

As Passed by the Senate

126th General Assembly

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Sub. H. B. No. 234

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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,
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Senators Cates, Niehaus, Mumper, Grendell, Clancy, Coughlin, Goodman,
Padgett, Austria, Harris**

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A B I L L

To amend sections 3501.17, 3501.22, 3501.27, 3503.16, 1
3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 2
3509.06, 3509.07, 3509.08, 3511.02, 3511.04, 3
3511.09, 3599.12, 3599.21, and 4109.06 and to 4
enact sections 3509.022, 3509.09, and 3511.13 of 5
the Revised Code to permit a board of elections, 6
in conjunction with a board of education, the 7
governing authority of a community school, or the 8
chief administrator of a nonpublic school, to 9
establish a program permitting certain high school 10
seniors to serve as precinct officers on the day 11
of an election, and to revise the law governing 12
absent voter's ballots and armed service absent 13
voter's ballots. 14

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

Section 1. That sections 3501.17, 3501.22, 3501.27, 3503.16, 15
3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.07, 16
3509.08, 3511.02, 3511.04, 3511.09, 3599.12, 3599.21, and 4109.06 17
be amended and sections 3509.022, 3509.09, and 3511.13 of the 18
Revised Code be enacted to read as follows: 19

Sec. 3501.17. (A) The expenses of the board of elections 20
shall be paid from the county treasury, in pursuance of 21
appropriations by the board of county commissioners, in the same 22
manner as other county expenses are paid. If the board of county 23
commissioners fails to appropriate an amount sufficient to provide 24
for the necessary and proper expenses of the board of elections 25
pertaining to the conduct of elections, ~~other than expenses for~~ 26
~~employee compensation and benefits incurred in the conduct of~~ 27
~~elections,~~ the board of elections may apply to the court of common 28
pleas within the county, which shall fix the amount necessary to 29
be appropriated and the amount shall be appropriated. Payments 30
shall be made upon vouchers of the board of elections certified to 31
by its chairperson or acting chairperson and the director or 32
deputy director, upon warrants of the county auditor. 33

The board of elections shall not incur any obligation 34
involving the expenditure of money unless there are moneys 35
sufficient in the funds appropriated therefor to meet the 36
obligation as required in division (D) of section 5705.41 of the 37
Revised Code. If the board of elections requests a transfer of 38
funds from one of its appropriation items to another, the board of 39
county commissioners shall adopt a resolution providing for the 40
transfer except as otherwise provided in section 5705.40 of the 41
Revised Code. The expenses of the board of elections shall be 42
apportioned among the county and the various subdivisions as 43
provided in this section, and the amount chargeable to each 44
subdivision shall be withheld by the auditor from the moneys 45

payable thereto at the time of the next tax settlement. At the
time of submitting budget estimates in each year, the board of
elections shall submit to the taxing authority of each
subdivision, upon the request of the subdivision, an estimate of
the amount to be withheld from the subdivision during the next
fiscal year.

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(B) Except as otherwise provided in division (F) of this
section, the entire compensation of the members of the board of
elections and of the director, deputy director, and other
employees in the board's offices; the expenditures for the rental,
furnishing, and equipping of the office of the board and for the
necessary office supplies for the use of the board; the
expenditures for the acquisition, repair, care, and custody of the
polling places, booths, guardrails, and other equipment for
polling places; the cost of pollbooks, tally sheets, maps, flags,
ballot boxes, and all other permanent records and equipment; the
cost of all elections held in and for the state and county; and
all other expenses of the board which are not chargeable to a
political subdivision in accordance with this section shall be
paid in the same manner as other county expenses are paid.

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(C) The compensation of judges and clerks of elections; the
cost of renting, moving, heating, and lighting polling places and
of placing and removing ballot boxes and other fixtures and
equipment thereof; the cost of printing and delivering ballots,
cards of instructions, and other election supplies; and all other
expenses of conducting primaries and elections in the odd-numbered
years shall be charged to the subdivisions in and for which such
primaries or elections are held. The charge for each primary or
general election in odd-numbered years for each subdivision shall
be determined in the following manner: first, the total cost of
all chargeable items used in conducting such elections shall be
ascertained; second, the total charge shall be divided by the

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number of precincts participating in such election, in order to 78
fix the cost per precinct; third, the cost per precinct shall be 79
prorated by the board of elections to the subdivisions conducting 80
elections for the nomination or election of offices in such 81
precinct; fourth, the total cost for each subdivision shall be 82
determined by adding the charges prorated to it in each precinct 83
within the subdivision. 84

(D) The entire cost of special elections held on a day other 85
than the day of a primary or general election, both in 86
odd-numbered or in even-numbered years, shall be charged to the 87
subdivision. Where a special election is held on the same day as a 88
primary or general election in an even-numbered year, the 89
subdivision submitting the special election shall be charged only 90
for the cost of ballots and advertising. Where a special election 91
is held on the same day as a primary or general election in an 92
odd-numbered year, the subdivision submitting the special election 93
shall be charged for the cost of ballots and advertising for such 94
special election, in addition to the charges prorated to such 95
subdivision for the election or nomination of candidates in each 96
precinct within the subdivision, as set forth in the preceding 97
paragraph. 98

(E) Where a special election is held on the day specified by 99
division (E) of section 3501.01 of the Revised Code for the 100
holding of a primary election, for the purpose of submitting to 101
the voters of the state constitutional amendments proposed by the 102
general assembly, and a subdivision conducts a special election on 103
the same day, the entire cost of the special election shall be 104
divided proportionally between the state and the subdivision based 105
upon a ratio determined by the number of issues placed on the 106
ballot by each, except as otherwise provided in division (G) of 107
this section. Such proportional division of cost shall be made 108
only to the extent funds are available for such purpose from 109

amounts appropriated by the general assembly to the secretary of 110
state. If a primary election is also being conducted in the 111
subdivision, the costs shall be apportioned as otherwise provided 112
in this section. 113

(F) When a precinct is open during a general, primary, or 114
special election solely for the purpose of submitting to the 115
voters a statewide ballot issue, the state shall bear the entire 116
cost of the election in that precinct and shall reimburse the 117
county for all expenses incurred in opening the precinct. 118

(G) The state shall bear the entire cost of advertising in 119
newspapers statewide ballot issues, explanations of those issues, 120
and arguments for or against those issues, as required by Section 121
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 122
and any other section of law and shall reimburse the counties for 123
all expenses they incur for such advertising. 124

(H) The cost of renting, heating, and lighting registration 125
places; the cost of the necessary books, forms, and supplies for 126
the conduct of registration; and the cost of printing and posting 127
precinct registration lists shall be charged to the subdivision in 128
which such registration is held. 129

(I) As used in this section, "statewide ballot issue" means 130
any ballot issue, whether proposed by the general assembly or by 131
initiative or referendum, that is submitted to the voters 132
throughout the state. 133

Sec. 3501.22. (A) On or before the fifteenth day of September 134
in each year, the board of elections by a majority vote shall, 135
after careful examination and investigation as to their 136
qualifications, appoint for each election precinct four ~~competent~~ 137
~~electors,~~ residents of the county in which the precinct is 138
located, as judges. ~~Such electors~~ Except as otherwise provided in 139

division (C) of this section, all judges of election shall be 140
qualified electors. The judges shall constitute the election 141
officers of the precinct. Not more than one-half of the total 142
number of judges shall be members of the same political party. The 143
term of such precinct officers shall be for one year. The board 144
may, at any time, designate any number of election officers, not 145
more than one-half of whom shall be members of the same political 146
party, to perform their duties at any precinct in any election. 147
The board may appoint additional officials, equally divided 148
between the two major political parties, when necessary to 149
expedite voting. 150

Vacancies for unexpired terms shall be filled by the board. 151
When new precincts have been created, the board shall appoint 152
judges for ~~such~~ those precincts for the unexpired term. Any judge 153
may be summarily removed from office at any time by the board for 154
neglect of duty, malfeasance, or misconduct in office, or for any 155
other good and sufficient reason. 156

Precinct election officials shall perform all of the duties 157
provided by law for receiving the ballots and supplies, opening 158
and closing the polls, and overseeing the casting of ballots 159
during the time the polls are open, and any other duties required 160
by section 3501.26 of the Revised Code. 161

A board of elections may designate two precinct election 162
officials as counting officials to count and tally the votes cast 163
and certify the results of the election at each precinct, and 164
perform ~~such~~ other duties as ~~are~~ provided by law. To expedite the 165
counting of votes at each precinct, the board may appoint 166
additional officials, not more than one-half of whom shall be 167
members of the same political party. 168

The board shall designate one of the precinct election 169
officials who is a member of the dominant political party to serve 170
as a presiding judge, whose duty it is to deliver the returns of 171

the election and all supplies to the office of the board. For 172
these services, the presiding judge shall receive additional 173
compensation in an amount, consistent with section 3501.28 of the 174
Revised Code, determined by the board of elections. 175

The board shall issue to each precinct election official a 176
certificate of appointment, which the official shall present to 177
the presiding judge at the time the polls are opened. 178

(B) If the board of elections determines that not enough 179
qualified electors in a precinct are available to serve as 180
precinct officers, it may appoint persons to serve as precinct 181
officers at a primary, special, or general election who are at 182
least seventeen years of age and are registered to vote in 183
accordance with section 3503.07 of the Revised Code. ~~No more than 184
two precinct officers in any precinct shall be under eighteen 185
years of age.~~ 186

(C)(1) A board of elections, in conjunction with the board of 187
education of a city, local, or exempted village school district, 188
the governing authority of a community school established under 189
Chapter 3314. of the Revised Code, or the chief administrator of a 190
nonpublic school may establish a program permitting certain high 191
school students to apply and, if appointed by the board of 192
elections, to serve as precinct officers at a primary, special, or 193
general election. 194

In addition to the requirements established by division 195
(C)(2) of this section, a board of education, governing authority, 196
or chief administrator that establishes a program under this 197
division in conjunction with a board of elections may establish 198
additional criteria that students shall meet to be eligible to 199
participate in that program. 200

(2)(a) To be eligible to participate in a program established 201
under division (C)(1) of this section, a student shall be a United 202

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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(D) Not more than one precinct officer in any given precinct
shall be under eighteen years of age.

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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, 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~~ that may be revoked at any time by the board for
good and sufficient reasons. ~~Such~~ The certificate shall be in ~~such~~
the 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 secretary of state for the instruction of election officers in the rules, procedures, and law relating to elections. In each program, the board shall use training materials prepared by the secretary of state, and may use additional materials prepared by or on behalf of the board. The board may use the services of unpaid volunteers in conducting its program and may reimburse ~~such~~ those volunteers for necessary and actual expenses incurred in participating in the program.

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

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

(D) The secretary of state shall establish a program for the instruction of members of boards of elections and employees of boards in the rules, procedures, and law relating to elections. Each member and employee shall complete the training program within six months after ~~his~~ the member's or employee's original appointment or employment, and thereafter, each member and employee shall complete a training program to update their

knowledge once every four years or more often as determined by the 265
secretary of state. 266

(E) The secretary of state shall reimburse each county for 267
the cost of programs established pursuant to division (B) of this 268
section, once ~~he~~ the secretary of state has received an itemized 269
statement of expenses for such instruction programs from the 270
county. The itemized statement shall be in a form prescribed by 271
the secretary of state. 272

Sec. 3503.16. (A) Whenever a registered elector changes the 273
place of residence of that registered elector from one precinct to 274
another within a county or from one county to another, or has a 275
change of name, that registered elector shall report the change by 276
delivering a change of residence or change of name form, whichever 277
is appropriate, as prescribed by the secretary of state under 278
section 3503.14 of the Revised Code to the state or local office 279
of a designated agency, a public high school or vocational school, 280
a public library, the office of the county treasurer, the office 281
of the secretary of state, any office of the registrar or deputy 282
registrar of motor vehicles, or any office of a board of elections 283
in person or by a third person. Any voter registration, change of 284
address, or change of name application, returned by mail, may be 285
sent only to the secretary of state or the board of elections. 286

A registered elector also may update the registration of that 287
registered elector by filing a change of residence or change of 288
name form on the day of a special, primary, or general election at 289
the polling place in the precinct in which that registered elector 290
resides or at the board of elections or at another site designated 291
by the board. 292

(B)(1) Any registered elector who moves within a precinct or 293
changes the name of that registered elector and remains within a 294
precinct on or prior to the day of a general, primary, or special 295

election and has not filed a notice of change of residence or
change of name, whichever is appropriate, with the board of
elections may vote in that election by going to that registered
elector's assigned polling place, completing and signing a notice
of change of residence or change of name, whichever is
appropriate, and casting a ballot.

(2) Any registered elector who moves from one precinct to
another within a county or moves from one precinct to another and
changes the name of that registered elector on or prior to the day
of a general, primary, or special election and has not filed a
notice of change of residence or change of name, whichever is
appropriate, with the board of elections may vote in that election
if that registered elector complies with division (G) of this
section or does all of the following:

(a) Appears at anytime during regular business hours on or
after the twenty-eighth day prior to the election in which that
registered elector wishes to vote, or if the election is held on
the day of a presidential primary election, the twenty-fifth day
prior to the election, through noon of the Saturday prior to the
election or during regular business hours on the Monday prior to
the election at the office of the board of elections, or appears
on the day of the election at either of the following locations:

(i) The polling place in the precinct in which that
registered elector resides;

(ii) The location designated by the board of elections, which
shall be the office of the board or another appropriate site
designated by the board in the county in which that registered
elector resides.

(b) Completes and signs, under penalty of election
falsification, a notice of change of residence or change of name,
whichever is appropriate, and files it with election officials at

the polling place, at the office of the board of elections, or at 327
the site designated by the board, whichever is appropriate; 328

(c) Votes at the polling place, at the office of the board of 329
elections, or at the site designated by the board, whichever is 330
appropriate, by absent voter's ballots using the address to which 331
that registered elector has moved or the name of that registered 332
elector as changed, whichever is appropriate; 333

(d) Completes and signs, under penalty of election 334
falsification, a statement attesting that that registered elector 335
moved or had a change of name, whichever is appropriate, on or 336
prior to the day of the election, has voted at the polling place 337
in the precinct in which that registered elector resides, at the 338
office of the board of elections, or at the site designated by the 339
board, whichever is appropriate, and will not vote or attempt to 340
vote at any other location for that particular election. The 341
statement required under division (B)(2)(d) of this section ~~may~~ 342
shall be included on the notice of change of residence or change 343
of name, whichever is appropriate, required under division 344
(B)(2)(b) of this section. 345

(C) Any registered elector who moves from one county to 346
another county within the state on or prior to the day of a 347
general, primary, or special election and has not registered to 348
vote in the county to which that registered elector moved may vote 349
in that election if that registered elector complies with division 350
(G) of this section or does all of the following: 351

(1) Appears at any time during regular business hours on or 352
after the twenty-eighth day prior to the election in which that 353
registered elector wishes to vote, or if the election is held on 354
the day of a presidential primary election, the twenty-fifth day 355
prior to the election, through noon of the Saturday prior to the 356
election or during regular business hours on the Monday prior to 357

the election at the office of the board of elections, or appears 358
on the day of the election at the location designated by the board 359
of elections, which shall be either the office of the board or 360
another appropriate site designated by the board in the county in 361
which that registered elector resides; 362

(2) Completes and signs, under penalty of election 363
falsification, a notice of change of residence and files it with 364
election officials at the board or at the site designated by the 365
board, whichever is appropriate; 366

(3) Votes at the office of the board of elections or at a 367
site designated by the board by absent voter's ballots using the 368
address to which that registered elector has moved; 369

(4) Completes and signs, under penalty of election 370
falsification, a statement attesting that that registered elector 371
has moved from one county to another county within the state on or 372
prior to the day of the election, has voted at the office of the 373
board of elections or at the site designated by the board, 374
whichever is appropriate, and will not vote or attempt to vote at 375
any other location for that particular election. The statement 376
required under division (C)(4) of this section ~~may~~ shall be 377
included on the notice of change of residence required under 378
division (C)(2) of this section. 379

(D) A person who votes by absent voter's ballots pursuant to 380
division (B), (C), or (G) of this section shall not make written 381
application for the ballots pursuant to Chapter 3509. of the 382
Revised Code. Ballots cast pursuant to division (B), (C), or (G) 383
of this section shall be set aside in a special envelope and 384
counted during the official canvass of votes in the manner 385
provided for in sections 3505.32 and 3509.06 of the Revised Code 386
insofar as that manner is applicable. The board shall examine the 387
pollbooks to verify that no ballot was cast at the polls or by 388

absent voter's ballots under Chapter 3509. or 3511. of the Revised 389
Code by an elector who has voted by absent voter's ballots 390
pursuant to division (B), (C), or (G) of this section. Any ballot 391
determined to be insufficient for any of the reasons stated above 392
or stated in section 3509.07 of the Revised Code shall not be 393
counted. 394

A board of elections may lease or otherwise acquire a site 395
different from the office of the board at which registered 396
electors may vote pursuant to division (B) or (C) of this section. 397

(E) Upon receiving a change of residence or change of name 398
form, the board of elections shall immediately send the registrant 399
an acknowledgment notice. If the change of residence or change of 400
name form is valid, the board shall update the voter's 401
registration as appropriate. If that form is incomplete, the board 402
shall inform the registrant in the acknowledgment notice specified 403
in this division of the information necessary to complete or 404
update that registrant's registration. 405

(F) Change of residence and change of name forms shall be 406
available at each polling place, and when these forms are 407
completed, noting changes of residence or name, as appropriate, 408
they shall be filed with election officials at the polling place. 409
Election officials shall return completed forms, together with the 410
pollbooks and tally sheets, to the board of elections. 411

The board of elections shall provide change of residence and 412
change of name forms to the probate court and court of common 413
pleas. The court shall provide the forms to any person eighteen 414
years of age or older who has a change of name by order of the 415
court or who applies for a marriage license. The court shall 416
forward all completed forms to the board of elections within five 417
days after receiving them. 418

(G) A registered elector who otherwise would qualify to vote 419

under division (B) or (C) of this section but is unable to appear 420
at the office of the board or other location designated by the 421
board on account of personal illness, physical disability, or 422
infirmity, may vote on the day of the election if that registered 423
elector does all of the following: 424

(1) Makes a written application that includes all of the 425
information required under section 3509.03 of the Revised Code to 426
the appropriate board for an absent voter's ballot on or after the 427
twenty-seventh day prior to the election in which the registered 428
elector wishes to vote through noon of the Saturday prior to that 429
election and requests that the absent voter's ballot be sent to 430
the address to which the registered elector has moved if the 431
registered elector has moved, or to the address of that registered 432
elector who has not moved but has had a change of name; 433

(2) Declares that the registered elector has moved or had a 434
change of name, whichever is appropriate, and otherwise is 435
qualified to vote under the circumstances described in division 436
(B) or (C) of this section, whichever is appropriate, but that the 437
registered elector is unable to appear at the board or other 438
location designated by the board because of personal illness, 439
physical disability, or infirmity; 440

(3) Completes and returns along with the completed absent 441
voter's ballot a notice of change of residence indicating the 442
address to which the registered elector has moved, or a notice of 443
change of name, whichever is appropriate; 444

(4) Completes and signs, under penalty of election 445
falsification, a statement attesting that the registered elector 446
has moved or had a change of name on or prior to the day before 447
the election, has voted by absent voter's ballot because of 448
personal illness, physical disability, or infirmity that prevented 449
the registered elector from appearing at the board or other 450

location designated by the board, and will not vote or attempt to
vote at any other location or by absent voter's ballot mailed to
any other location or address for that particular election.

Sec. 3509.02. (A) Any qualified elector ~~who meets any of the~~
~~following qualifications~~ may vote by absent voter's ballots at an
election.

~~(1) The elector is sixty two years of age or older.~~

~~(2) The elector's employment as a full time fire fighter,
full time peace officer as defined in division (B) of section
2935.01 of the Revised Code, or full time provider of emergency
medical services may prevent the elector from voting at the
elector's polling place on the day of the election.~~

~~(3) The elector is a member of the organized militia, serving
on active duty within this state, and will be unable to vote on
election day on account of that active duty.~~

~~(4) The elector will be absent from the elector's polling
place on the day of an election because of the elector's entry or
the entry of a member of the elector's family into a hospital for
medical or surgical treatment.~~

~~(5) The elector is confined in a jail or workhouse under
sentence for a misdemeanor or is awaiting trial on a felony or
misdemeanor charge.~~

~~(6) The elector will be unable to vote on the day of an
election on account of observance of the elector's religious
belief.~~

~~(7) The elector will be absent from the county in which the
elector's voting residence is located on the day of an election.~~

~~(8) The elector has a physical disability, illness, or
infirmity.~~

(B) Any qualified elector who is unable to appear at the 480
office of the board of elections or other location designated by 481
the board on account of personal illness, physical disability, or 482
infirmity, and who moves from one precinct to another within a 483
county ~~or,~~ changes ~~his or her~~ the elector's name and moves from 484
one precinct to another within ~~the~~ a county, or moves from one 485
county to another county within the state, on or prior to the day 486
of a general, primary, or special election and has not filed a 487
notice of change of residence or change of name may vote by absent 488
voter's ballots in that election as specified in division ~~(B) or~~ 489
(G) of section 3503.16 of the Revised Code. ~~Any qualified elector~~ 490
~~who moves from one county to another county within the state on or~~ 491
~~prior to the day of the election at which the elector offers to~~ 492
~~vote and has not filed a notice of change of residence may vote by~~ 493
~~absent voter's ballots at that election as specified in division~~ 494
~~(C) of section 3503.16 of the Revised Code.~~ 495

~~(C) The secretary of state, an employee of the secretary of~~ 496
~~state, a member or employee of the board of elections or any~~ 497
~~person hired by the board to work at the office of the board~~ 498
~~temporarily for a specific election, or a polling place official,~~ 499
~~who is a qualified elector may vote by absent voter's ballots.~~ 500
~~Application shall be made to the board of elections of the county~~ 501
~~where his voting residence is situated.~~ 502

Sec. 3509.022. An overseas voter as defined in 42 U.S.C. 503
1973ff-6, other than an absent uniformed services voter as defined 504
in that statute, may apply for an absent voter's ballot as 505
provided in this chapter. 506

Sec. 3509.03. Except as provided in ~~division (B) or (C) of~~ 507
~~section 3503.16,~~ section 3509.031, ~~or division (B) of section~~ 508
3509.08 of the Revised Code, ~~any person~~ qualified elector desiring 509

to vote absent voter's ballots at an election shall make written 510
application for ~~such~~ those ballots to the director of elections of 511
the county in which ~~such person's~~ the elector's voting residence 512
is located. The application need not be in any particular form but 513
shall contain ~~words which, liberally construed, indicate the~~ 514
~~request for ballots, the election for which such ballots are~~ 515
~~requested, and, if the request is for primary election ballots,~~ 516
~~the person's party affiliation. The application for such ballots~~ 517
~~shall state that the person requesting the ballots is a qualified~~ 518
~~elector, and the reason for the person's absence from the polls on~~ 519
~~election day. The application shall include sufficient information~~ 520
~~to enable the director to determine the precinct in which the~~ 521
~~applicant's voting residence is located and shall be signed by the~~ 522
~~applicant. If the applicant desires ballots to be mailed to the~~ 523
~~applicant, the application shall state the mailing address all of~~ 524
the following: 525

(A) The elector's name; 526

(B) The elector's signature; 527

(C) The address at which the elector is registered to vote; 528

(D) The elector's date of birth; 529

(E) One of the following: 530

(1) The elector's driver's license number; 531

(2) The last four digits of the elector's social security 532
number; 533

(3) A copy of the elector's current and valid photo 534
identification or a copy of a current utility bill, bank 535
statement, government check, paycheck, or other government 536
document that shows the name and address of the elector. 537

(F) A statement identifying the election for which absent 538
voter's ballots are requested; 539

(G) A statement that the person requesting the ballots is a 540
qualified elector; 541

(H) If the request is for primary election ballots, the 542
elector's party affiliation; 543

(I) If the elector desires ballots to be mailed to the 544
elector, the address to which those ballots shall be mailed. 545

A voter who will be outside the United States on the day of 546
any election during a calendar year may use a single federal post 547
card application to apply for absent voter's ballots. ~~Such~~ Those 548
ballots shall be sent to the voter for use at the primary and 549
general elections in that year and any special election to be held 550
on the day in that year specified by division (E) of section 551
3501.01 of the Revised Code for the holding of a primary election, 552
designated by the general assembly for the purpose of submitting 553
constitutional amendments proposed by the general assembly to the 554
voters of the state unless the voter reports a change in the 555
voter's voting status to the board of elections or the voter's 556
intent to vote in any such election in the precinct in this state 557
where ~~he~~ the voter is registered to vote. ~~Such an~~ A single federal 558
postcard application shall be processed by the board of elections 559
pursuant to section 3509.04 of the Revised Code the same as if the 560
voter had applied separately for absent voter's ballots for each 561
election. When mailing absent voter's ballots to a voter who 562
applied for them by single federal post card application, the 563
board shall enclose notification to the voter that the voter must 564
report to the board subsequent changes in the voter's voting 565
status or the voter's subsequent intent to vote in any such 566
election in the precinct in this state where the voter is 567
registered to vote. Such notification shall be in a form 568
prescribed by the secretary of state. As used in this section, 569
"voting status" means the voter's name at the time the voter 570
applied for absent voter's ballots by single federal post card 571

application and the voter's address outside the United States to 572
which the voter requested that ~~such~~ those ballots be sent. 573

Each application for absent voter's ballots shall be 574
delivered to the director not earlier than the first day of 575
January of the year of the elections for which the absent voter's 576
ballots are requested or not earlier than ninety days before the 577
day of the election at which the ballots are to be voted, 578
whichever is earlier, and not later than twelve noon of the third 579
day before the day of the election at which ~~such~~ the ballots are 580
to be voted, or not later than the close of regular business hours 581
on the day before the day of the election at which the ~~absent~~ 582
~~voter's~~ ballots are to be voted if the application is delivered in 583
person to the office of the board. 584

Sec. 3509.031. (A) Any qualified elector who is a member of 585
the organized militia called to active duty within the state ~~of~~ 586
~~Ohio~~ and who will be unable to vote on election day on account of 587
~~such~~ that active duty may make written application for absent 588
voter's ballots to the director of elections for the county in 589
which ~~his~~ the elector's voting residence is located. The elector 590
may personally deliver ~~such~~ the application to the director or may 591
mail it, send it by facsimile machine, or otherwise send it to the 592
director. ~~Such~~ The application need not be in any particular form 593
but shall contain ~~the applicant's signature. The application need~~ 594
~~only contain words which, liberally construed, indicate the~~ 595
~~request for ballots, the election for which such ballots are~~ 596
~~requested and, if the request is for primary election ballots, the~~ 597
~~party affiliation of the applicant. The applicant should indicate~~ 598
~~that the applicant is a qualified elector, and that the applicant~~ 599
~~is a member of the organized militia serving on active duty within~~ 600
~~the state of Ohio. Sufficient information should be included to~~ 601
~~enable the director to determine the precinct in which his voting~~ 602
~~residence is located. If the applicant desires that such ballots~~ 603

~~be mailed to him, the application shall state the address to which~~ 604
~~they shall be mailed. If the applicant desires that the absent~~ 605
~~voter's ballots be sent to the applicant by facsimile machine, the~~ 606
~~application shall state all of the following:~~ 607

(1) The elector's name; 608

(2) The elector's signature; 609

(3) The address at which the elector is registered to vote; 610

(4) The elector's date of birth; 611

(5) One of the following: 612

(a) The elector's driver's license number; 613

(b) The last four digits of the elector's social security 614
number; 615

(c) A copy of the elector's current and valid photo 616
identification or a copy of a current utility bill, bank 617
statement, government check, paycheck, or other government 618
document that shows the name and address of the elector. 619

(6) A statement identifying the election for which absent 620
voter's ballots are requested; 621

(7) A statement that the person requesting the ballots is a 622
qualified elector; 623

(8) A statement that the elector is a member of the organized 624
militia serving on active duty within the state; 625

(9) If the request is for primary election ballots, the 626
elector's party affiliation; 627

(10) If the elector desires ballots to be mailed to the 628
elector, the address to which those ballots shall be mailed; 629

(11) If the elector desires ballots to be sent to the elector 630
by facsimile machine, the telephone number to which they shall be 631
so sent. 632

(B) Application to have ~~such~~ absent voter's ballots mailed or 633
sent by facsimile machine to ~~such person~~ a qualified elector who 634
is a member of the organized militia called to active duty within 635
the state and who will be unable to vote on election day on 636
account of that active duty may be made by the spouse of the 637
militia member, or the father, mother, father-in-law, 638
mother-in-law, grandfather, grandmother, brother or sister of the 639
whole blood or half blood, son, daughter, adopting parent, adopted 640
child, stepparent, stepchild, uncle, aunt, nephew, or niece of 641
~~such person~~ the militia member. The application shall be in 642
writing upon a blank form furnished only by the director. The form 643
of the application shall be prescribed by the secretary of state. 644
The director shall furnish ~~such~~ that blank form to any of the 645
relatives specified in this ~~section~~, division desiring to make 646
~~such~~ the application, only upon the request of such a relative in 647
person at the office of the board or upon the written request of 648
such a relative mailed to the office of the board. ~~Such~~ The 649
application, subscribed and sworn to by ~~such~~ the applicant, shall 650
contain all of the following: 651

~~(A) Full~~ (1) The full name of ~~person~~ the elector for whom 652
ballots are requested; 653

~~(B) Statement~~ (2) A statement that such person is a qualified 654
elector ~~and that such person has a residence in the county and~~ 655
~~information as to the location of such voting residence;~~ 656

~~(C) Statement that such person~~ (3) The address at which the 657
elector is registered to vote; 658

(4) The elector's date of birth; 659

(5) One of the following: 660

(a) The elector's driver's license number; 661

(b) The last four digits of the elector's social security 662

number; 663

(c) A copy of the elector's current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector. 664
665
666
667

(6) A statement identifying the election for which absent voter's ballots are requested; 668
669

(7) A statement that the elector is a member of the organized militia serving on active duty within the state of Ohio; 670
671

~~(D) Statement~~ (8) If the request is for primary election ballots, the elector's party affiliation; 672
673

(9) A statement that the applicant bears a relationship to such person the elector as specified in division (B) of this section; 674
675
676

~~(E) Election for which ballots are requested, and, if for a primary election, party affiliation of persons for whom ballots are requested;~~ 677
678
679

~~(F) Address~~ (10) The address to which ballots shall be mailed or telephone number to which ballots shall be sent by facsimile machine; 680
681
682

~~(G) Signature~~ (11) The signature and address of the person making the application. 683
684

(C) Applications to have absent voter's ballots mailed or sent by facsimile machine shall not be valid if dated, postmarked, or received by the director prior to the ninetieth day before the day of the election for which ballots are requested or if delivered to such the director later than twelve noon of the third day preceding the day of such election. If, after the ninetieth day and before four p.m. of the day before the day of an election, a valid application for absent voter's ballots is delivered to the 685
686
687
688
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690
691
692

director of elections at the office of the board by a militia 693
member making ~~such~~ application in ~~his~~ the militia member's own 694
behalf, the director shall forthwith deliver to ~~such~~ the militia 695
member all absent voter's ballots then ready for use, together 696
with an identification envelope. ~~Such~~ The militia member shall 697
then vote ~~such~~ the absent voter's ballots in the manner provided 698
in section 3509.05 of the Revised Code. 699

Sec. 3509.04. (A) If a director of a board of elections 700
receives an application for absent voter's ballots that does not 701
contain all of the required information, the director promptly 702
shall notify the applicant of the additional information required 703
to be provided by the applicant to complete that application. 704

(B) Upon receipt by the director of elections of an 705
application for absent voter's ballots that contain all of the 706
required information, as provided by sections 3509.03 and 707
3509.031, and division (G) of section 3503.16, of the Revised 708
Code, the director, if the director finds that the applicant is a 709
qualified elector and is entitled to vote absent voter's ballots 710
as applied for in the application, shall deliver to the applicant 711
in person or mail directly to the applicant by special delivery 712
mail, air mail, or regular mail, postage prepaid, proper absent 713
voter's ballots. The director shall give proper absent voter's 714
ballots to any qualified elector who presents self to vote at the 715
office of the board of elections or at another location designated 716
by the board as provided in division (B) or (C) of section 3503.16 717
of the Revised Code. The director shall give, deliver, or mail 718
with the ballots an unsealed identification envelope upon the face 719
of which shall be printed a form substantially as follows: 720

"Identification Envelope Statement of Voter 721

I, ~~the undersigned voter~~(Name of 722
voter), declare under penalty of election falsification that the 723

within ballot or ballots contained no voting marks of any kind 724
when I received them, and I caused the ballot or ballots to be 725
marked, enclosed in the identification envelope, and sealed in 726
that envelope. 727

My voting residence in Ohio is 728

..... 729

(Street and Number, if any, or Rural Route and Number) 730

of (City, Village, or Township) 731

Ohio, which is in Ward Precinct 732

in that city, village, or township. 733

~~.....I am a qualified elector of the state of Ohio. (Applicant 734~~

~~must check the true statement concerning the applicant's 735~~

~~reason for voting by absent voter's ballots) 736~~

~~.....I shall be absent from the county on the day of the election. 737~~

~~.....I shall be outside the United States on the day of the 738~~

~~election. (Applicants who check this statement must also 739~~

~~check the appropriate box on the enclosed return envelope to 740~~

~~indicate that they will be outside the United States.) 741~~

~~.....I shall be absent from my polling place on the day of the 742~~

~~election due to my entry or the entry of a member of my 743~~

~~family into a hospital for medical or surgical treatment. 744~~

~~.....I shall be absent from my polling place on the day of the 745~~

~~election due to physical illness, disability, or infirmity. 746~~

~~.....My employment as a full time fire fighter, peace officer, or 747~~

~~provider of emergency medical services may prevent me from 748~~

~~voting at my polling place on the day of the election. 749~~

~~.....I shall be absent from my polling place on the day of the 750~~

~~election because I am on active duty with the organized 751~~

~~militia in the state of Ohio. 752~~

~~.....I shall be unable to vote on election day because of 753~~

observance of my religious belief.	754
.....I am the secretary of state.	755
.....I am an employee of the secretary of state.	756
.....I am a member of the board of elections.	757
.....I am an employee of or person temporarily hired by the board of elections.	758 759
.....I am a polling place official.	760
.....I shall be absent from my polling place on the day of the election due to my confinement in a jail or workhouse under sentence for a misdemeanor or awaiting trial on a felony or misdemeanor.	761 762 763 764
.....I am sixty two years of age or older.	765
.....I moved from one precinct to another in the same county or from one county to another on or prior to the day of an election and did not file a notice of change of residence.	766 767 768
.....I changed my name on or prior to the day of an election and did not file a notice of change of name.	769 770
The primary election ballots, if any, within this envelope are primary election ballots of the Party.	771 772
Ballots contained herein <u>within this envelope</u> are to be voted at the (general, special, or primary) election to be held on the day of,	773 774 775 776
<u>My date of birth is (Month and Day), (Year).</u>	777 778
<u>(Voter must provide one of the following:)</u>	779
<u>My driver's license number is (Driver's license number).</u>	780 781

The last four digits of my Social Security Number are 782
..... (Last four digits of Social Security Number). 783

..... In lieu of providing a driver's license number or the 784
last four digits of my Social Security Number, I am enclosing a 785
copy of one of the following in the return envelope in which this 786
identification envelope will be mailed: a current and valid photo 787
identification or a current utility bill, bank statement, 788
government check, paycheck, or other government document that 789
shows my name and address. 790

I hereby declare, under penalty of election falsification, 791
that the statements above are true, as I verily believe. 792

..... 793
(Signature of Voter) 794

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 795
THE FIFTH DEGREE." 796

The director shall mail with the ballots and the unsealed 797
identification envelope ~~that the director mails~~ an unsealed return 798
envelope upon the face of which shall be printed the official 799
title and post-office address of ~~such~~ the director. In the upper 800
left corner on the face of ~~such~~ the return envelope, several blank 801
lines shall be printed upon which the voter may write the voter's 802
name and return address, and beneath these lines there shall be 803
printed a box beside the words "check if out-of-country." The 804
voter shall check this box if the voter will be outside the United 805
States on the day of the election. The return envelope shall be of 806
such size that the identification envelope can be conveniently 807
placed within it for returning ~~such~~ the identification envelope to 808
the director. 809

Sec. 3509.05. (A) When an elector receives an absent voter's 810
ballot, pursuant to ~~his~~ the elector's application or request 811

~~therefor, is received by the elector, he~~ the elector shall, before 812
placing any marks ~~thereon~~ on the ballot, note whether there are 813
any voting marks on ~~the ballot~~ it. ~~In the event~~ If there are any 814
voting marks, the ballot shall be returned immediately to the 815
board of elections; otherwise ~~he,~~ the elector shall cause the 816
ballot to be marked, folded in ~~such~~ a manner that the stub ~~thereon~~ 817
on it and the indorsements and facsimile signatures of the members 818
of the board of elections on the back ~~thereof~~ of it are visible, 819
and placed and sealed within the identification envelope received 820
from the director of elections for that purpose. Then, the elector 821
shall cause the statement of voter on the outside of the 822
identification envelope to be completed and signed, under penalty 823
of election falsification. 824

If the elector does not provide the elector's driver's 825
license number or the last four digits of the elector's social 826
security number on the statement of voter on the identification 827
envelope, the elector also shall include in the return envelope 828
with the identification envelope a copy of the elector's current 829
valid photo identification or a copy of a current utility bill, 830
bank statement, government check, paycheck, or other government 831
document that shows the name and address of the elector. 832

The elector shall ~~then~~ mail the identification envelope to 833
the director from whom it was received in the return envelope, 834
postage prepaid, or ~~he~~ the elector may personally deliver it to 835
the director, or the spouse of the elector, the father, mother, 836
father-in-law, mother-in-law, grandfather, grandmother, brother, 837
or sister of the whole or half blood, or the son, daughter, 838
adopting parent, adopted child, stepparent, stepchild, uncle, 839
aunt, nephew, or niece of the elector may deliver it to the 840
director, ~~but the~~. The return envelope shall be transmitted to the 841
director in no other manner, except as provided in section 3509.08 842
of the Revised Code. 843

Each elector who will be outside the United States on the day 844
of the election shall check the box on the return envelope 845
indicating this fact. 846

When absent voter's ballots are delivered to an elector at 847
the office of the board, the elector may retire to a voting 848
compartment provided by the board and there mark the ballots. 849
Thereupon ~~he~~, the elector shall fold them, place them in the 850
identification envelope provided, seal the ~~identification~~ 851
envelope, fill in and sign the statement ~~thereon~~ on the envelope 852
under penalty of election falsification, and deliver the envelope 853
to the director of the board. 854

Except as otherwise provided in divisions (B) and (C) of this 855
section, all other envelopes containing marked absent voter's 856
ballots, shall be delivered to the director not later than the 857
close of the polls on the day of an election. Absent voter's 858
ballots delivered to the director later than the times specified 859
shall not be counted, but shall be kept by the board in the sealed 860
identification envelopes in which they are delivered to the 861
director, until the time provided by section 3505.31 of the 862
Revised Code for the destruction of all other ballots used at the 863
election for which ballots were provided, at which time they shall 864
be destroyed. 865

(B) Except as otherwise provided in division (C) of this 866
section, any return envelope that indicates that the voter will be 867
outside the United States on the day of the election shall be 868
delivered to the director prior to the eleventh day after the 869
election. Ballots delivered in such envelopes that are received 870
after the close of the polls on election day through the tenth day 871
thereafter shall be counted on the eleventh day at the board of 872
elections in the manner provided in divisions (C) and (D) of 873
section 3509.06 of the Revised Code. Any such ballots that are 874
signed or postmarked after the close of the polls on the day of 875

the election or that are received by the director later than the 876
tenth day following the election shall not be counted, but shall 877
be kept by the board in the sealed identification envelopes as 878
provided in division (A) of this section. 879

(C) In any year in which a presidential primary election is 880
held, any return envelope that indicates that the voter will be 881
outside the United States on the day of the presidential primary 882
election shall be delivered to the director prior to the 883
twenty-first day after that election. Ballots delivered in such 884
envelopes that are received after the close of the polls on 885
election day through the twentieth day thereafter shall be counted 886
on the twenty-first day at the board of elections in the manner 887
provided in divisions (C) and (D) of section 3509.06 of the 888
Revised Code. Any such ballots that are signed or postmarked after 889
the close of the polls on the day of that election or that are 890
received by the director later than the twentieth day following 891
that election shall not be counted, but shall be kept by the board 892
in the sealed identification envelopes as provided in division (A) 893
of this section. 894

Sec. 3509.06. (A) The board of elections shall determine 895
whether absent voter's ballots shall be counted in each precinct, 896
at the office of the board, or at some other location designated 897
by the board, and shall proceed accordingly under division (B) or 898
(C) of this section. 899

(B) When the board of elections determines that absent 900
voter's ballots shall be counted in each precinct, the director 901
shall deliver to the presiding judge of each precinct on election 902
day identification envelopes purporting to contain absent voter's 903
ballots of electors whose voting residence appears from the 904
statement of voter on the outside of each of ~~such~~ those envelopes, 905
to be located in such presiding judge's precinct, and which were 906

received by the director not later than the close of the polls on 907
election day. The director shall deliver to such presiding judge a 908
list containing the name and voting residence of each person whose 909
voting residence is in such precinct to whom absent voter's 910
ballots were mailed. 911

(C) When the board of elections determines that absent 912
voter's ballots shall be counted at the office of the board of 913
elections or at another location designated by the board, special 914
election judges shall be appointed by the board for that purpose 915
having the same authority as is exercised by precinct judges. The 916
votes so cast shall be added to the vote totals by the board, and 917
the ~~absentee~~ absent voter's ballots shall be preserved separately 918
by the board, in the same manner and for the same length of time 919
as provided by section 3505.31 of the Revised Code. 920

(D) Each of the identification envelopes purporting to 921
contain absent voter's ballots delivered to the presiding judge of 922
the precinct or the special judge appointed by the board of 923
elections shall be handled as follows: ~~The judge shall announce~~ 924
~~the name of the elector who appears to have signed the statement~~ 925
~~of voter on the outside of such envelope. In counties in which~~ 926
~~absent voter's ballots are counted in each precinct, election~~ 927
~~officials shall compare the signature of the elector on the~~ 928
outside of ~~such~~ the identification envelope ~~shall be compared~~ with 929
the signature of ~~such~~ that elector on ~~his~~ the elector's 930
registration form and verify that the absent voter's ballot is 931
eligible to be counted under section 3509.07 of the Revised Code. 932
Any ~~appointed challenger or any~~ of the precinct officials may 933
challenge the right of the elector named on ~~such~~ the 934
identification envelope to vote ~~such~~ the absent voter's ballots 935
upon the ground that the signature on ~~such~~ the envelope is not the 936
same as the signature on ~~such~~ the registration form, or upon any 937
other of the grounds upon which the right of persons to vote may 938

be lawfully challenged. If no such challenge is made, or if such a challenge is made and not sustained, the presiding judge shall open the envelope without defacing the statement of voter and without mutilating the ballots ~~therein~~ in it, and shall remove the ballots contained ~~therein~~ in it and proceed to count them.

The name of each person voting who is entitled to vote only an absent voter's presidential ballot shall be entered in a pollbook or poll list or signature pollbook followed by the words "Absentee Presidential Ballot." The name of each person voting an absent voter's ballot, other than such persons entitled to vote only a presidential ballot, shall be entered in the pollbook or poll list or signature pollbook and ~~his~~ the person's registration card marked to indicate that ~~he~~ the person has voted.

The date of such election shall also be entered on the elector's registration form. If any such challenge is made and sustained, the identification envelope of such elector shall not be opened ~~and~~, shall be endorsed "Not Counted" with the reasons ~~therefor~~ the ballots were not counted, and shall be delivered to the board.

(E) Special election judges or employees or members of the board of elections shall not disclose the count or any portion of the count of absent voter's ballots prior to the time of the closing of the polling places. No person shall recklessly disclose the count or any portion of the count of absent voter's ballots in such a manner as to jeopardize the secrecy of any individual ballot.

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 correspond with the person's registration signature, that the applicant is not a qualified elector in the precinct, that the

ballot envelope contains more than one ballot of any one kind, or 970
any voted ballot that the elector is not entitled to vote, ~~or~~ that 971
Stub A is detached from the absent voter's ballot or absent 972
voter's presidential ballot, or that the elector has not included 973
with the elector's ballot any identification required under 974
section 3509.05 or 3511.09 of the Revised Code, the vote shall not 975
be accepted or counted. The vote of any absent voter may be 976
challenged for cause in the same manner as other votes are 977
challenged, and the election officials shall determine the 978
legality of that ballot. Every ballot not counted shall be 979
~~indorsed~~ endorsed on its back "Not Counted" with the reasons the 980
ballot was not counted, and shall be enclosed and returned to or 981
retained by the board of elections along with the contested 982
ballots. 983

Sec. 3509.08. (A) Any qualified elector, who, on account of 984
the elector's own personal illness, physical disability, or 985
infirmity, or on account of the elector's confinement in a jail or 986
workhouse under sentence for a misdemeanor or awaiting trial on a 987
felony or misdemeanor, will be unable to travel from the elector's 988
home or place of confinement to the voting booth in the elector's 989
precinct on the day of any general, special, or primary election 990
may make application in writing for an absent voter's ballot to 991
the director of the board of elections of the elector's county 992
stating. The application shall include all of the information 993
required under section 3509.03 of the Revised Code and shall state 994
the nature of the elector's illness, physical disability, or 995
infirmity, or the fact that the elector is confined in a jail or 996
workhouse and the elector's resultant inability to travel to the 997
election booth in the elector's precinct on election day. The 998
application shall not be valid if it is delivered to the ~~clerk~~ 999
director before the ninetieth day or after twelve noon of the 1000
third day before the day of the election at which ~~such ballots are~~ 1001

the ballot is to be voted. 1002

The ~~absentee ballots~~ absent voter's ballot may be mailed 1003
directly to the applicant at the applicant's voting residence or 1004
place of confinement as stated in the applicant's application, or 1005
the board may designate two board employees belonging to the two 1006
major political parties, for the purpose of delivering the ~~ballots~~ 1007
ballot to the disabled or confined elector and returning ~~them~~ it 1008
to the board, unless the applicant is confined to a public or 1009
private institution within the county, in which case the board 1010
shall designate two such employees for the purpose of delivering 1011
the ~~ballots~~ ballot to the disabled or confined elector and 1012
returning ~~them~~ it to the board. In all other instances, the 1013
~~ballots~~ ballot shall be returned to the office of the board in the 1014
manner prescribed in section 3509.05 of the Revised Code. 1015

Any disabled or confined elector who declares to the two 1016
employees that the elector is unable to mark the elector's ballot 1017
by reason of physical infirmity, ~~and such physical infirmity that~~ 1018
is apparent to the employees to be sufficient to incapacitate the 1019
voter from marking ~~his~~ the elector's ballot properly, may receive, 1020
upon request, ~~receive~~ the assistance of the two employees in 1021
marking the elector's ballot, and they shall thereafter give no 1022
information in regard to this matter. Such assistance shall not be 1023
rendered for any other cause. 1024

When two board employees deliver ~~ballots~~ a ballot to a 1025
disabled or confined elector, each of the employees shall be 1026
present when the ~~ballots are~~ ballot is delivered, when assistance 1027
is given, and when the ~~ballots are~~ ballot is returned to the 1028
office of the board, and shall subscribe to the declaration on the 1029
identification envelope. 1030

The secretary of state shall prescribe the form of 1031
application for absent voter's ballots under this division ~~(A) of~~ 1032

~~this section.~~ 1033

~~Chapter 3509. of the Revised Code~~ This chapter applies to 1034
disabled and confined absent voter's ballots except as otherwise 1035
provided in this section. 1036

(B)(1) Any qualified elector who is unable to travel to the 1037
voting booth in the elector's precinct on the day of any general, 1038
special, or primary election because of being confined in a 1039
hospital as a result of an accident or unforeseeable medical 1040
emergency occurring before the election, may apply to the director 1041
of the board of elections of the county where the elector is a 1042
qualified elector to vote in the election by absent voter's 1043
ballot. This application shall be made in writing, shall include 1044
all of the information required under section 3509.03 of the 1045
Revised Code, and shall be delivered to the director not later 1046
than three p.m. on the day of the election. The application shall 1047
indicate the hospital where the applicant is confined, the date of 1048
the applicant's admission to the hospital, and the offices for 1049
which the applicant is qualified to vote, ~~and, if the applicant is~~ 1050
~~requesting to vote in a primary election, the applicant's party~~ 1051
~~affiliation.~~ The applicant may also request that a member of the 1052
applicant's family, as listed in section 3509.05 of the Revised 1053
Code, deliver the absent voter's ballot to the applicant. The 1054
director, after establishing to the director's satisfaction the 1055
validity of the circumstances claimed by the applicant, shall 1056
supply an absent voter's ballot to be delivered to the applicant. 1057
When the applicant is in a hospital in the county where the 1058
applicant is a qualified elector and no request is made for a 1059
member of the family to deliver the ballot, the director shall 1060
arrange for the delivery of an absent voter's ballot to the 1061
applicant, and for its return to the office of the board, by two 1062
employees according to the procedures prescribed in division (A) 1063
of this section. When the applicant is in a hospital outside the 1064

county where the applicant is a qualified elector and no request 1065
is made for a member of the family to deliver the ballot, the 1066
director shall arrange for the delivery of an absent voter's 1067
ballot to the applicant by mail, and the ballot shall be returned 1068
to the office of the board in the manner prescribed in section 1069
3509.05 of the Revised Code. 1070

(2) Any qualified elector who is eligible to vote under 1071
division (B) or (C) of section 3503.16 of the Revised Code but is 1072
unable to do so because of the circumstances described in division 1073
(B)(1) of this section may vote in accordance with division (B)(1) 1074
of this section if that qualified elector states in the 1075
application for absent voter's ballots that that qualified elector 1076
moved or had a change of name under the circumstances described in 1077
division (B) or (C) of section 3503.16 of the Revised Code and if 1078
that qualified elector complies with divisions (G)(1) to (4) of 1079
section 3503.16 of the Revised Code. 1080

(C) Any qualified elector described in division (A) or (B)(1) 1081
of this section who needs no assistance to vote or to return 1082
absent voter's ballots to the board of elections may apply for 1083
absent voter's ballots under section 3509.03 of the Revised Code 1084
instead of applying for them under this section. 1085

Sec. 3509.09. (A) The poll list or signature pollbook for 1086
each precinct shall identify each registered elector in that 1087
precinct who has requested an absent voter's ballot for that 1088
election. 1089

(B)(1) If a registered elector appears to vote in that 1090
precinct and that elector has requested an absent voter's ballot 1091
for that election but the director has not received a sealed 1092
identification envelope purporting to contain that elector's voted 1093
absent voter's ballots for that election, the elector shall be 1094
permitted to cast a ballot, generally in the manner prescribed in 1095

division (B) of section 3503.16 of the Revised Code, in that 1096
precinct on the day of that election. 1097

(2) If a registered elector appears to vote in that precinct 1098
and that elector has requested an absent voter's ballot for that 1099
election and the director has received a sealed identification 1100
envelope purporting to contain that elector's voted absent voter's 1101
ballots for that election, the elector shall be permitted to cast 1102
a ballot, generally in the manner prescribed in division (B) of 1103
section 3503.16 of the Revised Code, in that precinct on the day 1104
of that election. 1105

(C)(1) In counting absent voter's ballots under section 1106
3509.06 of the Revised Code, the board of elections or the 1107
precinct election officials shall compare the poll list or the 1108
signature pollbook for each precinct with the name of each elector 1109
in that precinct from whom the director has received a sealed 1110
identification envelope purporting to contain that elector's voted 1111
absent voter's ballots for that election. Except as otherwise 1112
provided in division (C)(2) of this section, if the board of 1113
elections determines that an elector who cast a ballot, generally 1114
in the manner prescribed in division (B) of section 3503.16 of the 1115
Revised Code, in the precinct on the day of the election also 1116
returned a sealed identification envelope for that election, the 1117
absent voter's ballot in the sealed identification envelope shall 1118
be counted, and the ballot cast in the precinct on the day of the 1119
election shall not be counted. 1120

(2) The board of elections shall count the ballot cast in the 1121
precinct on the day of the election, instead of the absent voter's 1122
ballot in the returned sealed identification envelope of an 1123
elector, if both of the following apply: 1124

(a) The board of elections determines that the signature of 1125
the elector on the outside of the identification envelope in which 1126

the absent voter's ballots are enclosed does not match the 1127
signature of the elector on the elector's registration form; 1128

(b) The elector cast a ballot, generally in the manner 1129
prescribed in division (B) of section 3503.16 of the Revised Code, 1130
in the precinct on the day of the election. 1131

If the board of elections counts the ballot cast in the 1132
precinct on the day of the election under this division, the 1133
identification envelope of that elector shall not be opened, and 1134
the ballot within that envelope shall not be counted. The 1135
identification envelope shall be endorsed "Not Counted" with the 1136
reason the ballot was not counted. 1137

Sec. 3511.02. Any Notwithstanding any section of the Revised 1138
Code to the contrary ~~notwithstanding~~, whenever any person applies 1139
for registration as a voter on a form adopted in accordance with 1140
federal regulations relating to the "Uniformed and Overseas 1141
Citizens Absentee Voting Act," 100 Stat. 924, 42 U.S.C.A. 1973ff 1142
(1986), this application shall be sufficient for voter 1143
registration and as a request for an ~~absentee~~ absent voter's 1144
ballot. Armed service absent voter's ballots may be obtained by 1145
any person meeting the requirements of section 3511.01 of the 1146
Revised Code by applying to the director of the board of elections 1147
of the county in which the person's voting residence is located, 1148
in one of the following ways: 1149

(A) That person may make written application for ~~such~~ those 1150
ballots. The person may personally deliver the application to the 1151
director or may mail it, send it by facsimile machine, or 1152
otherwise send it to the director. The application need not be in 1153
any particular form but shall contain ~~the applicant's signature.~~ 1154
~~The application need only contain words that, liberally construed,~~ 1155
~~indicate the request for ballots; the election for which such~~ 1156
~~ballots are requested, and, if the request is for primary election~~ 1157

~~ballots, the person's party affiliation; that the person is~~ 1158
~~servng in the armed forces of the United States or is the spouse~~ 1159
~~or dependent of a person serving in the armed forces of the United~~ 1160
~~States; and the length of residence in the state immediately~~ 1161
~~preceding the commencement of service, or immediately preceding~~ 1162
~~the date of leaving to be with or near the service member, as the~~ 1163
~~ease may be, and sufficient information to enable the director to~~ 1164
~~determine the precinct in which the residence is located. If the~~ 1165
~~person desires that such ballots be mailed to the person, the~~ 1166
~~application shall state the address to which they shall be mailed.~~ 1167
~~If the person desires that such ballots be sent to the person by~~ 1168
~~faecsimile machine, the application shall state all of the~~ 1169
~~following information:~~ 1170

(1) The elector's name; 1171

(2) The elector's signature; 1172

(3) The address at which the elector is registered to vote; 1173

(4) The elector's date of birth; 1174

(5) One of the following: 1175

(a) The elector's driver's license number; 1176

(b) The last four digits of the elector's social security 1177
number; 1178

(c) A copy of the elector's current and valid photo 1179
identification or a copy of a current utility bill, bank 1180
statement, government check, paycheck, or other government 1181
document that shows the name and address of the elector. 1182

(6) A statement identifying the election for which absent 1183
voter's ballots are requested; 1184

(7) A statement that the person requesting the ballots is a 1185
qualified elector; 1186

(8) A statement that the elector is an absent uniformed 1187

services voter as defined in 42 U.S.C. 1973ff-6; 1188

(9) A statement of the elector's length of residence in the 1189
state immediately preceding the commencement of service or 1190
immediately preceding the date of leaving to be with or near the 1191
service member, whichever is applicable; 1192

(10) If the request is for primary election ballots, the 1193
elector's party affiliation; 1194

(11) If the elector desires ballots to be mailed to the 1195
elector, the address to which those ballots shall be mailed; 1196

(12) If the elector desires ballots to be sent to the elector 1197
by facsimile machine, the telephone number to which they shall be 1198
so sent. 1199

(B) A voter or any relative of a voter listed in division 1200
~~(B)~~(C) of this section may use a single federal post card 1201
application to apply for armed service absent voter's ballots for 1202
use at the primary and general elections in a given year and any 1203
special election to be held on the day in that year specified by 1204
division (E) of section 3501.01 of the Revised Code for the 1205
holding of a primary election, designated by the general assembly 1206
for the purpose of submitting constitutional amendments proposed 1207
by the general assembly to the voters of the state. ~~Such an~~ A 1208
single federal postcard application shall be processed by the 1209
board of elections pursuant to section 3511.04 of the Revised Code 1210
the same as if the voter had applied separately for armed service 1211
absent voter's ballots for each election. 1212

~~(B)~~(C) Application to have ~~such~~ armed service absent voter's 1213
ballots mailed or sent by facsimile machine to such a person may 1214
be made by the spouse when the person is a service member, or by 1215
the father, mother, father-in-law, mother-in-law, grandfather, 1216
grandmother, brother or sister of the whole blood or half blood, 1217
son, daughter, adopting parent, adopted child, stepparent, 1218

stepchild, uncle, aunt, nephew, or niece of such a person. ~~Such~~ 1219
The application shall be in writing upon a blank form furnished 1220
only by the director or on a single federal post card as provided 1221
in division ~~(A)~~(B) of this section. The form of ~~such~~ the 1222
application shall be prescribed by the secretary of state. The 1223
director shall furnish ~~such~~ that blank form to any of the 1224
relatives specified in this ~~section~~, division desiring to make 1225
~~such~~ the application, only upon the request of such a relative 1226
made in person at the office of the board or upon the written 1227
request of such a relative mailed to the office of the board. ~~Such~~ 1228
The application, subscribed and sworn to by ~~such~~ the applicant, 1229
shall contain all of the following: 1230

(1) ~~Full~~ The full name of ~~person~~ the elector for whom ballots 1231
are requested; 1232

(2) ~~Statement~~ A statement that ~~such person~~ the elector is 1233
~~serving in the armed forces of the United States or that such~~ 1234
~~person is a spouse or dependent of a person serving in the armed~~ 1235
~~forces of the United States who resides outside this state for the~~ 1236
~~purpose of being with or near such service member~~ an absent 1237
uniformed services voter as defined in 42 U.S.C. 1973ff-6; 1238

(3) ~~Statement that such person has a residence in the county,~~ 1239
~~and information as to the precinct in which it is located and~~ The 1240
address at which the elector is registered to vote; 1241

(4) A statement identifying the elector's length of residence 1242
in the state immediately preceding the commencement of service, or 1243
immediately preceding the date of leaving to be with or near a 1244
service member, as the case may be; 1245

~~(4) Statement~~ (5) The elector's date of birth; 1246

(6) One of the following: 1247

(a) The elector's driver's license number; 1248

<u>(b) The last four digits of the elector's social security number;</u>	1249
	1250
<u>(c) A copy of the elector's current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector.</u>	1251
	1252
	1253
	1254
<u>(7) A statement identifying the election for which absent voter's ballots are requested;</u>	1255
	1256
<u>(8) A statement that the person requesting the ballots is a qualified elector;</u>	1257
	1258
<u>(9) If the request is for primary election ballots, the elector's party affiliation;</u>	1259
	1260
<u>(10) A statement that the applicant bears a relationship to such person the elector as specified in division (C) of this section;</u>	1261
	1262
	1263
(5) Election for which ballots are requested, and, if for a primary election, party affiliation of persons for whom ballots are requested;	1264
	1265
	1266
(6) Address <u>(11) The address</u> to which ballots shall be mailed or <u>the</u> telephone number to which ballots shall be sent by facsimile machine;	1267
	1268
	1269
(7) Signature <u>(12) The signature</u> and address of <u>the</u> person making the application.	1270
	1271
Each application for armed service absent voter's ballots shall be delivered to the director not earlier than the first day of January of the year of the elections for which the armed service absent voter's ballots are requested or not earlier than ninety days before the day of the election at which the ballots are to be voted, whichever is earlier, and not later than twelve noon of the third day preceding the day of the election, or not	1272
	1273
	1274
	1275
	1276
	1277
	1278

later than the close of regular business hours on the day before 1279
the day of the election at which ~~such~~ those ballots are to be 1280
voted if the application is delivered in person to the office of 1281
the board. 1282

~~(C)~~(D) If the voter for whom the application is made is 1283
entitled to vote for presidential and vice-presidential electors 1284
only, the applicant shall submit to the director in addition to 1285
the requirements of divisions (A) ~~and~~, (B), and (C) of this 1286
section, a statement to the effect that the voter is qualified to 1287
vote for presidential and vice-presidential electors and for no 1288
other offices. 1289

Sec. 3511.04. ~~No~~ (A) If a director of a board of elections 1290
receives an application for armed service absent voter's ballots 1291
that does not contain all of the required information, the 1292
director promptly shall notify the applicant of the additional 1293
information required to be provided by the applicant to complete 1294
that application. 1295

(B) Not later than the twenty-fifth day before the day of 1296
each presidential primary election and not later than the 1297
thirty-fifth day before the day of each general or other primary 1298
election, and at the earliest possible time before the day of a 1299
special election held on a day other than the day on which a 1300
general or primary election is held, the director of the board of 1301
elections shall mail or send by facsimile machine armed service 1302
absent voter's ballots then ready for use as provided for in 1303
section 3511.03 of the Revised Code and for which the director has 1304
received valid applications prior to ~~such~~ that time. Thereafter, 1305
and until twelve noon of the third day preceding the day of 1306
election, the director shall promptly, upon receipt of valid 1307
applications ~~therefor~~ for them, mail or send by facsimile machine 1308
to the proper persons all armed service absent voter's ballots 1309

then ready for use. 1310

If, after the sixtieth day before the day of a general or 1311
primary election, any other question, issue, or candidacy is 1312
lawfully ordered submitted to the electors voting at ~~such the~~ 1313
general or primary election, the board shall promptly provide a 1314
separate official issue, special election, or other election 1315
ballot for submitting ~~such the~~ question, issue, or candidacy to 1316
~~such those~~ electors, and the director shall promptly mail or send 1317
by facsimile machine each such separate ballot to each person to 1318
whom the director has previously mailed or sent by facsimile 1319
machine other armed service absent voter's ballots. 1320

In mailing armed service absent voter's ballots, the director 1321
shall use the fastest mail service available, but the director 1322
shall not mail them by certified mail. 1323

Sec. 3511.09. Upon receiving armed service absent voter's 1324
ballots, the elector shall cause the questions on the face of the 1325
identification envelope to be answered, and, by writing the 1326
elector's usual signature in the proper place on the 1327
identification envelope, the elector shall declare under penalty 1328
of election falsification that the answers to those questions are 1329
true and correct to the best of the elector's knowledge and 1330
belief. Then, the elector shall note whether there are any voting 1331
marks on the ballot. If there are any voting marks, the ballot 1332
shall be returned immediately to the board of elections; 1333
otherwise, the elector shall cause the ballot to be marked, folded 1334
separately so as to conceal the markings on it, deposited in the 1335
identification envelope, and securely sealed in the identification 1336
envelope. The elector then shall cause the identification envelope 1337
to be placed within the return envelope, sealed in the return 1338
envelope, and mailed to the director of the board of elections to 1339
whom it is addressed. If the elector does not provide the 1340

elector's driver's license number or the last four digits of the 1341
elector's social security number on the statement of voter on the 1342
identification envelope, the elector also shall include in the 1343
return envelope with the identification envelope a copy of the 1344
elector's current valid photo identification or a copy of a 1345
current utility bill, bank statement, government check, paycheck, 1346
or other government document that shows the name and address of 1347
the elector. Each elector who will be outside the United States on 1348
the day of the election shall check the box on the return envelope 1349
indicating this fact and shall mail the return envelope to the 1350
director prior to the close of the polls on election day. 1351

Every armed services absent voter's ballot identification 1352
envelope shall be accompanied by the following statement in 1353
boldface capital letters: WHOEVER COMMITS ELECTION FALSIFICATION 1354
IS GUILTY OF A FELONY OF THE FIFTH DEGREE. 1355

Sec. 3511.13. (A) The poll list or signature pollbook for 1356
each precinct shall identify each registered elector in that 1357
precinct who has requested an armed services absent voter's ballot 1358
for that election; 1359

(B)(1) If a registered elector appears to vote in that 1360
precinct and that elector has requested an armed service absent 1361
voter's ballot for that election but the director has not received 1362
a sealed identification envelope purporting to contain that 1363
elector's voted armed service absent voter's ballots for that 1364
election, the elector shall be permitted to cast a ballot, 1365
generally in the manner prescribed in division (B) of section 1366
3503.16 of the Revised Code, in that precinct on the day of that 1367
election. 1368

(2) If a registered elector appears to vote in that precinct 1369
and that elector has requested an armed service absent voter's 1370
ballot for that election and the director has received a sealed 1371

identification envelope purporting to contain that elector's voted 1372
armed service absent voter's ballots for that election, the 1373
elector shall be permitted to cast a ballot, generally in the 1374
manner prescribed in division (B) of section 3503.16 of the 1375
Revised Code, in that precinct on the day of that election. 1376

(C)(1) In counting armed service absent voter's ballots under 1377
section 3511.11 of the Revised Code, the board of elections or the 1378
precinct election officials shall compare the poll list or the 1379
signature pollbook for each precinct with the name of each elector 1380
in that precinct from whom the director has received a sealed 1381
identification envelope purporting to contain that elector's voted 1382
armed service absent voter's ballots for that election. Except as 1383
otherwise provided in division (C)(2) of this section, if the 1384
board of elections determines that an elector who cast a ballot, 1385
generally in the manner prescribed in division (B) of section 1386
3503.16 of the Revised Code, in the precinct on the day of the 1387
election also returned a sealed identification envelope for that 1388
election, the armed service absent voter's ballot in the sealed 1389
identification envelope shall be counted, and the ballot cast in 1390
the precinct on the day of the election shall not be counted. 1391

(2) The board of elections shall count the ballot cast in the 1392
precinct on the day of the election, instead of the armed service 1393
absent voter's ballot, of an elector from whom the director has 1394
received an identification envelope purporting to contain that 1395
elector's voted armed service absent voter's ballots, if both of 1396
the following apply: 1397

(a) The board of elections determines that the signature of 1398
the elector on the outside of the identification envelope in which 1399
the armed service absent voter's ballots are enclosed does not 1400
match the signature of the elector on the elector's registration 1401
form; 1402

(b) The elector cast a ballot, generally in the manner 1403
prescribed in division (B) of section 3503.16 of the Revised Code, 1404
in the precinct on the day of the election. 1405

If the board of elections counts the ballot cast in the 1406
precinct on the day of the election under this division, the 1407
identification envelope of that elector shall not be opened, and 1408
the ballot within that envelope shall not be counted. The 1409
identification envelope shall be endorsed "Not Counted" with the 1410
reason the ballot was not counted. 1411

Sec. 3599.12. (A) No person shall do any of the following: 1412

(1) Vote or attempt to vote in any primary, special, or 1413
general election in a precinct in which that person is not a 1414
legally qualified elector; 1415

(2) Vote or attempt to vote more than once at the same 1416
election by any means, including voting or attempting to vote both 1417
by absent voter's ballots under division ~~(B), (C), or~~ (G) of 1418
section 3503.16 of the Revised Code and by regular ballot at the 1419
polls at the same election, or voting or attempting to vote both 1420
by absent voter's ballots under division ~~(B), (C), or~~ (G) of 1421
section 3503.16 of the Revised Code and by absent voter's ballots 1422
under Chapter 3509. or armed service absent voter's ballots under 1423
Chapter 3511. of the Revised Code at the same election; 1424

(3) Impersonate or sign the name of another person, real or 1425
fictitious, living or dead, and vote or attempt to vote as that 1426
other person in any such election; 1427

(4) Cast a ballot at any such election after objection has 1428
been made and sustained to that person's vote; 1429

(5) Knowingly vote or attempt to vote a ballot other than the 1430
official ballot. 1431

(B) Whoever violates division (A) of this section is guilty 1432

of a felony of the fourth degree. 1433

Sec. 3599.21. (A) No person shall knowingly do any of the 1434
following: 1435

(1) Impersonate another, or make a false representation in 1436
order to obtain an absent voter's ballot; 1437

(2) Aid or abet a person to vote an absent voter's ballot 1438
illegally; 1439

(3) If the person is an election official, open, destroy, 1440
steal, mark, or mutilate any absent voter's ballot; 1441

(4) Aid or abet another person to open, destroy, steal, mark, 1442
or mutilate any absent voter's ballot after the ballot has been 1443
voted; 1444

(5) Delay the delivery of any such ballot with a view to 1445
preventing its arrival in time to be counted; 1446

(6) Hinder or attempt to hinder the delivery or counting of 1447
such absent voter's ballot; 1448

(7) Fail to forward to the appropriate election official an 1449
absent voter's ballot application entrusted to that person to so 1450
forward; 1451

(8) Fail to forward to the appropriate election official an 1452
absent voter's ballot application entrusted to that person to so 1453
forward within such a time period that the failure to so forward 1454
the application disenfranchises the voter with respect to a 1455
particular election; 1456

(9) Except as authorized under Chapters 3509. and 3511. of 1457
the Revised Code, possess the absent voter's ballot of another. 1458

(B)(1) Subject to division (B)(2) of this section, no person 1459
who receives compensation for soliciting persons to apply to vote 1460
by absent voter's ballots shall fail to forward to the appropriate 1461

election official an absent voter's ballot application entrusted 1462
to that person to so forward within ten days after that 1463
application is completed. 1464

(2) No person who receives compensation for soliciting 1465
persons to apply to vote by absent voter's ballots shall fail to 1466
forward to the appropriate election official an absent voter's 1467
ballot application entrusted to that person to so forward within 1468
such a time period that the failure to so forward the application 1469
disenfranchises the voter with respect to a particular election. 1470

(C) Whoever violates division (A) or (B) of this section is 1471
guilty of a felony of the fourth degree. 1472

(D) As used in this section, "person who receives 1473
compensation for soliciting persons to apply to vote by absent 1474
voter's ballots" includes any effort, for compensation, to provide 1475
absent voter's ballot applications or to assist persons in 1476
completing those applications or returning them to the director of 1477
the board of elections of the county in which the applicant's 1478
voting residence is located. 1479

Sec. 4109.06. (A) This chapter does not apply to the 1480
following: 1481

(1) Minors who are students working on any properly guarded 1482
machines in the manual training department of any school when the 1483
work is performed under the personal supervision of an instructor; 1484

(2) Students participating in a vocational program approved 1485
by the Ohio department of education; 1486

(3) A minor participating in a play, pageant, or concert 1487
produced by an outdoor historical drama corporation, a 1488
professional traveling theatrical production, a professional 1489
concert tour, or a personal appearance tour as a professional 1490
motion picture star, or as an actor or performer in motion 1491

pictures or in radio or television productions in accordance with 1492
the rules adopted pursuant to division (A) of section 4109.05 of 1493
the Revised Code; 1494

(4) The participation, without remuneration of a minor and 1495
with the consent of a parent or guardian, in a performance given 1496
by a church, school, or academy, or at a concert or entertainment 1497
given solely for charitable purposes, or by a charitable or 1498
religious institution; 1499

(5) ~~To minors~~ Minors who are employed by their parents in 1500
occupations other than occupations prohibited by rule adopted 1501
under this chapter; 1502

(6) Minors engaged in the delivery of newspapers to the 1503
consumer; 1504

(7) Minors who have received a high school diploma or a 1505
certificate of attendance from an accredited secondary school or a 1506
certificate of high school equivalence; 1507

(8) Minors who are currently heads of households or are 1508
parents contributing to the support of their children; 1509

(9) Minors engaged in lawn mowing, snow shoveling, and other 1510
related employment; 1511

(10) Minors employed in agricultural employment in connection 1512
with farms operated by their parents, grandparents, or guardians 1513
where they are members of the guardians' household. Minors are not 1514
exempt from this chapter if they reside in agricultural labor 1515
camps as defined in section 3733.41 of the Revised Code; 1516

(11) Students participating in a program to serve as precinct 1517
officers as authorized by section 3501.22 of the Revised Code. 1518

(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the 1519
Revised Code do not apply to the following: 1520

(1) Minors who work in a sheltered workshop operated by a 1521

county board of mental retardation; 1522

(2) Minors performing services for a nonprofit organization 1523
where the minor receives no compensation, except for any expenses 1524
incurred by the minor or except for meals provided to the minor; 1525

(3) Minors who are employed in agricultural employment and 1526
who do not reside in agricultural labor camps. 1527

(C) Division (D) of section 4109.07 of the Revised Code does 1528
not apply to minors who have their employment hours established as 1529
follows: 1530

(1) A minor adjudicated to be an unruly child or delinquent 1531
child who, as a result of the adjudication, is placed on probation 1532
may either file a petition in the juvenile court in whose 1533
jurisdiction the minor resides, or apply to the superintendent or 1534
to the chief administrative officer who issued the minor's age and 1535
schooling certificate pursuant to section 3331.01 of the Revised 1536
Code, alleging the restrictions on the hours of employment 1537
described in division (D) of section 4109.07 of the Revised Code 1538
will cause a substantial hardship or are not in the minor's best 1539
interests. Upon receipt of a petition or application, the court, 1540
the superintendent, or the chief administrative officer, as 1541
appropriate, shall consult with the person required to supervise 1542
the minor on probation. If after ~~such~~ that consultation, the 1543
court, the superintendent, or the chief administrative officer 1544
finds the minor has failed to show the restrictions will result in 1545
a substantial hardship or that the restrictions are not in the 1546
minor's best interests, the court, the superintendent, or the 1547
chief administrative officer shall uphold the restrictions. If 1548
after ~~such~~ that consultation, the court, the superintendent, or 1549
the chief administrative officer finds the minor has shown the 1550
restricted hours will cause a substantial hardship or are not in 1551
the minor's best interests, the court, the superintendent, or the 1552

chief administrative officer shall establish differing hours of 1553
employment for the minor and notify the minor and the minor's 1554
employer of ~~such~~ those hours, which shall be binding in lieu of 1555
the restrictions on the hours of employment described in division 1556
(D) of section 4109.07 of the Revised Code. 1557

(2) Any minor to whom division (C)(1) of this section does 1558
not apply may either file a petition in the juvenile court in 1559
whose jurisdiction the person resides, or apply to the 1560
superintendent or to the chief administrative officer who issued 1561
the minor's age and schooling certificate pursuant to section 1562
3331.01 of the Revised Code, alleging the restrictions on the 1563
hours of employment described in division (D) of section 4109.07 1564
of the Revised Code will cause a substantial hardship or are not 1565
in the minor's best interests. 1566

If, as a result of a petition or application, the court, the 1567
superintendent, or the chief administrative officer, as 1568
appropriate, finds the minor has failed to show such restrictions 1569
will result in a substantial hardship or that the restrictions are 1570
not in the minor's best interests, the court, the superintendent, 1571
or the chief administrative officer shall uphold the restrictions. 1572
If the court, the superintendent, or the chief administrative 1573
officer finds the minor has shown the restricted hours will cause 1574
a substantial hardship or are not in the minor's best interests, 1575
the court, the superintendent, or the chief administrative officer 1576
shall establish the hours of employment for the minor and shall 1577
notify the minor and the minor's employer of ~~such~~ those hours. 1578

(D) As used in this section, "certificate of high school 1579
equivalence" means a statement issued by the state board of 1580
education or an equivalent agency of another state that the holder 1581
~~thereof~~ of the statement has achieved the equivalent of a high 1582
school education as measured by scores obtained on the tests of 1583
general educational development published by the American council 1584

on education. 1585

Section 2. That existing sections 3501.17, 3501.22, 3501.27, 1586
3503.16, 3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 1587
3509.07, 3509.08, 3511.02, 3511.04, 3511.09, 3599.12, 3599.21, and 1588
4109.06 of the Revised Code are hereby repealed. 1589

Section 3. Section 3501.22 of the Revised Code is presented 1590
in this act as a composite of the section as amended by both Am. 1591
Sub. H.B. 99 and Am. H.B. 215 of the 121st General Assembly. The 1592
General Assembly, applying the principle stated in division (B) of 1593
section 1.52 of the Revised Code that amendments are to be 1594
harmonized if reasonably capable of simultaneous operation, finds 1595
that the composite is the resulting version of the section in 1596
effect prior to the effective date of the section as presented in 1597
this act. 1598