

**As Passed by the House**

**126th General Assembly**

**Regular Session**

**2005-2006**

**Am. Sub. H. B. No. 234**

**Representatives Wolpert, Kearns, C. Evans, D. Evans, Beatty, Miller, Brown, Distel, S. Smith, Widowfield, Trakas, Boccieri, Hood, Allen, D. Stewart, Law, Uecker, Barrett, Book, Calvert, Carano, Cassell, Chandler, Combs, DeBose, Dolan, Domenick, Flowers, Hartnett, Harwood, Healy, Hoops, Hughes, Key, Koziura, Mason, McGregor, Otterman, T. Patton, Perry, Schneider, Seaver, G. Smith, J. Stewart, Ujvagi, White, Williams, Yuko**

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**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. 1  
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**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: 9  
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**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 11  
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located, as judges. ~~Such electors~~ Except as otherwise provided in 16  
division (C) of this section, all judges of election shall be 17  
qualified electors. The judges shall constitute the election 18  
officers of the precinct. Not more than one-half of the total 19  
number of judges shall be members of the same political party. The 20  
term of such precinct officers shall be for one year. The board 21  
may, at any time, designate any number of election officers, not 22  
more than one-half of whom shall be members of the same political 23  
party, to perform their duties at any precinct in any election. 24  
The board may appoint additional officials, equally divided 25  
between the two major political parties, when necessary to 26  
expedite voting. 27

Vacancies for unexpired terms shall be filled by the board. 28  
When new precincts have been created, the board shall appoint 29  
judges for such precincts for the unexpired term. Any judge may be 30  
summarily removed from office at any time by the board for neglect 31  
of duty, malfeasance, or misconduct in office, or for any other 32  
good and sufficient reason. 33

Precinct election officials shall perform all of the duties 34  
provided by law for receiving the ballots and supplies, opening 35  
and closing the polls, and overseeing the casting of ballots 36  
during the time the polls are open, and any other duties required 37  
by section 3501.26 of the Revised Code. 38

A board of elections may designate two precinct election 39  
officials as counting officials to count and tally the votes cast 40  
and certify the results of the election at each precinct, and 41  
perform such other duties as are provided by law. To expedite the 42  
counting of votes at each precinct, the board may appoint 43  
additional officials, not more than one-half of whom shall be 44  
members of the same political party. 45

The board shall designate one of the precinct election 46  
officials who is a member of the dominant political party to serve 47

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.

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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.

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(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.

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(C)(1) 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.

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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.

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(2)(a) To be eligible to participate in a program established

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under division (C)(1) of this section, a student shall be a United States citizen, a resident of the county, at least seventeen years of age, and enrolled in the senior year of high school.

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

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

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(4) Any student participating in a program established under division (C)(1) of this section shall be excused for that student's absence from school on the day of an election at which the student is serving as a precinct officer.

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**Sec. 3501.27.** (A) All judges of election shall ~~be qualified~~ electors ~~who have completed~~ complete a program of instruction pursuant to division (B) of this section. No person who has been convicted of a felony<sup>7</sup> or any violation of the election laws, ~~or~~ who is unable to read and write the English language readily, or who is a candidate for an office to be voted for by the voters of the precinct in which ~~he~~ the person is to serve shall serve as an election officer. A person when appointed as an election officer shall receive from the board of elections a certificate of appointment which may be revoked at any time by the board for good and sufficient reasons. Such certificate shall be in such form as the board prescribes and shall specify the precinct, ward, or district in and for which the person to whom it is issued is appointed to serve, the date of appointment, and the expiration of ~~his~~ the person's term of service.

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(B) Each board shall establish a program as prescribed by the

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secretary of state for the instruction of election officers in the 109  
rules, procedures, and law relating to elections. In each program, 110  
the board shall use training materials prepared by the secretary 111  
of state, and may use additional materials prepared by or on 112  
behalf of the board. The board may use the services of unpaid 113  
volunteers in conducting its program and may reimburse such 114  
volunteers for necessary and actual expenses incurred in 115  
participating in the program. 116

The board shall train each new election officer before the 117  
new officer participates in ~~his~~ the first election in that 118  
capacity. The board shall instruct election officials who have 119  
been trained previously only when the board or secretary of state 120  
considers such instruction necessary, but the board shall 121  
reinstruct such persons, other than presiding judges, at least 122  
once in every three years and shall reinstruct presiding judges 123  
before the primary election in even-numbered years. The board 124  
shall schedule any program of instruction within sixty days prior 125  
to the election in which the officials to be trained will 126  
participate. 127

(C) The duties of a judge of an election in each polling 128  
place shall be performed only by an individual who has 129  
successfully completed the requirements of the program, unless 130  
such an individual is unavailable after reasonable efforts to 131  
obtain such services. 132

(D) The secretary of state shall establish a program for the 133  
instruction of members of boards of elections and employees of 134  
boards in the rules, procedures, and law relating to elections. 135  
Each member and employee shall complete the training program 136  
within six months after ~~his~~ the member's or employee's original 137  
appointment or employment, and thereafter, each member and 138  
employee shall complete a training program to update their 139  
knowledge once every four years or more often as determined by the 140

secretary of state. 141

(E) The secretary of state shall reimburse each county for 142  
the cost of programs established pursuant to division (B) of this 143  
section, once ~~he~~ the secretary of state has received an itemized 144  
statement of expenses for such instruction programs from the 145  
county. The itemized statement shall be in a form prescribed by 146  
the secretary of state. 147

**Section 2.** That existing sections 3501.22 and 3501.27 of the 148  
Revised Code are hereby repealed. 149

**Section 3.** Section 3501.22 of the Revised Code is presented 150  
in this act as a composite of the section as amended by both Am. 151  
Sub. H.B. 99 and Am. H.B. 215 of the 121st General Assembly. The 152  
General Assembly, applying the principle stated in division (B) of 153  
section 1.52 of the Revised Code that amendments are to be 154  
harmonized if reasonably capable of simultaneous operation, finds 155  
that the composite is the resulting version of the section in 156  
effect prior to the effective date of the section as presented in 157  
this act. 158