; 572

(b) The date on which certification will be withdrawn unless 573
the vendor takes satisfactory corrective measures or explains why 574
there are no problems with the equipment or why the enhancements 575
or adjustments to the equipment are not significant. 576

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

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

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

(H)(1) The secretary of state, in consultation with the board of voting machine examiners, shall establish, by rule, guidelines for the approval, certification, and continued certification of the voting machines, marking devices, and tabulating equipment to

be used under Title XXXV of the Revised Code. The guidelines shall 609
establish procedures requiring vendors or computer software 610
developers to place in escrow with an independent escrow agent 611
approved by the secretary of state a copy of all source code and 612
related documentation, together with periodic updates as they 613
become known or available. The secretary of state shall require 614
that the documentation include a system configuration and that the 615
source code include all relevant program statements in low- or 616
high-level languages. As used in this division, "source code" does 617
not include variable codes created for specific elections. 618

(2) Nothing in any rule adopted under division (H) of this 619
section shall be construed to limit the ability of the secretary 620
of state to follow or adopt, or to preclude ~~him~~ the secretary of 621
state from following or adopting, any guidelines proposed by the 622
federal ~~elections~~ election commission ~~or~~, any entity authorized by 623
the federal ~~elections~~ election commission to propose guidelines, 624
the election assistance commission, or any entity authorized by 625
the election assistance commission to propose guidelines. 626

(3) ~~As used in division (H) of this section, "source code"~~ 627
~~does not include variable codes created for specific elections.~~ 628

(a) Before the initial certification of any direct recording 629
electronic voting machine with a voter verified paper audit trail, 630
and as a condition for the continued certification and use of 631
those machines, the secretary of state shall establish, by rule, 632
standards for the certification of those machines. Those standards 633
shall include, but are not limited to, all of the following: 634

(i) A definition of a voter verified paper audit trail as a 635
paper record of the voter's choices that is verified by the voter 636
prior to the casting of the voter's ballot and that is securely 637
retained by the board of elections; 638

(ii) Requirements that the voter verified paper audit trail 639
shall not be retained by any voter and shall not contain 640

individual voter information;

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(iii) A prohibition against the production by any direct
recording electronic voting machine of anything that legally could
be removed by the voter from the polling place, such as a receipt
or voter confirmation;

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(iv) A requirement that paper used in producing a voter
verified paper audit trail be sturdy, clean, and resistant to
degradation.

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(v) A requirement that the voter verified paper audit trail
shall be capable of being optically scanned for the purpose of
conducting a recount or other audit of the voting machine and
shall be readable in a manner that makes the voter's ballot
choices obvious to the voter without the use of computer or
electronic codes.

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(b) The secretary of state, by rule adopted under Chapter
119. of the Revised Code, may waive the requirement under division
(H)(3)(a)(v) of this section, if the secretary of state determines
that the requirement is cost prohibitive.

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

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

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(B) It shall permit each elector to vote at any election for
all persons and offices for whom and for which ~~he~~ the elector is
lawfully entitled to vote, whether or not the name of any such

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person appears on a ballot as a candidate; to vote for as many 671
persons for an office as ~~he~~ the elector is entitled to vote for; 672
and to vote for or against any question upon which ~~he~~ the elector 673
is entitled to vote. 674

(C) It shall permit each elector to write in the names of 675
persons for whom ~~he~~ the elector desires to vote, whose names do 676
not appear upon the ballot, if such write-in candidates are 677
permitted by law. 678

(D) It shall permit each elector, at all presidential 679
elections, by one punch or mark to vote for candidates of one 680
party for president, vice president, and presidential electors. 681

(E) It shall be durably constructed of material of good 682
quality in a neat and ~~workmanlike~~ workerlike manner, and in form 683
~~which~~ that shall make it safely transportable. 684

(F) It shall be so constructed that a voter may readily learn 685
the method of operating it and may expeditiously cast ~~his~~ the 686
voter's vote for all candidates of ~~his~~ the voter's choice. 687

(G) It shall not provide to a voter any type of receipt or 688
voter confirmation that the voter legally may retain after leaving 689
the polling place. 690

Sec. 3506.10. No voting machine shall be approved by the 691
board of voting machine examiners or certified by the secretary of 692
state, or be purchased, rented, or otherwise acquired, or used, 693
except when specifically allowed for experimental use, as provided 694
in section 3506.04 of the Revised Code, unless it fulfills the 695
following requirements: 696

(A) It shall permit and require voting in absolute secrecy, 697
and shall be so constructed that no person can see or know for 698
whom any other elector has voted or is voting, except an elector 699
who is assisting a voter as prescribed by section 3505.24 of the 700

Revised Code. 701

(B) It shall permit each elector to vote at any election for 702
all persons and offices for whom and for which ~~he~~ the elector is 703
lawfully entitled to vote, whether or not the name of any such 704
person appears on a ballot label as a candidate; to vote for as 705
many persons for an office as ~~he~~ the elector is entitled to vote 706
for; and to vote for or against any question upon which ~~he~~ the 707
elector is entitled to vote. 708

(C) It shall preclude each elector from voting for any 709
candidate or upon any question for whom or upon which ~~he~~ the 710
elector is not entitled to vote, from voting for more persons for 711
any office than ~~he~~ the elector is entitled to vote for, and from 712
voting for any candidates for the same office or upon any question 713
more than once. 714

(D) It shall permit each voter to deposit, write in, or 715
affix, upon devices provided for that purpose, ballots containing 716
the names of persons for whom ~~he~~ the voter desires to vote, whose 717
names do not appear upon the voting machine. ~~Such~~ Those devices 718
shall be susceptible of identification as to party affiliations 719
when used at a primary election. 720

(E) It shall permit each elector to change ~~his~~ the elector's 721
vote for any candidate or upon any question appearing upon the 722
ballot labels, up to the time ~~he~~ the elector starts to register 723
~~his~~ the elector's vote. 724

(F) It shall permit each elector, at all presidential 725
elections, by one device to vote for candidates of one party for 726
president, vice-president, and presidential electors. 727

(G) It shall be capable of adjustment by election officers so 728
as to permit each elector, at a primary election, to vote only for 729
the candidates of the party with which ~~he~~ the elector has declared 730
~~his~~ the elector's affiliation and shall preclude ~~him~~ the elector 731

from voting for any candidate seeking nomination by any other 732
political party; and to vote for the candidates for nonpartisan 733
nomination or election. 734

(H) It shall have separate voting devices for candidates and 735
questions, which shall be arranged in separate rows or columns. It 736
shall be so arranged that one or more adjacent rows or columns may 737
be assigned to the candidates of each political party at primary 738
elections. 739

(I) It shall have a counter, or other device, the register of 740
which is visible from the outside of the machine, and which will 741
show at any time during the voting the total number of electors 742
who have voted; and also a protective counter, or other device, 743
the register of which cannot be reset, which will record the 744
cumulative total number of movements of the internal counters. 745

(J) It shall be provided with locks and seals by the use of 746
which, immediately after the polls are closed or the operation of 747
the machine for an election is completed, no further changes to 748
the internal counters can be allowed. 749

(K) It shall have the capacity to contain the names of 750
candidates constituting the tickets of at least five political 751
parties, and independent groups and such number of questions not 752
exceeding fifteen as the secretary of state shall specify. 753

(L) It shall be durably constructed of material of good 754
quality in a neat and ~~workmanlike~~ workerlike manner, and in form 755
~~which~~ that shall make it safely transportable. 756

(M) It shall be so constructed that a voter may readily learn 757
the method of operating it, may expeditiously cast ~~his~~ a vote for 758
all candidates of ~~his~~ the voter's choice, and when operated 759
properly shall register and record correctly and accurately every 760
vote cast. 761

(N) It shall be provided with a screen, hood, or curtain, 762

which will conceal the voter while voting. During the voting, it 763
shall preclude every person from seeing or knowing the number of 764
votes registered for any candidate or question and from tampering 765
with any of the internal counters. 766

(O) It shall not provide to a voter any type of receipt or 767
voter confirmation that the voter legally may retain after leaving 768
the polling place. 769

(P) On and after the first federal election that occurs after 770
January 1, 2006, unless required sooner by the Help America Vote 771
Act of 2002, if the voting machine is a direct recording 772
electronic voting machine, it shall include a voter verified paper 773
audit trail. 774

Before any voting machine is purchased, rented, or otherwise 775
acquired, or used, the person or corporation owning or 776
manufacturing ~~such~~ that machine or having the legal right to 777
control the use of ~~the~~ that machine shall give an adequate 778
guarantee in writing and post a bond in an amount sufficient to 779
cover the cost of any recount or new election resulting from or 780
directly related to the use or malfunction of the equipment, 781
accompanied by satisfactory surety, all as determined by the 782
secretary of state, with the board of county commissioners, 783
guaranteeing and securing that ~~such~~ those machines have been and 784
continue to be certified by the secretary of state in accordance 785
with section 3506.05 of the Revised Code, comply fully with the 786
requirements of this section, and will correctly, accurately, and 787
continuously register and record every vote cast, and further 788
guaranteeing ~~such~~ those machines against defects in ~~workmanship~~ 789
workmanship and materials for a period of five years from the date 790
of their acquisition ~~thereof~~. 791

Sec. 3506.17. There is hereby created in the state treasury 792
the county electronic voting machine maintenance fund. All moneys 793

received pursuant to the Help America Vote Act of 2002 that are
not approved for release by the controlling board as of the first
federal election that occurs after January 1, 2006, shall be
deposited in the state treasury to the credit of the fund. The
secretary of state shall adopt rules for the fair and equitable
distribution of moneys credited to the fund. Moneys credited to
the fund shall be expended for the purposes for which those moneys
were received under the Help America Vote Act of 2002 and may only
be expended pursuant to a plan approved by the controlling board.

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Sec. 3506.18. (A) For any recount of an election in which
ballots are cast using a direct recording electronic voting
machine with a voter verified paper audit trail, the voter
verified paper audit trail shall serve as the official ballot to
be recounted.

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(B) Voter verified paper audit trails shall be preserved in
the same manner and for the same time period as paper ballots are
preserved under section 3505.31 of the Revised Code.

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Sec. 3506.19. On and after the first federal election that
occurs after January 1, 2006, unless required sooner by the Help
America Vote Act of 2002, each polling location shall have
available for use at all elections at least one direct recording
electronic voting machine that is accessible for individuals with
disabilities, including nonvisual accessibility for the blind and
visually impaired, in a manner that provides the same opportunity
for access and participation, including privacy and independence,
as for other voters.

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Sec. 3509.07. If election officials find that the statement
accompanying an absent voter's ballot or absent voter's
presidential ballot is insufficient, that the signatures do not

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correspond with the person's registration signature, that the 823
applicant is not a qualified elector in the precinct, that the 824
ballot envelope contains more than one ballot of any one kind, or 825
any voted ballot that the elector is not entitled to vote,⁷ or 826
that Stub A is detached from the absent voter's ballot or absent 827
voter's presidential ballot, the vote shall not be accepted or 828
counted. ~~Whenever it appears to the election officials by~~ 829
~~sufficient proof that any elector who has marked and forwarded the~~ 830
~~elector's ballot as provided in section 3509.05 of the Revised~~ 831
~~Code has died, the ballot of the deceased voter shall not be~~ 832
~~counted.~~ The vote of any absent voter may be challenged for cause 833
in the same manner as other votes are challenged, and the election 834
officials shall determine the legality of that ballot. Every 835
ballot not counted shall be indorsed on its back "Not Counted" 836
with the reasons the ballot was not counted, and shall be enclosed 837
and returned to or retained by the board of elections along with 838
the contested ballots. 839

Sec. 3513.052. (A) No person shall seek nomination or 840
election to any of the following offices or positions at the same 841
election by filing a declaration of candidacy and petition, a 842
declaration of intent to be a write-in candidate, or a nominating 843
petition, or by becoming a candidate through party nomination in a 844
primary election, or by the filling of a vacancy under section 845
3513.30 or 3513.31 of the Revised Code: 846

(1) Two or more state offices; 847

(2) Two or more county offices; 848

(3) A state office and a county office; 849

(4) Any combination of two or more municipal or township 850
offices, positions as a member of a city, local, or exempted 851
village board of education, or positions as a member of a 852

governing board of an educational service center. 853

(B) The secretary of state or a board of elections shall not 854
accept for filing a declaration of candidacy and petition, a 855
declaration of intent to be a write-in candidate, or a nominating 856
petition of a person seeking to become a candidate if that person, 857
for the same election, has already filed a declaration of 858
candidacy, a declaration of intent to be a write-in candidate, or 859
a nominating petition, or has become a candidate through party 860
nomination at a primary election or by the filling of a vacancy 861
under section 3513.30 or 3513.31 of the Revised Code for: 862

(1) Any state or county office, if the declaration of 863
candidacy, declaration of intent to be a write-in candidate, or 864
nominating petition is for a state or county office; 865

(2) Any municipal or township office, or for member of a 866
city, local, or exempted village board of education, or for member 867
of a governing board of an educational service center, if the 868
declaration of candidacy, declaration of intent to be a write-in 869
candidate, or nominating petition is for a municipal or township 870
office, or for member of a city, local, or exempted village board 871
of education, or for member of a governing board of an educational 872
service center. 873

(C)(1) If the secretary of state determines, before the day 874
of the primary election, that a person is seeking nomination to 875
more than one office at that election in violation of division (A) 876
of this section, the secretary of state shall do one of the 877
following: 878

(a) If each office or the district for each office for which 879
the person is seeking nomination is wholly within a single county, 880
the secretary of state shall notify the board of elections of that 881
county. The board then shall determine the date on which the 882
person first sought to become a candidate for each of those 883

offices by filing a declaration of candidacy or a declaration of 884
intent to be a write-in candidate or by the filling of a vacancy 885
under section 3513.30 of the Revised Code. The board shall vote 886
promptly to disqualify that person as a candidate for each office 887
for which the person sought to become a candidate after the date 888
on which the person first sought to become a candidate for any of 889
those offices. If the board determines that the person sought to 890
become a candidate for more than one of those offices on the same 891
date, the board shall vote promptly to disqualify that person as a 892
candidate for each office that would be listed on the ballot below 893
the highest office for which that person seeks nomination, 894
according to the ballot order prescribed under section 3505.03 of 895
the Revised Code. 896

(b) If one or more of the offices for which the person is 897
seeking nomination is a state office or an office with a district 898
larger than a single county, the secretary of state shall 899
determine the date on which the person first sought to become a 900
candidate for each of those offices by filing a declaration of 901
candidacy or a declaration of intent to be a write-in candidate or 902
by the filling of a vacancy under section 3513.30 of the Revised 903
Code. The secretary of state shall order the board of elections of 904
each county in which the person is seeking to appear on the ballot 905
to disqualify that person as a candidate for each office for which 906
the person sought to become a candidate after the date on which 907
the person first sought to become a candidate for any of those 908
offices. If the secretary of state determines that the person 909
sought to become a candidate for more than one of those offices on 910
the same date, the secretary of state shall order the board of 911
elections of each county in which the person is seeking to appear 912
on the ballot to disqualify that person as a candidate for each 913
office that would be listed on the ballot below the highest office 914
for which that person seeks nomination, according to the ballot 915
order prescribed under section 3505.03 of the Revised Code. Each 916

board of elections so notified shall vote promptly to disqualify 917
the person as a candidate in accordance with the order of the 918
secretary of state. 919

(2) If a board of elections determines, before the day of the 920
primary election, that a person is seeking nomination to more than 921
one office at that election in violation of division (A) of this 922
section, the board shall do one of the following: 923

(a) If each office or the district for each office for which 924
the person is seeking nomination is wholly within that county, the 925
board shall determine the date on which the person first sought to 926
become a candidate for each of those offices by filing a 927
declaration of candidacy or a declaration of intent to be a 928
write-in candidate or by the filling of a vacancy under section 929
3513.30 of the Revised Code. The board shall vote promptly to 930
disqualify that person as a candidate for each office for which 931
the person sought to become a candidate after the date on which 932
the person first sought to become a candidate for any of those 933
offices. If the board determines that the person sought to become 934
a candidate for more than one of those offices on the same date, 935
the board shall vote promptly to disqualify that person as a 936
candidate for each office that would be listed on the ballot below 937
the highest office for which that person seeks nomination, 938
according to the ballot order prescribed under section 3505.03 of 939
the Revised Code. 940

(b) If one or more of the offices for which the person is 941
seeking nomination is a state office or an office with a district 942
larger than a single county, the board shall notify the secretary 943
of state. The secretary of state then shall determine the date on 944
which the person first sought to become a candidate for each of 945
those offices by filing a declaration of candidacy or a 946
declaration of intent to be a write-in candidate or by the filling 947
of a vacancy under section 3513.30 of the Revised Code. The 948

secretary of state shall order the board of elections of each 949
county in which the person is seeking to appear on the ballot to 950
disqualify that person as a candidate for each office for which 951
the person sought to become a candidate after the date on which 952
the person first sought to become a candidate for any of those 953
offices. If the secretary of state determines that the person 954
sought to become a candidate for more than one of those offices on 955
the same date, the secretary of state shall order the board of 956
elections of each county in which the person is seeking to appear 957
on the ballot to disqualify that person as a candidate for each 958
office that would be listed on the ballot below the highest office 959
for which that person seeks nomination, according to the ballot 960
order prescribed under section 3505.03 of the Revised Code. Each 961
board of elections so notified shall vote promptly to disqualify 962
the person as a candidate in accordance with the order of the 963
secretary of state. 964

(D)(1) If the secretary of state determines, after the day of 965
the primary election and before the day of the general election, 966
that a person is seeking election to more than one office at that 967
election in violation of division (A) of this section, the 968
secretary of state shall do one of the following: 969

(a) If each office or the district for each office for which 970
the person is seeking election is wholly within a single county, 971
the secretary of state shall notify the board of elections of that 972
county. The board then shall determine the offices for which the 973
person seeks to appear as a candidate on the ballot. The board 974
shall vote promptly to disqualify that person as a candidate for 975
each office that would be listed on the ballot below the highest 976
office for which that person seeks election, according to the 977
ballot order prescribed under section 3505.03 of the Revised Code. 978
If the person sought nomination at a primary election and has not 979
yet been issued a certificate of nomination, the board shall not 980

issue that certificate for that person for any office that would 981
be listed on the ballot below the highest office for which that 982
person seeks election, according to the ballot order prescribed 983
under section 3505.03 of the Revised Code. 984

(b) If one or more of the offices for which the person is 985
seeking election is a state office or an office with a district 986
larger than a single county, the secretary of state shall promptly 987
investigate and determine the offices for which the person seeks 988
to appear as a candidate on the ballot. The secretary of state 989
shall order the board of elections of each county in which the 990
person is seeking to appear on the ballot to disqualify that 991
person as a candidate for each office that would be listed on the 992
ballot below the highest office for which that person seeks 993
election, according to the ballot order prescribed under section 994
3505.03 of the Revised Code. Each board of elections so notified 995
shall vote promptly to disqualify the person as a candidate in 996
accordance with the order of the secretary of state. If the person 997
sought nomination at a primary election and has not yet been 998
issued a certificate of nomination, the board shall not issue that 999
certificate for that person for any office that would be listed on 1000
the ballot below the highest office for which that person seeks 1001
election, according to the ballot order prescribed under section 1002
3505.03 of the Revised Code. 1003

(2) If a board of elections determines, after the day of the 1004
primary election and before the day of the general election, that 1005
a person is seeking election to more than one office at that 1006
election in violation of division (A) of this section, the board 1007
of elections shall do one of the following: 1008

(a) If each office or the district for each office for which 1009
the person is seeking election is wholly within that county, the 1010
board shall determine the offices for which the person seeks to 1011
appear as a candidate on the ballot. The board shall vote promptly 1012

to disqualify that person as a candidate for each office that 1013
would be listed on the ballot below the highest office for which 1014
that person seeks election, according to the ballot order 1015
prescribed under section 3505.03 of the Revised Code. If the 1016
person sought nomination at a primary election and has not yet 1017
been issued a certificate of nomination, the board shall not issue 1018
that certificate for that person for any office that would be 1019
listed on the ballot below the highest office for which that 1020
person seeks election, according to the ballot order prescribed 1021
under section 3505.03 of the Revised Code. 1022

(b) If one or more of the offices for which the person is 1023
seeking election is a state office or an office with a district 1024
larger than a single county, the board shall notify the secretary 1025
of state. The secretary of state promptly shall investigate and 1026
determine the offices for which the person seeks to appear as a 1027
candidate on the ballot. The secretary of state shall order the 1028
board of elections of each county in which the person is seeking 1029
to appear on the ballot to disqualify that person as a candidate 1030
for each office that would be listed on the ballot below the 1031
highest office for which that person seeks election, according to 1032
the ballot order prescribed under section 3505.03 of the Revised 1033
Code. Each board of elections so notified shall vote promptly to 1034
disqualify the person as a candidate in accordance with the order 1035
of the secretary of state. If the person sought nomination at a 1036
primary election and has not yet been issued a certificate of 1037
nomination, the board shall not issue that certificate for that 1038
person for any office that would be listed on the ballot below the 1039
highest office for which that person seeks election, according to 1040
the ballot order prescribed under section 3505.03 of the Revised 1041
Code. 1042

(E) When a person is disqualified as a candidate under 1043
division (C) or (D) of this section, that person's name shall not 1044

appear on the ballots for any office for which that person has 1045
been disqualified as a candidate. If the ballots have already been 1046
prepared, the board of elections shall remove the name of the 1047
disqualified candidate from the ballots to the extent practicable 1048
in the time remaining before the election and according to the 1049
directions of the secretary of state. If the name is not removed 1050
from the ballots before the day of the election, the votes for the 1051
disqualified candidate are void and shall not be counted. 1052

(F) Any vacancy created by the disqualification of a person 1053
as a candidate under division (C) or (D) of this section may be 1054
filled in the manner provided for in sections 3513.30 and 3513.31 1055
of the Revised Code. 1056

~~(G) Nothing in this section or section 3513.04, 3513.041,~~ 1057
~~3513.05, 3513.251, 3513.253, 3513.254, 3513.255, 3513.257,~~ 1058
~~3513.259, or 3513.261 of the Revised Code prohibits, and the~~ 1059
~~secretary of state or a board of elections shall not disqualify, a~~ 1060
~~person from being a candidate to fill a vacant office as otherwise~~ 1061
~~provided by law.~~ 1062

~~(H)~~ Nothing in this section or section 3513.04, 3513.041, 1063
3513.05, 3513.251, 3513.253, 3513.254, 3513.255, 3513.257, 1064
3513.259, or 3513.261 of the Revised Code prohibits, and the 1065
secretary of state or a board of elections shall not disqualify, a 1066
person from being a candidate for an office, if that person timely 1067
withdraws as a candidate for any offices specified in division (A) 1068
of this section for which that person first sought to become a 1069
candidate by filing a declaration of candidacy and petition, a 1070
declaration of intent to be a write-in candidate, or a nominating 1071
petition, by party nomination in a primary election, or by the 1072
filling of a vacancy under section 3513.30 or 3513.31 of the 1073
Revised Code. 1074

~~(I)~~(H) As used in this section: 1075

(1) "State office" means the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, member of the general assembly, chief justice of the supreme court, and justice of the supreme court.

(2) "Timely withdraws" means either of the following:

(a) Withdrawing as a candidate before the applicable deadline for filing a declaration of candidacy, declaration of intent to be a write-in candidate, or nominating petition for the subsequent office for which the person is seeking to become a candidate at the same election;

(b) Withdrawing as a candidate before the applicable deadline for the filling of a vacancy under section 3513.30 or 3513.31 of the Revised Code, if the person is seeking to become a candidate for a subsequent office at the same election under either of those sections.

Sec. 3517.109. (A) As used in this section:

(1) "Candidate" has the same meaning as in section 3517.01 of the Revised Code but includes only candidates for the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, and member of the general assembly.

(2) "Statewide candidate" means the joint candidates for the offices of governor and lieutenant governor or a candidate for the office of secretary of state, auditor of state, treasurer of state, attorney general, and member of the state board of education.

(3) "Senate candidate" means a candidate for the office of state senator.

(4) "House candidate" means a candidate for the office of

state representative. 1106

(5) "State office" means the offices of governor, lieutenant 1107
governor, secretary of state, auditor of state, treasurer of 1108
state, attorney general, member of the state board of education, 1109
and member of the general assembly. 1110

(6) "Aggregate contribution" means the total of all 1111
contributions from a contributor during the pre-filing period. 1112

(7) "Allowable aggregate contribution" means all of the 1113
following: 1114

(a) In the case of a contribution from a contributor whose 1115
contributions are subject to the contribution limits described in 1116
~~divisions~~ division (B)(1), (2), (3), (6)(a), or (7) of section 1117
3517.102 of the Revised Code, that portion of the amount of the 1118
contributor's aggregate contribution that does not exceed the 1119
preprimary contribution limit applicable to that contributor. 1120

(b) In the case of a contribution or contributions from a 1121
contributor whose contributions are not subject to the 1122
contribution limits described in divisions (B)(1), (2), (3), 1123
(6)(a), or (7) of section 3517.102 of the Revised Code, the total 1124
of the following: 1125

(i) That portion of the aggregate contribution that was 1126
received as in-kind services; 1127

(ii) That portion of the aggregate contribution that was 1128
received as cash and does not exceed the applicable preprimary 1129
cash transfer or contribution limits described in division 1130
(B)(6)(b) of section 3517.102 of the Revised Code. 1131

(8) "Excess aggregate contribution" means, for each 1132
contributor, the amount by which that contributor's aggregate 1133
contribution exceeds that contributor's allowable aggregate 1134
contribution. 1135

(9) "Pre-filing period" means the period of time ending on 1136
the day that the candidacy petitions are due for the state office 1137
for which the candidate has filed and beginning on the latest date 1138
of the following: 1139

(a) The first day of January of the year following the 1140
general election in which that state office was last on the 1141
ballot; 1142

(b) The first day of January of the year following the 1143
general election in which the candidate was last a candidate for 1144
any office; 1145

(c) The first day of the month following the primary election 1146
in which the candidate was last a candidate for any office; 1147

~~(d) The date of the primary election held in 1996.~~ 1148

(10) "Filing date" means the last date on which a candidacy 1149
petition may be filed for an office. 1150

(11) "Applicable carry-in limit" means thirty-five thousand 1151
dollars if the candidate is a house candidate or a candidate for 1152
the state board of education, one hundred thousand dollars if the 1153
candidate is a senate candidate, and two hundred thousand dollars 1154
if the candidate is a statewide candidate other than a candidate 1155
for the state board of education. 1156

(12) "Campaign asset" means prepaid, purchased, or donated 1157
assets available to the candidate on the date of the filing 1158
deadline for the office the candidate is seeking that will be 1159
consumed or depleted in the course of the candidate's election 1160
campaign, including, but not limited to, postage, prepaid rent for 1161
campaign headquarters, prepaid radio, television, and newspaper 1162
advertising, and other prepaid consulting and personal services. 1163

(13) "Permitted funds" means the sum of the following: 1164

(a) The total of the allowable aggregate contribution of each 1165

contributor;	1166
(b) The applicable carry-in limit.	1167
(14) "Excess funds" means the amount by which the sum of the total cash on hand and total reported campaign assets exceeds permitted funds.	1168 1169 1170
<u>(15) "Covered candidate" means both of the following:</u>	1171
<u>(a) A candidate who, during the pre-filing period, accepts or has a campaign committee that accepts contributions on the candidate's behalf for the purpose of nominating or electing the candidate to any office not subject to the contribution limits prescribed in section 3517.102 of the Revised Code;</u>	1172 1173 1174 1175 1176
<u>(b) A person who, during the pre-filing period, accepts or has a campaign committee that accepts contributions on the person's behalf prior to the person deciding upon or announcing the office for which the person will become a candidate for nomination or election.</u>	1177 1178 1179 1180 1181
(B)(1) Beginning in calendar year 1998 for house candidates and beginning in calendar year 2000 for senate candidates and statewide candidates and in each calendar year thereafter, each <u>Each</u> candidate who files for state office, not later than the filing date for that office, shall dispose of any excess funds and. <u>Each covered candidate who files for state office, not later than the filing date for that office, shall dispose of any excess</u> aggregate contributions.	1182 1183 1184 1185 1186 1187 1188 1189
(2) In calendar year 1998, each candidate who files for statewide office or state senate, not later than the filing date for that office, shall dispose of any excess aggregate contributions.	1190 1191 1192 1193
(C) Any campaign committee that is required to dispose of excess funds or excess aggregate contributions under division (B)	1194 1195

of this section shall dispose of that excess amount or amounts by 1196
doing any of the following: 1197

(1) Giving the amount to the treasurer of state for deposit 1198
into the state treasury to the credit of the Ohio elections 1199
commission fund; 1200

(2) Giving the amount to individuals who made contributions 1201
to that campaign committee as a refund of all or part of their 1202
contributions; 1203

(3) Giving the amount to a corporation that is exempt from 1204
federal income taxation under subsection 501(a) and described in 1205
subsection 501(c) of the Internal Revenue Code. 1206

(D) ~~No (1) Subject to division (D)(2) of this section, no~~ 1207
~~candidate or covered~~ candidate shall appear on the ballot, even if 1208
~~the candidate has been~~ certified to appear on the ballot, unless 1209
the candidate's or covered candidate's campaign committee has 1210
disposed of excess funds ~~and~~, excess aggregate contributions, or 1211
both as required by divisions (B) and (C) of this section. 1212

(2) If the excess aggregate contributions accepted by a 1213
covered candidate or a covered candidate's campaign committee 1214
aggregate a total of less than five thousand dollars from all 1215
contributors, that candidate shall not be prohibited from 1216
appearing on the ballot under division (D)(1) of this section. 1217

(E)(1) The campaign committee of each candidate required to 1218
dispose of excess funds ~~or excess aggregate contributions~~ under 1219
this section shall file a report, on a form prescribed by the 1220
secretary of state, with the official or board with which the 1221
candidate is required to file statements under section 3517.11 of 1222
the Revised Code. The report shall be filed by the seventh day 1223
following the filing deadline for the office the candidate is 1224
seeking, shall indicate the amount of excess funds ~~and the source~~ 1225
~~and amount of each excess aggregate contribution~~ disposed of, and 1226

shall describe the manner in which the campaign committee disposed 1227
of the excess ~~amounts~~ amount. 1228

(2) In addition to the information required to be included in 1229
a report filed under division (E)(1) of this section, the campaign 1230
committee of each covered candidate required to dispose of excess 1231
aggregate contributions under this section shall include in that 1232
report the source and amount of each excess aggregate contribution 1233
disposed of and shall describe the manner in which the campaign 1234
committee disposed of the excess amount. 1235

~~(F)(1) Beginning in calendar year 1998, each~~ Each campaign 1236
committee of a candidate who has filed a declaration of candidacy 1237
or a nominating petition for a state office, not later than seven 1238
days after the date of the filing deadline for the office the 1239
candidate is seeking, shall file a declaration of filing-day 1240
finances, on a form prescribed by the secretary of state, with the 1241
official or board with which the candidate is required to file 1242
statements under section 3517.11 of the Revised Code. 1243

(2) A declaration of filing-day finances shall list all of 1244
the following: 1245

(a) The amount of cash on hand in the candidate's campaign 1246
fund on the date of the filing deadline for the office the 1247
candidate is seeking. 1248

(b) The value and description of all campaign assets worth 1249
five hundred dollars or more available to the candidate on the 1250
date of the filing. Assets purchased by the campaign shall be 1251
valued at actual cost, and in-kind contributions shall be valued 1252
at market value. 1253

(c) The total of all aggregate contributions; 1254

(d) The total of all allowable aggregate contributions; 1255

~~(e) The total of all excess aggregate contributions;~~ 1256

(f) For each contributor, if any, for whom there is an excess	1257
aggregate contribution, the name, address, aggregate contribution,	1258
and excess aggregate contribution;	1259
(g) The applicable carry-in limit, if any.	1260
<u>(3) In addition to the information required to be included in</u>	1261
<u>a report of filing-day finances filed under division (F)(1) of</u>	1262
<u>this section, the campaign committee of each covered candidate</u>	1263
<u>shall include both of the following in that report:</u>	1264
<u>(a) The total of all excess aggregate contributions;</u>	1265
<u>(b) For each contributor, if any, for whom there is an excess</u>	1266
<u>aggregate contribution, the name, address, aggregate contribution,</u>	1267
<u>and excess aggregate contribution.</u>	1268
(G) A campaign committee of a candidate is not required to	1269
file a declaration of filing-day finances under division (F) of	1270
this section if all of the following apply:	1271
(1) The campaign committee has not accepted, during the	1272
pre-filing period, any aggregate contribution greater than the	1273
applicable amount.	1274
(2) The campaign committee had less than the carry-in amount	1275
in cash on hand at the beginning of the pre-filing period.	1276
(3) The candidate files a declaration, on a form prescribed	1277
by the secretary of state, with the official or board with which	1278
the candidate is required to file statements under section 3517.11	1279
of the Revised Code not later than seven days after the date of	1280
the filing deadline for the office that candidate is seeking,	1281
stating that the candidate's campaign committee has not accepted	1282
aggregate contributions as described in division (G)(1) of this	1283
section and has less than the carry-in amount in cash on hand as	1284
described in division (G)(2) of this section.	1285

Sec. 3517.1010. (A) As used in this section:	1286
(1) "Aggregate contribution," "allowable aggregate contribution," "excess aggregate contribution," and "pre-filing period" have the same meanings as in section 3517.109 of the Revised Code.	1287 1288 1289 1290
(2) "Filing deadline" means the last date on which a candidacy petition may be filed for an office.	1291 1292
(3) "Campaign asset" means prepaid, purchased, or donated assets, goods, or services available to the candidate's campaign committee on the date specified in the filing required under division (F) of this section that will be consumed, depleted, or used in the course of the candidate's election campaign, including, but not limited to, postage, rent for any campaign office, radio, television, and newspaper advertising, and consulting and personal services.	1293 1294 1295 1296 1297 1298 1299 1300
(4) "Permitted funds" means one of the following:	1301
(a) In the case of a disposal of excess funds under division (B)(1) of this section, the sum of the primary carry-in amount and the product of both of the following:	1302 1303 1304
(i) The sum of the campaign committee's net cash on hand and the campaign committee's total reported campaign assets on the day of the primary election less the primary carry-in amount;	1305 1306 1307
(ii) The ratio of the sum of the allowable aggregate contributions of each contributor to the sum of all contributions received, during the period extending from the first day on which, in accordance with division (D) of section 3517.103 of the Revised Code, the contribution limitations prescribed in section 3517.102 of the Revised Code no longer apply to the campaign committee through the end of the primary election period.	1308 1309 1310 1311 1312 1313 1314
For the purposes of division (A)(4)(a) of this section, the	1315

allowable aggregate contribution of each contributor is calculated 1316
as if the limitations on contributions prescribed in section 1317
3517.102 of the Revised Code were in effect. 1318

As used in division (A)(4)(a) of this section, "primary 1319
carry-in amount" is the sum of the campaign committee's cash on 1320
hand and reported campaign assets as reported on the campaign 1321
committee's declaration of no limits filed pursuant to division 1322
(D) of section 3517.103 of the Revised Code. 1323

(b) In the case of a disposal of excess funds under division 1324
(B)(5) of this section, the product of both of the following: 1325

(i) The sum of the cash on hand and reported campaign assets 1326
at the end of the thirty-first day of December immediately 1327
following the general election; 1328

(ii) The ratio of the sum of the allowable aggregate 1329
contributions of each contributor and the general carry-in amount 1330
to the sum of all contributions received during the general 1331
election period and the general carry-in amount. 1332

For the purposes of division (A)(4)(b) of this section, when 1333
a candidate has filed a declaration of no limits under division 1334
(D)(2) of section 3517.103 of the Revised Code, the allowable 1335
aggregate contribution calculated for each contributor is 1336
calculated as if the limitations on contributions prescribed in 1337
section 3517.102 of the Revised Code were in effect. 1338

As used in division (A)(4)(b) of this section, "general 1339
carry-in amount" is the sum of the campaign committee's reported 1340
campaign assets and net cash on hand as of the day of the primary 1341
election, after the committee has disposed of excess funds under 1342
division (B)(1) of this section, if required. "General election 1343
period" has the same meaning as in section 3517.102 of the Revised 1344
Code. 1345

(5) "Excess funds" means the amount by which the sum of the 1346

campaign committee's cash on hand on the date specified in the 1347
filing required to be made under division (F) of this section and 1348
total reported campaign assets exceeds permitted funds. 1349

(6) "Net cash on hand" means the cash on hand on the day of 1350
the primary election less the sum of all debts and obligations 1351
reported under division (F) of this section. 1352

(B)(1) Except as otherwise provided in division (G) of this 1353
section, the campaign committee of any candidate who has filed a 1354
declaration of no limits in accordance with division (D) of 1355
section 3517.103 of the Revised Code, and to which the 1356
contribution limitations prescribed in section 3517.102 of the 1357
Revised Code no longer apply during a primary election period, 1358
shall dispose of any excess funds not later than fourteen days 1359
after the day on which the primary election was held. 1360

(2) The campaign committee of any candidate that has filed a 1361
personal funds notice under division (C)(1) or (2) of section 1362
3517.103 of the Revised Code shall, at the end of the primary 1363
election period, do one of the following: 1364

(a) Return that portion of the personal funds remaining in 1365
the candidate's campaign committee fund at the end of the primary 1366
election period that are excess funds not later than fourteen days 1367
after the day on which the primary election was held; 1368

(b) Retain the personal funds remaining in the candidate's 1369
campaign committee fund at the end of the primary election period 1370
and file a statement with the secretary of state declaring that 1371
the campaign committee will retain those remaining personal funds 1372
in the committee's campaign fund and indicating the amount of 1373
remaining personal funds that would be characterized as excess 1374
funds. 1375

(3) If a campaign committee elects to retain personal funds 1376
pursuant to division (B)(2)(b) of this section, both of the 1377

following apply: 1378

(a) The amount characterized as excess funds is considered to 1379
be an expenditure of personal funds for the purpose of determining 1380
whether the amount of personal funds the campaign committee has 1381
received under division (C)(1) or (2) of section 3517.103 of the 1382
Revised Code during an election period exceeds the amounts 1383
specified in those divisions. 1384

(b) The campaign committee is not a designated state campaign 1385
committee for the purpose of making contributions to a legislative 1386
campaign fund or to the state candidate fund of a state or county 1387
political party. 1388

(4) Except as otherwise provided in division (G) of this 1389
section, the campaign committee of any candidate that has expended 1390
personal funds in excess of the amount specified in division 1391
(C)(1) or (2) of section 3517.103 of the Revised Code shall 1392
dispose of any excess funds not later than fourteen days after the 1393
day on which the primary election is held or the thirty-first day 1394
of December after the day on which the general election was held, 1395
whichever is applicable, or choose to retain personal funds under 1396
division (B)(2) of this section. The calculation of excess funds 1397
under this division shall be made in the same manner that a 1398
campaign committee is required to dispose of excess funds under 1399
division (B)(1) or (5) of this section, whichever election period 1400
is applicable. For the purposes of this division, the allowable 1401
aggregate contribution of each contributor, including one or more 1402
contributions from the candidate and from the candidate's spouse, 1403
parents, children, sons-in-law, daughters-in-law, brothers, 1404
sisters, grandparents, mothers-in-law, fathers-in-law, 1405
brothers-in-law, sisters-in-law, or grandparents by marriage, is 1406
calculated for that contributor as if the contribution limitations 1407
prescribed by section 3517.102 of the Revised Code were in effect. 1408

(5) Except as otherwise provided in division (G) of this 1409

section, the campaign committee of any candidate to which, in
accordance with division (D) of section 3517.103 of the Revised
Code, the contribution limitations prescribed in section 3517.102
of the Revised Code no longer apply during a general election
period shall dispose of any excess funds not later than the
thirty-first day of December after the day on which the general
election was held.

(6) Notwithstanding ~~divisions~~ division (B)~~(1) and (2)~~ of
section 3517.109 of the Revised Code, the amount of excess
aggregate contributions required to be disposed of under ~~those~~
~~divisions~~ that division by a candidate whose contribution
limitations have been reimposed pursuant to division (D)(4) of
section 3517.103 of the Revised Code is limited to no more than
the sum of the following:

(a) The difference between the sum of the cash on hand and
reported campaign assets on the date of the declaration of
candidacy filing deadline, date of death, or date of withdrawal,
whichever is applicable, less the sum of the cash on hand and
reported campaign assets reported on the campaign committee's
declaration of no limits under division (D)(2) of section 3517.103
of the Revised Code;

(b) The sum of the aggregate excess contributions of all
contributors made from the beginning of the primary election
period to the day immediately preceding the day on which
contribution limitations prescribed in section 3517.102 of the
Revised Code became inapplicable pursuant to division (D)(1) of
section 3517.103 of the Revised Code.

(C) Any campaign committee that is required to dispose of
excess funds or excess aggregate contributions under division (B)
of this section shall dispose of the excess amount or amounts in
accordance with division (C) of section 3517.109 of the Revised

Code. 1441

(D)(1) Any candidate who knowingly fails to dispose of excess 1442
funds or excess aggregate contributions as required by divisions 1443
(B) and (C) of this section, except a candidate whose campaign 1444
committee has been given a letter of substantial compliance as 1445
provided for in division (D)(2) of this section, shall not appear 1446
on the ballot, even if the candidate has been certified to appear 1447
on the ballot. 1448

(2) The secretary of state shall, after initially examining 1449
and reviewing any declaration provided for in division (F) of this 1450
section and making a determination that a campaign committee has 1451
substantially complied with the disposal requirements of division 1452
(B) of this section, promptly issue to the candidate's campaign 1453
committee a letter certifying that committee's substantial 1454
compliance. 1455

(3) The campaign committee of a candidate for ~~statewide~~ state 1456
office as defined in division (A) of section 3517.109 of the 1457
Revised Code has not substantially complied with the disposal 1458
requirements of division (B) of this section if, upon initial 1459
review of a declaration filed pursuant to division (F) of this 1460
section, it is discovered that the candidate's campaign committee 1461
has failed to dispose of excess funds or excess aggregate 1462
contributions totaling in the aggregate more than ten thousand 1463
dollars. 1464

(4) The campaign committee of a candidate for member of the 1465
general assembly has not substantially complied with the disposal 1466
requirements of division (B) of this section if, upon initial 1467
review of a declaration filed pursuant to division (F) of this 1468
section, it is discovered that the candidate's campaign committee 1469
has failed to dispose of excess funds or excess aggregate 1470
contributions totaling in the aggregate more than twenty-five 1471
hundred dollars. 1472

(5) Any campaign committee that has received a letter 1473
indicating substantial compliance as provided for in division 1474
(D)(2) of this section shall, within thirty days after receiving 1475
such a letter, fully comply with the disposal requirements of 1476
division (B) of this section. 1477

(E) When the campaign committee of a candidate files a 1478
personal funds notice in accordance with division (C), or a 1479
declaration of no limits in accordance with division (D), of 1480
section 3517.103 of the Revised Code, the campaign committee of 1481
each such candidate shall file in the case of a primary election 1482
period a declaration of primary-day finances not later than 1483
fourteen days after the day on which the primary election was 1484
held, or shall file in the case of a general election period a 1485
declaration of year-end finances not later than the last business 1486
day of January of the next calendar year immediately following the 1487
day on which the general election was held. 1488

(F) The declaration of primary-day finances and declaration 1489
of year-end finances shall be filed on a form prescribed by the 1490
secretary of state and shall list all of the following: 1491

(1) The amount of net cash on hand in the candidate's 1492
campaign committee fund at the end of the day on which the primary 1493
election was held or cash on hand on the thirty-first day of 1494
December immediately following the day on which the general 1495
election was held, whichever is appropriate; 1496

(2) In the case of a declaration of primary-day finances, any 1497
debt or other obligation incurred by the committee during the 1498
primary election period and related to the primary election of the 1499
campaign committee's candidate; 1500

(3) The value and description of all campaign assets worth 1501
five hundred dollars or more available to the candidate at the end 1502
of the day on which the primary election was held or on the 1503

thirty-first day of December immediately following the day on 1504
which the general election was held; 1505

(4) The total of all aggregate contributions received by the 1506
candidate's campaign committee during the primary or general 1507
election period; 1508

(5) The total of all allowable aggregate contributions 1509
received by the candidate's campaign committee during the primary 1510
or general election period, whichever is applicable. The allowable 1511
aggregate contribution of each contributor shall be calculated as 1512
if the contribution limitations prescribed by section 3517.102 of 1513
the Revised Code were in effect. 1514

(6) A description of all excess funds and excess aggregate 1515
contributions disposed of by the candidate's campaign committee in 1516
accordance with division (B) of this section for that election. 1517

(G) The campaign committee of a candidate is not required to 1518
dispose of excess funds or excess aggregate contributions under 1519
division (B) of this section if both of the following apply: 1520

(1) The campaign committee has not accepted any aggregate 1521
contribution greater than the amount applicable under ~~those~~ 1522
~~divisions, excluding the amount of any contribution accepted~~ 1523
~~before the day of the primary election held in 1996~~ that division. 1524

(2) The campaign committee files on a form, prescribed by the 1525
secretary of state, with the official or board with which the 1526
candidate is required to file statements under section 3517.11 of 1527
the Revised Code, stating that the committee has not accepted 1528
aggregate contributions as described in division (G)(1) of this 1529
section. 1530

Sec. 3519.16. ~~If the~~ The circulator of any part-petition, the 1531
committee interested ~~therein~~ in the petition, or any elector ~~files~~ 1532
may file with the board of elections a protest against the board's 1533

findings made pursuant to section 3519.15 of the Revised Code, 1534
~~then.~~ Protests shall be in writing and shall specify reasons for 1535
the protest. Protests for all initiative and referendum petitions 1536
other than those to be voted on by electors throughout the entire 1537
state shall be filed not later than four p.m. of the sixty-fourth 1538
day before the day of the election. Once a protest is filed, the 1539
board shall proceed to establish the sufficiency or insufficiency 1540
of the signatures and of the verification ~~thereof~~ of those 1541
signatures in an action before the court of common pleas in the 1542
county. ~~Such~~ The action ~~must~~ shall be brought within three days 1543
after the protest ~~has been~~ is filed, and ~~the case it~~ shall be 1544
heard forthwith by a judge of ~~such~~ that court, whose decision 1545
shall be certified to the board. The signatures ~~which~~ that are 1546
adjudged sufficient or the part-petitions ~~which~~ that are adjudged 1547
properly verified shall be included with the others by the board, 1548
and those found insufficient and all those part-petitions ~~which~~ 1549
that are adjudged not properly verified shall not be included. ~~The~~ 1550

The properly verified part-petitions, together with the 1551
report of the board, shall be returned to the secretary of state 1552
not less than fifty days before the election, provided that, in 1553
the case of an initiated law to be presented to the general 1554
assembly, the boards shall promptly check and return the petitions 1555
together with their report. The secretary of state shall notify 1556
the ~~chairman~~ chairperson of the committee in charge of the 1557
circulation as to the sufficiency or insufficiency of the petition 1558
and the extent of the insufficiency. ~~If~~ 1559

If the petition is found insufficient because of an 1560
insufficient number of valid signatures, ~~such~~ the committee shall 1561
be allowed ten additional days after ~~such~~ the notification by the 1562
secretary of state for the filing of additional signatures to ~~such~~ 1563
the petition. The part-petitions of the supplementary petition 1564
~~which~~ that appear to the secretary of state to be properly 1565

verified, upon their receipt ~~thereof~~ by the secretary of state, 1566
shall forthwith be forwarded to the boards of the several counties 1567
together with the part-petitions of the original petition ~~which~~ 1568
that have been properly verified, ~~and~~. They shall be immediately 1569
examined and passed upon as to the validity and sufficiency of the 1570
signatures ~~thereon~~ on them by each of ~~such~~ the boards and returned 1571
within five days to the secretary of state with the ~~boards'~~ report 1572
of each board. No signature on a supplementary part-petition ~~which~~ 1573
that is the same as a signature on an original part-petition shall 1574
be counted. The number of signatures in both the original and 1575
supplementary petitions, properly verified, shall be used by the 1576
secretary of state in determining the total number of signatures 1577
to the petition ~~which he~~ that the secretary of state shall record 1578
and announce. If they are sufficient, ~~then such~~ the amendment, 1579
proposed law, or law shall be placed on the ballot as required by 1580
law. If the petition is found insufficient, the secretary of state 1581
shall notify the committee in charge of the circulation of the 1582
petition. 1583

Sec. 4117.03. (A) Public employees have the right to: 1584

(1) Form, join, assist, or participate in, or refrain from 1585
forming, joining, assisting, or participating in, except as 1586
otherwise provided in Chapter 4117. of the Revised Code, any 1587
employee organization of their own choosing; 1588

(2) Engage in other concerted activities for the purpose of 1589
collective bargaining or other mutual aid and protection; 1590

(3) Representation by an employee organization; 1591

(4) Bargain collectively with their public employers to 1592
determine wages, hours, terms and other conditions of employment 1593
and the continuation, modification, or deletion of an existing 1594
provision of a collective bargaining agreement, and enter into 1595
collective bargaining agreements; 1596

(5) Present grievances and have them adjusted, without the 1597
intervention of the bargaining representative, as long as the 1598
adjustment is not inconsistent with the terms of the collective 1599
bargaining agreement then in effect and as long as the bargaining 1600
representatives have the opportunity to be present at the 1601
adjustment. 1602

(B) Persons on active duty or acting in any capacity as 1603
members of the organized militia do not have collective bargaining 1604
rights. 1605

(C) Nothing Except as provided in division (D) of this 1606
section, nothing in Chapter 4117. of the Revised Code prohibits 1607
public employers from electing to engage in collective bargaining, 1608
to meet and confer, to hold discussions, or to engage in any other 1609
form of collective negotiations with public employees who are not 1610
subject to Chapter 4117. of the Revised Code pursuant to division 1611
(C) of section 4117.01 of the Revised Code. 1612

(D) A public employer shall not engage in collective 1613
bargaining or other forms of collective negotiations with the 1614
employees of county boards of elections referred to in division 1615
(C)(12) of section 4117.01 of the Revised Code. 1616

Sec. 4301.323. The electors of an election precinct may 1617
exercise the privilege of local option on the sale of beer ~~and any~~ 1618
~~intoxicating,~~ wine and mixed beverages, or spirituous liquor at a 1619
particular location within the precinct if the petitioner for 1620
local option election is one of the following: 1621

(A) An applicant for the issuance or transfer of a liquor 1622
permit at, or to, a particular location within the precinct; 1623

(B) The holder of a liquor permit at a particular location 1624
within the precinct; 1625

(C) A person who operates or seeks to operate a liquor agency 1626

store at a particular location within the precinct; 1627

(D) The designated agent for an applicant, liquor permit 1628
holder, or liquor agency store described in division (A), (B), or 1629
(C) of this section. 1630

The privilege conferred by this section is in addition to the 1631
privilege conferred on the electors of precincts under section 1632
4301.32, 4301.321, 4301.322, or 4305.14 of the Revised Code. 1633

Sec. 4301.355. (A) If a petition is filed under section 1634
4301.333 of the Revised Code for the submission of the question or 1635
questions set forth in this section, it shall be held in the 1636
precinct as ordered by the board of elections under that section. 1637
The expense of holding the election shall be charged to the 1638
municipal corporation or township of which the precinct is a part. 1639

(B) At the election, one or more of the following questions, 1640
as designated in a valid petition, shall be submitted to the 1641
electors of the precinct: 1642

(1) "Shall the sale of (insert beer, wine and 1643
mixed beverages, or ~~intoxicating~~ spirituous liquor) be permitted 1644
by (insert name of applicant, liquor permit holder, or 1645
liquor agency store, including trade or fictitious name under 1646
which applicant for, or holder of, liquor permit or liquor agency 1647
store either intends to do, or does, business at the particular 1648
location), an (insert "applicant for" or "holder of" or 1649
"operator of") a (insert class name of liquor permit or 1650
permits followed by the words "liquor permit(s)" or, if 1651
appropriate, the words "liquor agency store for the State of 1652
Ohio"), who is engaged in the business of (insert 1653
general nature of the business in which applicant or liquor permit 1654
holder is engaged or will be engaged in at the particular 1655
location, as described in the petition) at (insert 1656
address of the particular location within the precinct as set 1657

forth in the petition) in this precinct?" 1658

(2) "Shall the sale of (insert beer, wine and 1659
mixed beverages, or ~~intoxicating~~ spirituous liquor) be permitted 1660
for sale on Sunday between the hours of (insert "ten 1661
a.m. and midnight" or "one p.m. and midnight") by 1662
(insert name of applicant, liquor permit holder, or liquor agency 1663
store, including trade or fictitious name under which applicant 1664
for, or holder of, liquor permit or liquor agency store either 1665
intends to do, or does, business at the particular location), an 1666
..... (insert "applicant for a D-6 liquor permit," "holder of a 1667
D-6 liquor permit," "applicant for or holder of an A-1-A, A-2, 1668
C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, 1669
D-5g, D-5h, D-5i, D-5j, D-5k, or D-7 liquor permit," if only the 1670
approval of beer sales is sought, or "liquor agency store") who is 1671
engaged in the business of (insert general nature of 1672
the business in which applicant or liquor permit holder is engaged 1673
or will be engaged in at the particular location, as described in 1674
the petition) at (insert address of the particular 1675
location within the precinct) in this precinct?" 1676

~~(C) If the sale of beer, wine and mixed beverages, or 1677
intoxicating liquor has been approved at a particular location 1678
within the precinct at a previous election held under this 1679
section, the ballot also shall include the following statement:~~ 1680

~~"At a previous election held under section 4301.355 of the 1681
Revised Code, the electors approved the sale of (insert 1682
beer, wine and mixed beverages, or intoxicating liquor, as 1683
appropriate) at (insert business name and address of 1684
the particular location or locations within the precinct where 1685
that sale has been approved at a previous election under section 1686
4301.355 of the Revised Code)."~~ 1687

~~(D)~~ The board of elections shall furnish printed ballots at 1688
the election as provided under section 3505.06 of the Revised 1689

Code, except that a separate ballot shall be used for the election 1690
under this section. The question ~~and, if applicable, the statement~~ 1691
set forth in this section shall be printed on each ballot, and the 1692
board shall insert in the question ~~and statement~~ appropriate words 1693
to complete ~~each~~ it. Votes shall be cast as provided under section 1694
3505.06 of the Revised Code. 1695

Sec. 4301.365. (A) If a majority of the electors in a 1696
precinct vote "yes" on questions (B)(1) and (2) as set forth in 1697
section 4301.355 of the Revised Code, the sale of beer, wine and 1698
mixed beverages, or ~~intoxicating~~ spirituous liquor, whichever was 1699
the subject of the election, shall be allowed at the particular 1700
location and for the use, and during the hours on Sunday, 1701
specified in the questions under each permit applied for by the 1702
petitioner or at the address listed for the liquor agency store, 1703
subject only to this chapter and Chapter 4303. of the Revised 1704
Code. Failure to continue to use the particular location for any 1705
proposed or stated use set forth in the petition is grounds for 1706
the denial of a renewal of the liquor permit under division (A) of 1707
section 4303.271 of the Revised Code or is grounds for the 1708
nonrenewal or cancellation of the liquor agency store contract by 1709
the division of liquor control, except in the case where the 1710
liquor permit holder or liquor agency store decides to cease the 1711
sale of beer, wine and mixed beverages, or ~~intoxicating~~ spirituous 1712
liquor, whichever was the subject of the election, on Sundays. 1713

(B) Except as otherwise provided in division (H) of this 1714
section, if a majority of the electors in a precinct vote "yes" on 1715
question (B)(1) and "no" on question (B)(2) as set forth in 1716
section 4301.355 of the Revised Code, the sale of beer, wine and 1717
mixed beverages, or ~~intoxicating~~ spirituous liquor, whichever was 1718
the subject of the election, shall be allowed at the particular 1719
location for the use specified in question (B)(1) of section 1720
4301.355 of the Revised Code and under each permit applied for by 1721

the petitioner, except for a D-6 permit, subject only to this 1722
chapter and Chapter 4303. of the Revised Code. 1723

(C) If a majority of the electors in a precinct vote "no" on 1724
question (B)(1) as set forth in section 4301.355 of the Revised 1725
Code, no sales of beer, wine and mixed beverages, or ~~intoxicating~~ 1726
spirituous liquor, whichever was the subject of the election, 1727
shall be allowed at the particular location for the use specified 1728
in the petition during the period the election is in effect as 1729
defined in section 4301.37 of the Revised Code. 1730

(D) If a majority of the electors in a precinct vote only on 1731
question (B)(2) as set forth in section 4301.355 of the Revised 1732
Code and that vote results in a majority "yes" vote, sales of 1733
beer, wine and mixed beverages, or ~~intoxicating~~ spirituous liquor, 1734
whichever was the subject of the election, shall be allowed at the 1735
particular location for the use and during the hours specified in 1736
the petition on Sunday during the period the election is in effect 1737
as defined in section 4301.37 of the Revised Code. 1738

(E) Except as otherwise provided in division (H) of this 1739
section, if a majority of the electors in a precinct vote only on 1740
question (B)(2) as set forth in section 4301.355 of the Revised 1741
Code and that vote results in a majority "no" vote, no sales of 1742
beer, wine and mixed beverages, or ~~intoxicating~~ spirituous liquor, 1743
whichever was the subject of the election, shall be allowed at the 1744
particular location for the use and during the hours specified in 1745
the petition on Sunday during the period the election is in effect 1746
as defined in section 4301.37 of the Revised Code. 1747

(F) In case of elections in the same precinct for the 1748
question or questions set forth in section 4301.355 of the Revised 1749
Code and for a question or questions set forth in section 4301.35, 1750
4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised 1751
Code, the results of the election held on the question or 1752
questions set forth in section 4301.355 of the Revised Code shall 1753

apply to the particular location notwithstanding the results of 1754
the election held on the question or questions set forth in 1755
section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 1756
of the Revised Code. 1757

(G) Sections 4301.32 to 4301.41 of the Revised Code do not 1758
prohibit the transfer of ownership of a permit that was issued to 1759
a particular location as the result of an election held on sales 1760
of beer, wine and mixed beverages, spirituous liquor, or 1761
intoxicating liquor at that particular location as long as the 1762
general nature of the business at that particular location 1763
described in the petition for that election remains the same after 1764
the transfer. 1765

(H) If question (B)(2) as set forth in section 4301.355 of 1766
the Revised Code is submitted to the electors of a precinct 1767
proposing to authorize the sale of beer, wine and mixed beverages, 1768
or ~~intoxicating~~ spirituous liquor between the hours of ten a.m. 1769
and midnight at a particular location at which the sale of beer, 1770
wine and mixed beverages, spirituous liquor, or intoxicating 1771
liquor is already allowed between the hours of one p.m. and 1772
midnight and the question submitted is defeated, the sale of beer, 1773
wine and mixed beverages, spirituous liquor, or intoxicating 1774
liquor between the hours of one p.m. and midnight shall continue 1775
at that particular location. 1776

Section 2. That existing sections 124.57, 3501.05, 3501.10, 1777
3501.28, 3506.01, 3506.05, 3506.06, 3506.10, 3509.07, 3513.052, 1778
3517.109, 3517.1010, 3519.16, 4117.03, 4301.323, 4301.355, and 1779
4301.365 of the Revised Code are hereby repealed. 1780

Section 3. (A) As used in this section: 1781

(1) "Automatic tabulating equipment, "ballot," "direct 1782
recording electronic voting machine," "marking device," "voter 1783

verified paper audit trail," and "voting machines" have the same 1784
meanings as in section 3506.01 of the Revised Code. 1785

(2) "County originally scheduled to acquire voting machines 1786
during the 2004 calendar year" means: 1787

(a) The following counties that are scheduled, pursuant to 1788
the process outlined in the version of the Ohio state plan that 1789
was published in the Federal Register on March 24, 2004, to 1790
acquire voting machines, marking devices, or automatic tabulating 1791
equipment for use in the August 2004 special election with funds 1792
made available pursuant to the Help America Vote Act of 2002: 1793
Adams, Auglaize, Brown, Carroll, Crawford, Delaware, Hardin, 1794
Harrison, Henry, Logan, Medina, Mercer, Portage, Putnam, and 1795
Trumbull; 1796

(b) The following counties that are scheduled, pursuant to 1797
the process outlined in the version of the Ohio state plan that 1798
was published in the Federal Register on March 24, 2004, to 1799
acquire voting machines, marking devices, or automatic tabulating 1800
equipment for use in the November 2004 general election with funds 1801
made available pursuant to the Help America Vote Act of 2002: 1802
Butler, Columbiana, Darke, Fairfield, Gallia, Huron, Jackson, 1803
Lorain, Lucas, Madison, Morgan, Paulding, Richland, Tuscarawas, 1804
Washington, and Williams. 1805

(3) "Help America Vote Act of 2002" means the "Help America 1806
Vote Act of 2002," Public Law 107-252, 116 Stat. 1666. 1807

(4) "Ohio state plan" means the state plan prepared by the 1808
Secretary of State and the state plan committee for the state of 1809
Ohio pursuant to the Help America Vote Act of 2002. 1810

(B)(1)(a) If the board of elections of a county originally 1811
scheduled to acquire voting machines during the 2004 calendar year 1812
wishes to acquire voting machines, marking devices, or automatic 1813
tabulating equipment for use during the 2004 calendar year 1814

according to the schedule proposed pursuant to the process 1815
outlined in the version of the Ohio state plan that was published 1816
in the Federal Register on March 24, 2004, with funds made 1817
available pursuant to the Help America Vote Act of 2002, the board 1818
may vote to reaffirm any prior decision made under that process to 1819
so acquire and use voting machines, marking devices, or automatic 1820
tabulating equipment at a meeting held within thirty days after 1821
the effective date of this section. 1822

(b) If the board of elections of a county originally 1823
scheduled to acquire voting machines during the 2004 calendar year 1824
fails to vote on a decision under division (B)(1)(a) of this 1825
section within thirty days after the effective date of this 1826
section, the county shall not acquire voting machines, marking 1827
devices, or automatic tabulating equipment for use during the 2004 1828
calendar year with funds made available pursuant to the Help 1829
America Vote Act of 2002. The Secretary of State shall not compel 1830
the board of elections of a county originally scheduled to acquire 1831
voting machines during the 2004 calendar year to vote to acquire 1832
voting machines, marking devices, or automatic tabulating 1833
equipment under division (B)(1)(a) of this section. 1834

(c) If the board of elections of a county originally 1835
scheduled to acquire voting machines during the 2004 calendar year 1836
votes to reaffirm a prior decision to acquire voting machines, 1837
marking devices, or automatic tabulating equipment for use during 1838
the 2004 calendar year with funds made available pursuant to the 1839
Help America Vote Act of 2002 under division (B)(1)(a) of this 1840
section, that county shall proceed with the acquisition of the 1841
selected voting machines, marking devices, or automatic tabulating 1842
equipment with those funds according to the process outlined in 1843
the version of the Ohio state plan that was published in the 1844
Federal Register on March 24, 2004. The Secretary of State shall 1845
purchase the selected voting machines, marking devices, or 1846

automatic tabulating equipment for the county by acting as an 1847
agent on behalf of the board of county commissioners of that 1848
county. 1849

(2)(a) A county may acquire voting machines, marking devices, 1850
or automatic tabulating equipment for use during the 2005 calendar 1851
year pursuant to the process outlined in the version of the Ohio 1852
state plan that was published in the Federal Register on March 24, 1853
2004, prior to the certification of direct recording electronic 1854
voting machines with a voter verified paper audit trail in 1855
accordance with division (E)(1) of this section if both of the 1856
following apply: 1857

(i) The county did not acquire voting machines, marking 1858
devices, or automatic tabulating equipment under division (B)(1) 1859
of this section for use during the 2004 calendar year. 1860

(ii) The county has selected, through the process outlined in 1861
the version of the Ohio state plan that was published in the 1862
Federal Register on March 24, 2004, voting machines, marking 1863
devices, or automatic tabulating equipment other than direct 1864
recording electronic voting machines as the primary voting system 1865
to be used in the county. This division does not preclude the 1866
acquisition of direct recording electronic voting machines to the 1867
extent that the county is scheduled to acquire only one direct 1868
recording electronic voting machine for each polling place as 1869
required by the Help America Vote Act of 2002. 1870

(b) If a county chooses to acquire voting machines, marking 1871
devices, or automatic tabulating equipment under division 1872
(B)(2)(a) of this section, the Secretary of State shall purchase 1873
the selected voting machines, marking devices, or automatic 1874
tabulating equipment for the county by acting as an agent on 1875
behalf of the board of county commissioners of that county. 1876

(C) It is the intent of the General Assembly that the state 1877

of Ohio pay, with funds made available pursuant to the Help 1878
America Vote Act of 2002 or through an appropriation of state 1879
capital funds, for any additional costs a county incurs after the 1880
initial purchase of direct recording electronic voting machines, 1881
to upgrade, retrofit, or otherwise equip those voting machines 1882
with a voter verified paper audit trail if the county acquires the 1883
voting machines in any of the following manners: 1884

(1) The county purchases the direct recording electronic 1885
voting machines before the effective date of this section using 1886
county funds and is entitled to reimbursement for that purchase 1887
under the Help America Vote Act of 2002. 1888

(2) The county acquires the direct recording electronic 1889
voting machines for use during the 2004 calendar year under 1890
division (B)(1) of this section. 1891

(3) The county acquires voting machines, marking devices, or 1892
automatic tabulating equipment, including direct recording 1893
electronic voting machines, under division (B)(2) of this section. 1894

(4) The county acquired direct recording electronic voting 1895
machines before January 1, 2000, and is not scheduled to acquire 1896
new voting machines, marking devices, or automatic tabulating 1897
equipment with funds made available under the Help America Vote 1898
Act of 2002 under the process outlined in the version of the Ohio 1899
state plan that was published in the Federal Register on March 24, 1900
2004. 1901

(D)(1) If a county does not acquire voting machines, marking 1902
devices, or automatic tabulating equipment under division (B)(1) 1903
or (2) of this section or does not acquire voting machines, 1904
marking devices, or automatic tabulating equipment through the 1905
process described in division (C)(1) or (4) of this section, the 1906
process for counties to acquire voting machines, marking devices, 1907
or automatic tabulating equipment with funds made available 1908

pursuant to the Help America Vote Act of 2002 that is outlined in 1909
the version of the Ohio state plan that was published in the 1910
Federal Register on March 24, 2004, shall be subject to divisions 1911
(E) and (F) of this section with respect to any direct recording 1912
electronic voting machine a county selects for acquisition. 1913

(2) Nothing in division (E) or (F) of this section shall 1914
affect the acquisition of voting machines, marking devices, or 1915
automatic tabulating equipment, other than direct recording 1916
electronic voting machines, under the process outlined in the 1917
version of the Ohio state plan that was published in the Federal 1918
Register on March 24, 2004. 1919

(E)(1)(a) The Secretary of State shall adopt a schedule 1920
pursuant to which the Secretary of State shall certify for use in 1921
this state direct recording electronic voting machines with a 1922
voter verified paper audit trail. That schedule shall provide for 1923
the certification, acquisition, and implementation of direct 1924
recording electronic voting machines with a voter verified paper 1925
audit trail not later than the first federal election that occurs 1926
after January 1, 2006, unless required sooner by the Help America 1927
Vote Act of 2002. 1928

(b) Before certifying any direct recording electronic voting 1929
machines with a voter verified paper audit trail, the Secretary of 1930
State shall establish standards for the certification of those 1931
machines as required by division (H)(3) of section 3506.05 of the 1932
Revised Code. In addition to the requirements of that section, the 1933
standards for certification shall require a direct recording 1934
electronic voting machine with a voter verified paper audit trail 1935
to meet the requirements of the Help America Vote Act of 2002, 1936
Chapter 3506. of the Revised Code, this act, and any other 1937
applicable laws and standards. 1938

(c) Any vendor of a direct recording electronic voting 1939
machine with a voter verified paper audit trail may seek 1940

certification of that machine for use in this state under the 1941
certification standards the Secretary of State is required to 1942
adopt under division (H)(3) of section 3506.05 of the Revised Code 1943
and division (E)(1)(b) of this section according to the 1944
certification schedule the Secretary of State is required to adopt 1945
under division (E)(1)(a) of this section. 1946

(d) No vendor, type, or model of direct recording electronic 1947
voting machine that was approved in this state according to the 1948
process outlined in the version of the Ohio state plan that was 1949
published in the Federal Register on March 24, 2004, shall remain 1950
on the approved list of vendors, types, or models for acquisition 1951
with funds made available pursuant to the Help America Vote Act of 1952
2002 unless it is subject to the certification standards for 1953
direct recording electronic voting machines with a voter verified 1954
paper audit trail the Secretary of State is required to adopt 1955
under division (H)(3) of section 3506.05 of the Revised Code and 1956
division (E)(1)(b) of this section. 1957

(2) After the Secretary of State certifies direct recording 1958
electronic voting machines with a voter verified paper audit trail 1959
under division (E)(1) of this section, the Secretary of State 1960
shall commence price negotiations with any willing vendor that 1961
meets both of the following requirements: 1962

(a) The vendor's direct recording electronic voting machine 1963
was approved for acquisition and use in this state under the 1964
process outlined in the version of the Ohio state plan that was 1965
published in the Federal Register on March 24, 2004. 1966

(b) The vendor's direct recording electronic voting machine 1967
with a voter verified paper audit trail is certified in accordance 1968
with division (E)(1) of this section. 1969

(3) With each willing vendor that meets the requirements of 1970
division (E)(2) of this section, the Secretary of State shall 1971

negotiate for a final unified price. The final unified price shall
include both of the following:

(a) The cost of upgrading, retrofitting, or otherwise
equipping all direct recording electronic voting machines produced
by that vendor and acquired under division (B)(1) or (2) of this
section or through the process described in division (C)(1) or (4)
of this section with a voter verified paper audit trail;

(b) The purchase price for that vendor for all direct
recording electronic voting machines that were previously selected
by a county for acquisition during the 2005 calendar year under
the process outlined in the version of the Ohio state plan that
was published in the Federal Register on March 24, 2004, and that
have not already been acquired under division (B)(2) of this
section. The purchase price under this division shall include the
price for equipping each direct recording electronic voting
machine with a voter verified paper audit trail.

(4) After the Secretary of State negotiates a final unified
price with each eligible vendor under division (E)(3) of this
section, the Secretary of State shall perform the following
calculation with respect to each vendor:

(a) For each vendor, the final unified price shall be added
to the total cost of all direct recording electronic voting
machines acquired from that vendor under division (B)(1) or (2) of
this section or through the process described in division (C)(1)
or (4) of this section.

(b) To determine the percentage change between acquiring
direct recording electronic voting machines under the contract
negotiated under the process outlined in the version of the Ohio
state plan that was published in the Federal Register on March 24,
2004, and acquiring direct recording electronic voting machines
with a voter verified paper audit trail, the sum under division

(E)(4)(a) of this section shall be divided by the total cost of 2003
acquiring direct recording electronic voting machines from that 2004
vendor if all counties that previously selected those machines 2005
from that vendor under the process outlined in the version of the 2006
Ohio state plan that was published in the Federal Register on 2007
March 24, 2004, had acquired the machines under that contract. 2008

(5) If the calculation performed under division (E)(4) of 2009
this section results in a percentage cost of one hundred twenty 2010
per cent or less, the Secretary of State may accept this cost, 2011
subject to Controlling Board approval. If approved by the 2012
Controlling Board, the Secretary of State may permit both of the 2013
following: 2014

(a) Counties that have not yet purchased direct recording 2015
electronic voting machines with funds made available under the 2016
Help America Vote Act of 2002 and that previously selected that 2017
vendor's direct recording electronic voting machines to purchase 2018
direct recording electronic voting machines with a voter verified 2019
paper audit trail from that vendor according to the process 2020
outlined in the version of the Ohio state plan that was published 2021
in the Federal Register on March 24, 2004; 2022

(b) Counties that previously purchased direct recording 2023
electronic voting machines from that vendor under division (B)(1) 2024
or (2) of this section or through the process described in 2025
division (C)(1) or (4) of this section to upgrade, retrofit, or 2026
otherwise equip those direct recording electronic voting machines 2027
with a voter verified paper audit trail from that vendor. 2028

(6) If the calculation performed under division (E)(4) of 2029
this section results in a percentage cost of more than one hundred 2030
twenty per cent, the Secretary of State shall not accept the cost, 2031
and any contract negotiated with that vendor shall be deemed null 2032
and void with respect to any direct recording electronic voting 2033
machines not yet purchased. 2034

(F)(1) If a vendor of a direct recording electronic voting machine that was approved for acquisition and use in this state under the process outlined in the version of the Ohio state plan that was published in the Federal Register on March 24, 2004, chooses not to seek or fails to gain certification for a direct recording electronic voting machine with a voter verified paper audit trail, or if the vendor's contract is declared null and void under division (E)(6) of this section, any vendor of a direct recording electronic voting machine with a voter verified paper audit trail that is certified for use in this state may submit a bid to provide voting machines, marking devices, or automatic tabulating equipment for those counties whose original direct recording electronic voting machine selection is no longer available under this section.

(2) The Secretary of State shall develop a process by which vendors of a certified direct recording electronic voting machine with a voter verified paper audit trail may submit bids under division (F)(1) of this section, by which the Secretary of State shall approve for acquisition, and by which counties identified in division (F)(1) of this section may purchase voting machines, marking devices, or automatic tabulating equipment using funds made available pursuant to the Help America Vote Act of 2002. Any voting machines, marking devices, or automatic tabulating equipment so purchased shall meet the requirements of the Help America Vote Act of 2002, Chapter 3506. of the Revised Code, this act, and any other applicable laws and standards. Any process the Secretary of State develops under this division shall be described in the Ohio state plan. The process shall permit the Secretary of State to purchase voting machines, marking devices, or automatic tabulating equipment on behalf of a board of county commissioners with the Secretary of State acting as an agent of the board.

The process shall not authorize the Secretary of State to do

either of the following:	2067
(a) Purchase voting machines, marking devices, or automatic tabulating equipment except when acting as an agent on behalf of the board of county commissioners of a county;	2068 2069 2070
(b) Require a county board of elections to select or use any direct recording electronic voting machine except as otherwise required by federal law.	2071 2072 2073
(G) The acquisition of voting machines, marking devices, or automatic tabulating equipment under this section with funds made available pursuant to the Help America Vote Act of 2002 shall be completed before the first federal election that occurs after January 1, 2006, unless required sooner by that Act.	2074 2075 2076 2077 2078
(H) It is the intent of the General Assembly that the state of Ohio pay, with funds made available pursuant to the Help America Vote Act of 2002 or through an appropriation of state capital funds, the full cost of acquiring all voting machines, marking devices, or automatic tabulating equipment under this section.	2079 2080 2081 2082 2083 2084
Section 4. The Secretary of State shall amend the state plan prepared by the Secretary of State and the state plan committee pursuant to the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666, as required to conform with the provisions of this act.	2085 2086 2087 2088 2089
Section 5. That Section 99 of Am. Sub. H.B. 95 of the 125th General Assembly be amended to read as follows:	2090 2091
Sec. 99. SOS SECRETARY OF STATE	2092
General Revenue Fund	2093
GRF 050-321 Operating Expenses \$ 2,750,000 \$ 2,750,000	2094

Sub. H. B. No. 262
As Reported by the Senate State and Local Government and Veterans Affairs
Committee

GRF 050-403	Election Statistics	\$	110,570	\$	110,570	2095
GRF 050-407	Pollworkers Training	\$	295,742	\$	295,742	2096
GRF 050-409	Litigation	\$	4,949	\$	4,949	2097
Expenditures						
TOTAL GRF	General Revenue Fund	\$	3,161,261	\$	3,161,261	2098
General Services Fund Group						
4S8 050-610	Board of Voting	\$	7,200	\$	7,200	2100
Machine Examiners						
412 050-609	Notary Commission	\$	178,124	\$	185,249	2101
413 050-601	Information Systems	\$	163,418	\$	169,955	2102
414 050-602	Citizen Education Fund	\$	72,800	\$	75,712	2103
TOTAL General Services	Fund Group	\$	421,542	\$	438,116	2104
Federal Special Revenue Fund Group						
<u>3AT 050-614</u>	<u>Voter/Poll Worker</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>5,000,000</u>	2106
<u>Education</u>						
<u>3AR 050-615</u>	<u>2004 HAVA Voting</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>27,250,000</u>	2107
<u>Machines</u>						
<u>3AS 050-616</u>	<u>2005 HAVA Voting</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>79,250,000</u>	2108
<u>Machines</u>						
3X4 050-612	Ohio Cntr/Law Related	\$	41,000	\$	41,000	2109
Educ Grant						
TOTAL FED	Federal Special Revenue					2110
Fund Group		\$	41,000	\$	41,000	2111
					<u>109,541,000</u>	
State Special Revenue Fund Group						
5N9 050-607	Technology	\$	124,582	\$	129,565	2113
Improvements						
599 050-603	Business Services	\$	13,889,462	\$	14,241,966	2114
Operating Expenses						
TOTAL SSR	State Special Revenue					2115
Fund Group		\$	14,014,044	\$	14,371,531	2116
Holding Account Redistribution Fund Group						
						2117

R01 050-605	Uniform Commercial	\$	65,000	\$	65,000	2118
	Code Refunds					
R02 050-606	Corporate/Business	\$	100,000	\$	100,000	2119
	Filing Refunds					
TOTAL 090	Holding Account					2120
Redistribution Fund Group		\$	165,000	\$	165,000	2121
TOTAL ALL BUDGET FUND GROUPS		\$	17,802,847	\$	18,176,908	2122
					<u>127,676,908</u>	

BOARD OF VOTING MACHINE EXAMINERS 2123

The foregoing appropriation item 050-610, Board of Voting 2124
Machine Examiners, shall be used to pay for the services and 2125
expenses of the members of the Board of Voting Machine Examiners, 2126
and for other expenses that are authorized to be paid from the 2127
Board of Voting Machine Examiners Fund, which is created in 2128
section 3506.05 of the Revised Code. Moneys not used shall be 2129
returned to the person or entity submitting the equipment for 2130
examination. If it is determined that additional appropriations 2131
are necessary, such amounts are appropriated. 2132

HOLDING ACCOUNT REDISTRIBUTION GROUP 2133

The foregoing appropriation items 050-605 and 050-606, 2134
Holding Account Redistribution Fund Group, shall be used to hold 2135
revenues until they are directed to the appropriate accounts or 2136
until they are refunded. If it is determined that additional 2137
appropriations are necessary, such amounts are appropriated. 2138

VOTER/POLL WORKER EDUCATION FUND 2139

If, as of the effective date of this amendment, the 2140
Controlling Board has not taken action to allow for a statewide 2141
voter education and poll worker training program in the state, the 2142
Director of Budget and Management shall transfer \$5,000,000 from 2143
the Election Reform Fund (Fund 3AA) to the Voter Education/Poll 2144
Worker Education Fund (Fund 3AT). Of the foregoing appropriation 2145

item 050-614, Voter/Poll Worker Education, \$2,500,000 shall be 2146
allocated to the counties, subject to Controlling Board approval. 2147
Of this amount, the Secretary of State shall distribute \$440,000 2148
to the counties such that each county shall receive \$5,000. The 2149
remaining \$2,060,000 allocated shall be distributed to the 2150
counties based upon per capita population as determined by the 2151
most recent federal decennial census data. \$2,500,000 shall be 2152
used to conduct a statewide voter education and poll 2153
worker-training program, subject to Controlling Board approval. 2154

Of the \$2,500,000 appropriated to counties, no county shall 2155
receive its allotted funding until it has submitted a voter 2156
education plan to, and had that plan approved by, the Secretary of 2157
State. Of the \$2,500,000 appropriated to the Secretary of State 2158
for the purpose of conducting a voter education and poll worker 2159
training program, the Secretary of State may use up to \$1,000,000 2160
for the development, implementation, and certification for 2161
standards of Voter Verified Paper Audit Trail (VVPAT) systems. 2162

After January 1, 2005, the Secretary of State may seek 2163
approval from the Controlling Board for the release of an 2164
additional \$2,500,000 from the Election Reform Fund (Fund 3AA), if 2165
the Secretary of State can demonstrate it is necessary for the 2166
implementation of additional voter education and poll worker 2167
training. Of this \$2,500,000, the Secretary of State must 2168
distribute \$1,250,000 to the counties on a per capita basis based 2169
upon population as determined by the most recent federal decennial 2170
census data. However, the \$1,250,000 shall not be released to the 2171
individual counties until those counties have submitted a voter 2172
education plan to, and had that plan approved by, the Secretary of 2173
State. 2174

Upon the effective date of this amendment, the Secretary of 2175
State may request that the Director of Budget and Management 2176
transfer an amount from the Election Reform Fund (Fund 3AA) to a 2177

GRF appropriation item within the Secretary of State's Budget for 2178
the compensation of the ADA coordinator under section 3501.05 of 2179
the Revised Code. 2180

2004 HAVA VOTING MACHINES FUND 2181

If, as of the effective date of this amendment, the 2182
Controlling Board has not taken action to approve the funds for 2183
deployment of HAVA certified voting systems in 2004, the Director 2184
of Budget and Management shall transfer an amount not to exceed 2185
\$27,250,000 from the Election Reform Fund (Fund 3AA) to the 2004 2186
HAVA Voting Machines Fund (Fund 3AR). 2187

2005 HAVA VOTING MACHINES FUND 2188

As of the effective date of this amendment, the Director of 2189
Budget and Management shall transfer an amount not to exceed 2190
\$79,250,000 from the Election Reform Fund (Fund 3AA) to the 2005 2191
HAVA Voting Machines Fund (Fund 3AS). The amount is hereby 2192
appropriated. The Secretary of State shall certify to the Director 2193
of Budget and Management any amount from the 2004 Voting Machines 2194
Fund (Fund 3AR) that was not required for voting machine 2195
replacement or upgrades. The Director of Budget and Management 2196
shall transfer this amount to the 2005 HAVA Voting Machines Fund 2197
(Fund 3AS) and abolish the 2004 HAVA Voting Machines Fund (Fund 2198
3AR). 2199

Section 6. That existing Section 99 of Am. Sub. H.B. 95 of 2200
the 125th General Assembly is hereby repealed. 2201

Section 7. The Director of the Legislative Service Commission 2202
may use up to \$350,000 from the Election Reform Fund (Fund 3AA), 2203
created by the Controlling Board in 2003, to conduct a security 2204
review study of electronic voting machines. The amount is hereby 2205
appropriated. 2206

Section 8. The codified and uncodified sections of law 2207
amended or enacted by this act, and the items of law of which the 2208
sections as amended or enacted by this act are composed, are not 2209
subject to the referendum. Therefore, under Ohio Constitution, 2210
Article II, Section 1d and section 1.471 of the Revised Code, the 2211
sections of law amended or enacted by this act, and the items of 2212
law of which the sections as amended or enacted by this act are 2213
composed, go into immediate effect when this act becomes law. 2214