

As Introduced

**126th General Assembly
Regular Session
2005-2006**

H. B. No. 234

**Representatives Wolpert, Kearns, C. Evans, D. Evans, Beatty, Miller, Brown,
Distel, S. Smith, Widowfield, Trakas, Bocchieri, Hood, Allen**

—

A B I L L

To amend sections 3501.22 and 3501.27 of the Revised Code to permit a board of elections, in conjunction with a board of education, the governing authority of a community school, or the chief administrator of a nonpublic school, to establish a program permitting certain high school seniors to serve as precinct officers on the day of an election, and to permit a board of elections to establish such a program for home-instructed students who are in the equivalent of the twelfth year of a one through twelve year instructional program. 1

2

3

4

5

6

7

8

9

10

11

12

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

Section 1. That sections 3501.22 and 3501.27 of the Revised Code be amended to read as follows: 13

14

Sec. 3501.22. (A) On or before the fifteenth day of September in each year the board of elections by a majority vote shall, after careful examination and investigation as to their qualifications, appoint for each election precinct four ~~competent~~ ~~electors,~~ residents of the county in which the precinct is 15

16

17

18

19

located, as judges. ~~Such electors~~ Except as otherwise provided in 20
division (C) of this section, all judges of election shall be 21
qualified electors. The judges shall constitute the election 22
officers of the precinct. Not more than one-half of the total 23
number of judges shall be members of the same political party. The 24
term of such precinct officers shall be for one year. The board 25
may, at any time, designate any number of election officers, not 26
more than one-half of whom shall be members of the same political 27
party, to perform their duties at any precinct in any election. 28
The board may appoint additional officials, equally divided 29
between the two major political parties, when necessary to 30
expedite voting. 31

Vacancies for unexpired terms shall be filled by the board. 32
When new precincts have been created, the board shall appoint 33
judges for such precincts for the unexpired term. Any judge may be 34
summarily removed from office at any time by the board for neglect 35
of duty, malfeasance, or misconduct in office, or for any other 36
good and sufficient reason. 37

Precinct election officials shall perform all of the duties 38
provided by law for receiving the ballots and supplies, opening 39
and closing the polls, and overseeing the casting of ballots 40
during the time the polls are open, and any other duties required 41
by section 3501.26 of the Revised Code. 42

A board of elections may designate two precinct election 43
officials as counting officials to count and tally the votes cast 44
and certify the results of the election at each precinct, and 45
perform such other duties as are provided by law. To expedite the 46
counting of votes at each precinct, the board may appoint 47
additional officials, not more than one-half of whom shall be 48
members of the same political party. 49

The board shall designate one of the precinct election 50
officials who is a member of the dominant political party to serve 51

as a presiding judge, whose duty it is to deliver the returns of
the election and all supplies to the office of the board. For
these services the presiding judge shall receive additional
compensation in an amount, consistent with section 3501.28 of the
Revised Code, determined by the board of elections.

52
53
54
55
56

The board shall issue to each precinct election official a
certificate of appointment, which the official shall present to
the presiding judge at the time the polls are opened.

57
58
59

(B) If the board of elections determines that not enough
qualified electors in a precinct are available to serve as
precinct officers, it may appoint persons to serve as precinct
officers at a primary, special, or general election who are at
least seventeen years of age and are registered to vote in
accordance with section 3503.07 of the Revised Code. No more than
two precinct officers in any precinct shall be under eighteen
years of age.

60
61
62
63
64
65
66
67

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

68
69
70
71
72
73
74
75

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

76
77
78
79
80
81

(b) A board of elections may establish a program permitting

82

certain students who are excused from attending a school that 83
meets the minimum standards prescribed by the state board of 84
education under section 3321.04 of the Revised Code because the 85
students are being instructed at home to apply and, if appointed 86
by the board of elections, to serve as precinct officers at a 87
primary, special, or general election. 88

(2)(a) To be eligible to participate in a program established 89
under division (C)(1) of this section, a student shall be a United 90
States citizen, a resident of the county, at least seventeen years 91
of age, and enrolled in the senior year of high school or in the 92
equivalent of the twelfth year of a one through twelve year 93
instructional program at the time of appointment. 94

(b) Any student applying to participate in a program 95
established under division (C)(1) of this section, as part of the 96
student's application process, shall declare the student's 97
political party affiliation with the board of elections. 98

(3) No student appointed as a precinct officer pursuant to a 99
program established under division (C)(1) of this section shall be 100
designated as a presiding judge. 101

Sec. 3501.27. (A) All judges of election shall ~~be qualified~~ 102
~~electors who have completed~~ complete a program of instruction 103
pursuant to division (B) of this section. No person who has been 104
convicted of a felony, or any violation of the election laws, ~~or~~ 105
who is unable to read and write the English language readily, or 106
who is a candidate for an office to be voted for by the voters of 107
the precinct in which ~~he~~ the person is to serve shall serve as an 108
election officer. A person when appointed as an election officer 109
shall receive from the board of elections a certificate of 110
appointment which may be revoked at any time by the board for good 111
and sufficient reasons. Such certificate shall be in such form as 112
the board prescribes and shall specify the precinct, ward, or 113

district in and for which the person to whom it is issued is 114
appointed to serve, the date of appointment, and the expiration of 115
~~his~~ the person's term of service. 116

(B) Each board shall establish a program as prescribed by the 117
secretary of state for the instruction of election officers in the 118
rules, procedures, and law relating to elections. In each program, 119
the board shall use training materials prepared by the secretary 120
of state, and may use additional materials prepared by or on 121
behalf of the board. The board may use the services of unpaid 122
volunteers in conducting its program and may reimburse such 123
volunteers for necessary and actual expenses incurred in 124
participating in the program. 125

The board shall train each new election officer before the 126
new officer participates in ~~his~~ the first election in that 127
capacity. The board shall instruct election officials who have 128
been trained previously only when the board or secretary of state 129
considers such instruction necessary, but the board shall 130
reinstruct such persons, other than presiding judges, at least 131
once in every three years and shall reinstruct presiding judges 132
before the primary election in even-numbered years. The board 133
shall schedule any program of instruction within sixty days prior 134
to the election in which the officials to be trained will 135
participate. 136

(C) The duties of a judge of an election in each polling 137
place shall be performed only by an individual who has 138
successfully completed the requirements of the program, unless 139
such an individual is unavailable after reasonable efforts to 140
obtain such services. 141

(D) The secretary of state shall establish a program for the 142
instruction of members of boards of elections and employees of 143
boards in the rules, procedures, and law relating to elections. 144
Each member and employee shall complete the training program 145

within six months after ~~his~~ the member's or employee's original 146
appointment or employment, and thereafter, each member and 147
employee shall complete a training program to update their 148
knowledge once every four years or more often as determined by the 149
secretary of state. 150

(E) The secretary of state shall reimburse each county for 151
the cost of programs established pursuant to division (B) of this 152
section, once ~~he~~ the secretary of state has received an itemized 153
statement of expenses for such instruction programs from the 154
county. The itemized statement shall be in a form prescribed by 155
the secretary of state. 156

Section 2. That existing sections 3501.22 and 3501.27 of the 157
Revised Code are hereby repealed. 158

Section 3. Section 3501.22 of the Revised Code is presented 159
in this act as a composite of the section as amended by both Am. 160
Sub. H.B. 99 and Am. H.B. 215 of the 121st General Assembly. The 161
General Assembly, applying the principle stated in division (B) of 162
section 1.52 of the Revised Code that amendments are to be 163
harmonized if reasonably capable of simultaneous operation, finds 164
that the composite is the resulting version of the section in 165
effect prior to the effective date of the section as presented in 166
this act. 167