

As Reported by the Committee of Conference

126th General Assembly

Regular Session

2005-2006

Am. Sub. H. B. No. 3

**Representatives DeWine, White, Law, Uecker, Aslanides, Carmichael, Collier,
C. Evans, D. Evans, Faber, Flowers, Gibbs, Hagan, Kearns, McGregor,
Peterson, Reidelbach, Schaffer, Schlichter, Seaver, Setzer, G. Smith,
Widowfield, Willamowski, Wolpert
Senators Jacobson, Harris, Spada, Hottinger, Coughlin**

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A B I L L

To amend sections 131.23, 145.38, 303.12, 306.70,	1
307.791, 322.021, 324.021, 503.162, 504.02,	2
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3599.11, 3599.111, 3599.13, 3599.14, 3599.21, 23
3599.24, 3599.38, 4113.52, 4301.33, 4301.331, 24
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5705.191, 5705.194, 5705.196, 5705.21, 5705.218, 26
5705.25, 5705.251, 5705.261, 5705.71, 5739.022, 27
5748.02, 5748.04, 5748.08, and 6119.18, to enact 28
sections 109.95, 3501.052, 3501.19, 3501.382, 29
3501.90, 3503.15, 3503.28, 3503.29, 3505.181, 30
3505.182, 3505.183, 3506.20, 3506.21, 3506.22, 31
3506.23, 3515.041, 3515.072, 3519.051, and 32
3519.07, and to repeal section 3503.27 of the 33
Revised Code to revise the Election Law and to 34
terminate certain provisions of this act on 35
January 1, 2009, by repealing section 3501.19 of 36
the Revised Code on that date. 37

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

Section 1. That sections 131.23, 145.38, 303.12, 306.70, 38
307.791, 322.021, 324.021, 503.162, 504.02, 504.03, 511.28, 39
511.34, 513.14, 519.12, 745.07, 747.11, 1901.07, 1901.10, 1901.31, 40
2961.01, 2967.17, 3311.21, 3311.50, 3311.73, 3349.29, 3354.12, 41
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3513.07, 3513.09, 3513.19, 3513.20, 3513.22, 3513.257, 3513.259, 50
3513.261, 3513.30, 3515.03, 3515.04, 3515.07, 3515.08, 3515.13, 51
3517.01, 3517.081, 3517.092, 3517.10, 3517.106, 3517.1011, 52
3517.12, 3517.13, 3517.153, 3519.01, 3519.03, 3519.04, 3519.05, 53
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3599.38, 4113.52, 4301.33, 4301.331, 4301.332, 4301.333, 4301.334, 55
4305.14, 4504.021, 5705.191, 5705.194, 5705.196, 5705.21, 56
5705.218, 5705.25, 5705.251, 5705.261, 5705.71, 5739.022, 5748.02, 57
5748.04, 5748.08, and 6119.18 be amended and sections 109.95, 58
3501.052, 3501.19, 3501.382, 3501.90, 3503.15, 3503.28, 3503.29, 59
3505.181, 3505.182, 3505.183, 3506.20, 3506.21, 3506.22, 3506.23, 60
3515.041, 3515.072, 3519.051, and 3519.07 of the Revised Code be 61
enacted to read as follows: 62

Sec. 109.95. Notwithstanding any provision of the Revised 63
Code to the contrary pertaining to prosecutorial authority, the 64
attorney general may initiate criminal proceedings for election 65
fraud under section 3599.42 of the Revised Code which results from 66
a violation of any provision of Title XXXV of the Revised Code, 67
other than Chapter 3517. of the Revised Code, involving voting, an 68
initiative or referendum petition process, or the conducting of an 69
election, by presenting evidence of criminal violations in 70
question to the prosecuting attorney of any county in which the 71
violations may be prosecuted. If the prosecuting attorney does not 72
prosecute the violations within a reasonable time or requests the 73
attorney general to do so, the attorney general may proceed with 74
the prosecution of the violations with all of the rights, 75
privileges, and powers conferred by law on a prosecuting attorney, 76
including, but not limited to, the power to appear before a grand 77
jury and to interrogate witnesses before a grand jury. 78

Sec. 131.23. The various political subdivisions of this state 79

may issue bonds, and any indebtedness created by ~~such~~ that 80
issuance shall not be subject to the limitations or included in 81
the calculation of indebtedness prescribed by sections 133.05, 82
133.06, 133.07, and 133.09 of the Revised Code, but ~~such~~ the bonds 83
may be issued only under the following conditions: 84

(A) The subdivision desiring to issue ~~such~~ the bonds shall 85
obtain from the county auditor a certificate showing the total 86
amount of delinquent taxes due and unpayable to ~~such~~ the 87
subdivision at the last semiannual tax settlement. 88

(B) The fiscal officer of that subdivision shall prepare a 89
statement, from the books of the subdivision, verified by the 90
fiscal officer under oath, which shall contain the following facts 91
of ~~such~~ the subdivision: 92

(1) The total bonded indebtedness; 93

(2) The aggregate amount of notes payable or outstanding 94
accounts of the subdivision, incurred prior to the commencement of 95
the current fiscal year, which shall include all evidences of 96
indebtedness issued by the subdivision except notes issued in 97
anticipation of bond issues and the indebtedness of any 98
nontax-supported public utility; 99

(3) Except in the case of school districts, the aggregate 100
current year's requirement for disability financial assistance and 101
disability medical assistance provided under Chapter 5115. of the 102
Revised Code that the subdivision is unable to finance except by 103
the issue of bonds; 104

(4) The indebtedness outstanding through the issuance of any 105
bonds or notes pledged or obligated to be paid by any delinquent 106
taxes; 107

(5) The total of any other indebtedness; 108

(6) The net amount of delinquent taxes unpledged to pay any 109

bonds, notes, or certificates, including delinquent assessments on	110
improvements on which the bonds have been paid;	111
(7) The budget requirements for the fiscal year for bond and	112
note retirement;	113
(8) The estimated revenue for the fiscal year.	114
(C) The certificate and statement provided for in divisions	115
(A) and (B) of this section shall be forwarded to the tax	116
commissioner together with a request for authority to issue bonds	117
of such <u>the</u> subdivision in an amount not to exceed seventy per	118
cent of the net unobligated delinquent taxes and assessments due	119
and owing to such <u>the</u> subdivision, as set forth in division (B)(6)	120
of this section.	121
(D) No subdivision may issue bonds under this section in	122
excess of a sufficient amount to pay the indebtedness of the	123
subdivision as shown by division (B)(2) of this section and,	124
except in the case of school districts, to provide funds for	125
disability financial assistance and disability medical assistance,	126
as shown by division (B)(3) of this section.	127
(E) The tax commissioner shall grant to such <u>the</u> subdivision	128
authority requested by such <u>the</u> subdivision as restricted by	129
divisions (C) and (D) of this section and shall make a record of	130
the certificate, statement, and grant in a record book devoted	131
solely to such recording and which shall be open to inspection by	132
the public.	133
(F) The commissioner shall immediately upon issuing the	134
authority provided in division (E) of this section notify the	135
proper authority having charge of the retirement of bonds of such	136
<u>the</u> subdivision by forwarding a copy of such <u>the</u> grant of	137
authority and of the statement provided for in division (B) of	138
this section.	139

(G) Upon receipt of authority, the subdivision shall proceed 140
according to law to issue the amount of bonds authorized by the 141
commissioner, and authorized by the taxing authority, provided the 142
taxing authority of that subdivision may submit, by resolution 143
~~submit~~, to the electors of that subdivision the question of 144
issuing ~~such~~ the bonds. ~~Such~~ The resolution shall make the 145
declarations and statements required by section 133.18 of the 146
Revised Code. The county auditor and taxing authority shall 147
thereupon proceed as set forth in divisions (C) and (D) of ~~such~~ 148
that section. The election on the question of issuing ~~such~~ the 149
bonds shall be held under divisions (E), (F), and (G) of ~~such~~ that 150
section, except that publication of the notice of ~~such~~ the 151
election shall be made on ~~four~~ two separate days prior to ~~such~~ the 152
election in one or more newspapers of general circulation in the 153
~~subdivisions~~ subdivision, and, if the board of elections operates 154
and maintains a web site, notice of the election also shall be 155
posted on that web site for thirty days prior to the election. 156
~~Such~~ The bonds may be exchanged at their face value with creditors 157
of the subdivision in liquidating the indebtedness described and 158
enumerated in division (B)(2) of this section or may be sold as 159
provided in Chapter 133. of the Revised Code, and in either event 160
shall be uncontestable. 161

(H) The per cent of delinquent taxes and assessments 162
collected for and to the credit of the subdivision after the 163
exchange or sale of bonds as certified by the commissioner shall 164
be paid to the authority having charge of the sinking fund of the 165
subdivision, which money shall be placed in a separate fund for 166
the purpose of retiring the bonds so issued. The proper authority 167
of the subdivisions shall provide for the levying of a tax 168
sufficient in amount to pay the debt charges on all such bonds 169
issued under this section. 170

(I) This section is for the sole purpose of assisting the 171

various subdivisions in paying their unsecured indebtedness, and 172
providing funds for disability financial assistance and disability 173
medical assistance. The bonds issued under authority of this 174
section shall not be used for any other purpose, and any exchange 175
for other purposes, or the use of the money derived from the sale 176
of ~~such~~ the bonds by the subdivision for any other purpose, is 177
misapplication of funds. 178

(J) The bonds authorized by this section shall be redeemable 179
or payable in not to exceed ten years from date of issue and shall 180
not be subject to or considered in calculating the net 181
indebtedness of the subdivision. The budget commission of the 182
county in which the subdivision is located shall annually allocate 183
such portion of the then delinquent levy due ~~such~~ the subdivision 184
which is unpledged for other purposes to the payment of debt 185
charges on the bonds issued under authority of this section. 186

(K) The issue of bonds under this section shall be governed 187
by Chapter 133. of the Revised Code, respecting the terms used, 188
forms, manner of sale, and redemption except as otherwise provided 189
in this section. 190

The board of county commissioners of any county may issue 191
bonds authorized by this section and distribute the proceeds of 192
~~such~~ the bond issues to any or all of the cities and townships of 193
~~such~~ counties the county, according to their relative needs for 194
disability financial assistance and disability medical assistance 195
as determined by ~~such~~ the county. 196

All sections of the Revised Code inconsistent with or 197
prohibiting the exercise of the authority conferred by this 198
section are inoperative respecting bonds issued under this 199
section. 200

Sec. 145.38. (A) As used in this section and sections 145.381 201

and 145.384 of the Revised Code:	202
(1) "PERS retirant" means a former member of the public employees retirement system who is receiving one of the following:	203 204
(a) Age and service retirement benefits under section 145.32, 145.33, 145.331, 145.34, or 145.46 of the Revised Code;	205 206
(b) Age and service retirement benefits paid by the public employees retirement system under section 145.37 of the Revised Code;	207 208 209
(c) Any benefit paid under a PERS defined contribution plan.	210
(2) "Other system retirant" means both of the following:	211
(a) A member or former member of the Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, state highway patrol retirement system, or Cincinnati retirement system who is receiving age and service or commuted age and service retirement benefits or a disability benefit from a system of which the person is a member or former member;	212 213 214 215 216 217 218
(b) A member or former member of the public employees retirement system who is receiving age and service retirement benefits or a disability benefit under section 145.37 of the Revised Code paid by the school employees retirement system or the state teachers retirement system.	219 220 221 222 223
(B)(1) Subject to this section and section 145.381 of the Revised Code, a PERS retirant or other system retirant may be employed by a public employer. If so employed, the PERS retirant or other system retirant shall contribute to the public employees retirement system in accordance with section 145.47 of the Revised Code, and the employer shall make contributions in accordance with section 145.48 of the Revised Code.	224 225 226 227 228 229 230
(2) A public employer that employs a PERS retirant or other	231

system retirant, or enters into a contract for services as an 232
independent contractor with a PERS retirant, shall notify the 233
retirement board of the employment or contract not later than the 234
end of the month in which the employment or contract commences. 235
Any overpayment of benefits to a PERS retirant by the retirement 236
system resulting from delay or failure of the employer to give the 237
notice shall be repaid to the retirement system by the employer. 238

(3) On receipt of notice from a public employer that a person 239
who is an other system retirant has been employed, the retirement 240
system shall notify the retirement system of which the other 241
system retirant was a member of such employment. 242

(4)(a) A PERS retirant who has received a retirement 243
allowance for less than two months when employment subject to this 244
section commences shall forfeit the retirement allowance for any 245
month the PERS retirant is employed prior to the expiration of the 246
two-month period. Service and contributions for that period shall 247
not be included in calculation of any benefits payable to the PERS 248
retirant, and those contributions shall be refunded on the 249
retirant's death or termination of the employment. 250

(b) An other system retirant who has received a retirement 251
allowance or disability benefit for less than two months when 252
employment subject to this section commences shall forfeit the 253
retirement allowance or disability benefit for any month the other 254
system retirant is employed prior to the expiration of the 255
two-month period. Service and contributions for that period shall 256
not be included in the calculation of any benefits payable to the 257
other system retirant, and those contributions shall be refunded 258
on the retirant's death or termination of the employment. 259

(c) Contributions made on compensation earned after the 260
expiration of the two-month period shall be used in the 261
calculation of the benefit or payment due under section 145.384 of 262

the Revised Code. 263

(5) On receipt of notice from the Ohio police and fire 264
pension fund, school employees retirement system, or state 265
teachers retirement system of the re-employment of a PERS 266
retirant, the public employees retirement system shall not pay, or 267
if paid, shall recover, the amount to be forfeited by the PERS 268
retirant in accordance with section 742.26, 3307.35, or 3309.341 269
of the Revised Code. 270

(6) A PERS retirant who enters into a contract to provide 271
services as an independent contractor to the employer by which the 272
retirant was employed at the time of retirement or, less than two 273
months after the retirement allowance commences, begins providing 274
services as an independent contractor pursuant to a contract with 275
another public employer, shall forfeit the pension portion of the 276
retirement benefit for the period beginning the first day of the 277
month following the month in which the services begin and ending 278
on the first day of the month following the month in which the 279
services end. The annuity portion of the retirement allowance 280
shall be suspended on the day services under the contract begin 281
and shall accumulate to the credit of the retirant to be paid in a 282
single payment after services provided under the contract 283
terminate. A PERS retirant subject to division (B)(6) of this 284
section shall not contribute to the retirement system and shall 285
not become a member of the system. 286

(7) As used in this division, "employment" includes service 287
for which a PERS retirant or other system retirant, the retirant's 288
employer, or both, have waived any earnable salary for the 289
service. 290

(C)(1) Except as provided in division (C)(3) of this section, 291
this division applies to both of the following: 292

(a) A PERS retirant who, prior to September 14, 2000, was 293

subject to division (C)(1)(b) of this section as that division 294
existed immediately prior to September 14, 2000, and has not 295
elected pursuant to Am. Sub. S.B. 144 of the 123rd general 296
assembly to cease to be subject to that division; 297

(b) A PERS retirant to whom both of the following apply: 298

(i) The retirant held elective office in this state, or in 299
any municipal corporation, county, or other political subdivision 300
of this state at the time of retirement under this chapter. 301

(ii) The retirant was elected or appointed to the same office 302
for the remainder of the term or the term immediately following 303
the term during which the retirement occurred. 304

(2) A PERS retirant who is subject to this division is a 305
member of the public employees retirement system with all the 306
rights, privileges, and obligations of membership, except that the 307
membership does not include survivor benefits provided pursuant to 308
section 145.45 of the Revised Code or, beginning on the ninetieth 309
day after September 14, 2000, any amount calculated under section 310
145.401 of the Revised Code. The pension portion of the PERS 311
retirant's retirement allowance shall be forfeited until the first 312
day of the first month following termination of the employment. 313
The annuity portion of the retirement allowance shall accumulate 314
to the credit of the PERS retirant to be paid in a single payment 315
after termination of the employment. The retirement allowance 316
shall resume on the first day of the first month following 317
termination of the employment. On termination of the employment, 318
the PERS retirant shall elect to receive either a refund of the 319
retirant's contributions to the retirement system during the 320
period of employment subject to this section or a supplemental 321
retirement allowance based on the retirant's contributions and 322
service credit for that period of employment. 323

(3) This division does not apply to any of the following: 324

(a) A PERS retirant elected to office who, at the time of the election for the retirant's current term, was not retired but, not less than ninety days prior to the primary election for the term or the date on which a primary for the term would have been held, filed a written declaration of intent to retire before the end of the term with the director of the board of elections of the county in which petitions for nomination or election to the office are filed;

(b) A PERS retirant elected to office who, at the time of the election for the retirant's current term, was a retirant and had been retired for not less than ninety days;

(c) A PERS retirant appointed to office who, at the time of appointment to the retirant's current term, notified the person or entity making the appointment that the retirant was already retired or intended to retire before the end of the term.

(D)(1) Except as provided in division (C) of this section, a PERS retirant or other system retirant subject to this section is not a member of the public employees retirement system, and, except as specified in this section does not have any of the rights, privileges, or obligations of membership. Except as specified in division (D)(2) of this section, the retirant is not eligible to receive health, medical, hospital, or surgical benefits under section 145.58 of the Revised Code for employment subject to this section.

(2) A PERS retirant subject to this section shall receive primary health, medical, hospital, or surgical insurance coverage from the retirant's employer, if the employer provides coverage to other employees performing comparable work. Neither the employer nor the PERS retirant may waive the employer's coverage, except that the PERS retirant may waive the employer's coverage if the retirant has coverage comparable to that provided by the employer

from a source other than the employer or the public employees 356
retirement system. If a claim is made, the employer's coverage 357
shall be the primary coverage and shall pay first. The benefits 358
provided under section 145.58 of the Revised Code shall pay only 359
those medical expenses not paid through the employer's coverage or 360
coverage the PERS retirant receives through a source other than 361
the retirement system. 362

(E) If the disability benefit of an other system retirant 363
employed under this section is terminated, the retirant shall 364
become a member of the public employees retirement system, 365
effective on the first day of the month next following the 366
termination with all the rights, privileges, and obligations of 367
membership. If such person, after the termination of the 368
disability benefit, earns two years of service credit under this 369
system or under the Ohio police and fire pension fund, state 370
teachers retirement system, school employees retirement system, or 371
state highway patrol retirement system, the person's prior 372
contributions as an other system retirant under this section shall 373
be included in the person's total service credit as a public 374
employees retirement system member, and the person shall forfeit 375
all rights and benefits of this section. Not more than one year of 376
credit may be given for any period of twelve months. 377

(F) This section does not affect the receipt of benefits by 378
or eligibility for benefits of any person who on August 20, 1976, 379
was receiving a disability benefit or service retirement pension 380
or allowance from a state or municipal retirement system in Ohio 381
and was a member of any other state or municipal retirement system 382
of this state. 383

(G) The public employees retirement board may adopt rules to 384
carry out this section. 385

Sec. 303.12. (A)(1) Amendments to the zoning resolution may 386

be initiated by motion of the county rural zoning commission, by 387
the passage of a resolution by the board of county commissioners, 388
or by the filing of an application by one or more of the owners or 389
lessees of property within the area proposed to be changed or 390
affected by the proposed amendment with the county rural zoning 391
commission. The board of county commissioners may require that the 392
owner or lessee of property filing an application to amend the 393
zoning resolution pay a fee to defray the cost of advertising, 394
mailing, filing with the county recorder, and other expenses. If 395
the board of county commissioners requires such a fee, it shall be 396
required generally, for each application. The board of county 397
commissioners ~~shall~~, upon the passage of such a resolution, shall 398
certify it to the county rural zoning commission. 399

(2) Upon the adoption of ~~such a motion by the county rural~~ 400
zoning commission, the certification of ~~such a resolution by the~~ 401
board of county commissioners to the commission, or the filing of 402
~~such an~~ application by property owners or lessees as described in 403
division (A)(1) of this section with the commission, the ~~county~~ 404
~~rural zoning~~ commission shall set a date for a public hearing, 405
which date shall not be less than twenty nor more than forty days 406
from the date of adoption of such a motion, the date of the 407
certification of such a resolution, or the date of the filing of 408
such an application. Notice of ~~such the~~ hearing shall be given by 409
the ~~county rural zoning~~ commission by one publication in one or 410
more newspapers of general circulation in each township affected 411
by ~~such the~~ proposed amendment at least ten days before the date 412
of ~~such the~~ hearing. 413

(B) If the proposed amendment intends to rezone or redistrict 414
ten or fewer parcels of land, as listed on the county auditor's 415
current tax list, written notice of the hearing shall be mailed by 416
the county rural zoning commission, by first class mail, at least 417
ten days before the date of the public hearing to all owners of 418

property within and contiguous to and directly across the street 419
from ~~such~~ the area proposed to be rezoned or redistricted to the 420
addresses of ~~such~~ those owners appearing on the county auditor's 421
current tax list. The failure of delivery of ~~such~~ that notice 422
shall not invalidate any such amendment. 423

(C) If the proposed amendment intends to rezone or redistrict 424
ten or fewer parcels of land as listed on the county auditor's 425
current tax list, the published and mailed notices shall set forth 426
the time, date, and place of the public hearing, and ~~shall~~ include 427
all of the following: 428

(1) The name of the county rural zoning commission that will 429
be conducting the ~~public~~ hearing; 430

(2) A statement indicating that the motion, resolution, or 431
application is an amendment to the zoning resolution; 432

(3) A list of the addresses of all properties to be rezoned 433
or redistricted by the proposed amendment and of the names of 434
owners of these properties, as they appear on the county auditor's 435
current tax list; 436

(4) The present zoning classification of property named in 437
the proposed amendment and the proposed zoning classification of 438
~~such~~ that property; 439

(5) The time and place where the motion, resolution, or 440
application proposing to amend the zoning resolution will be 441
available for examination for a period of at least ten days prior 442
to the ~~public~~ hearing; 443

(6) The name of the person responsible for giving notice of 444
the public hearing by publication ~~or~~, by mail, or by both 445
publication and mail; 446

~~(7) Any other information requested by the zoning commission;~~ 447

~~(8)~~ A statement that, after the conclusion of ~~such~~ the 448

hearing, the matter will be submitted to the board of county 449
commissioners for its action; 450

(8) Any other information requested by the commission. 451

(D) If the proposed amendment alters the text of the zoning 452
resolution, or rezones or redistricts more than ten parcels of 453
land, as listed on the county auditor's current tax list, the 454
published notice shall set forth the time, date, and place of the 455
public hearing, and ~~shall~~ include all of the following: 456

(1) The name of the county rural zoning commission that will 457
be conducting the ~~public~~ hearing on the proposed amendment; 458

(2) A statement indicating that the motion, application, or 459
resolution is an amendment to the zoning resolution; 460

(3) The time and place where the text and maps of the 461
proposed amendment will be available for examination for a period 462
of at least ten days prior to the ~~public~~ hearing; 463

(4) The name of the person responsible for giving notice of 464
the ~~public~~ hearing by publication; 465

(5) A statement that, after the conclusion of ~~such the~~ 466
hearing, the matter will be submitted to the board of county 467
commissioners for its action; 468

(6) Any other information requested by the ~~zoning~~ commission. 469

Hearings shall be held in the county court house or in a 470
public place designated by the ~~zoning~~ commission. 471

(E) Within five days after the adoption of ~~such the~~ motion 472
described in division (A) of this section, the certification of 473
~~such the~~ resolution described in division (A) of this section, or 474
the filing of ~~such the~~ application described in division (A) of 475
this section, the county rural zoning commission shall transmit a 476
copy of it together with text and map pertaining to it to the 477
county or regional planning commission, if there is such a 478

commission. 479

The county or regional planning commission shall recommend 480
the approval or denial of the proposed amendment or the approval 481
of some modification of it and shall submit ~~such~~ its 482
recommendation to the county rural zoning commission. ~~Such~~ The 483
recommendation shall be considered at the public hearing held by 484
the county rural zoning commission on ~~such~~ the proposed amendment. 485

The county rural zoning commission, within thirty days after 486
~~such~~ the hearing, shall recommend the approval or denial of the 487
proposed amendment, or the approval of some modification of it, 488
and shall submit ~~such~~ that recommendation together with ~~such~~ the 489
motion, application, or resolution involved, the text and map 490
pertaining to ~~it~~ the proposed amendment, and the recommendation of 491
the county or regional planning commission on it to the board of 492
county commissioners. 493

The board of county commissioners, upon receipt of ~~such~~ that 494
recommendation, shall set a time for a public hearing on ~~such~~ the 495
proposed amendment, which date shall be not more than thirty days 496
from the date of the receipt of ~~such~~ that recommendation ~~from the~~ 497
~~county rural zoning commission~~. Notice of ~~such~~ public the hearing 498
shall be given by the board by one publication in one or more 499
newspapers of general circulation in the county, at least ten days 500
before the date of ~~such~~ the hearing. 501

(F) If the proposed amendment intends to rezone or redistrict 502
ten or fewer parcels of land as listed on the county auditor's 503
current tax list, the published notice shall set forth the time, 504
date, and place of the public hearing and ~~shall~~ include all of the 505
following: 506

(1) The name of the board of county commissioners that will 507
be conducting the ~~public~~ hearing; 508

(2) A statement indicating that the motion, application, or 509

resolution is an amendment to the zoning resolution; 510

(3) A list of the addresses of all properties to be rezoned 511
or redistricted by the proposed amendment and of the names of 512
owners of ~~these~~ those properties, as they appear on the county 513
auditor's current tax list; 514

(4) The present zoning classification of property named in 515
the proposed amendment and the proposed zoning classification of 516
~~such~~ that property; 517

(5) The time and place where the motion, application, or 518
resolution proposing to amend the zoning resolution will be 519
available for examination for a period of at least ten days prior 520
to the ~~public~~ hearing; 521

(6) The name of the person responsible for giving notice of 522
the ~~public~~ hearing by publication ~~or~~, by mail, or by both 523
publication and mail; 524

(7) Any other information requested by the board. 525

(G) If the proposed amendment alters the text of the zoning 526
resolution, or rezones or redistricts more than ten parcels of 527
land as listed on the county auditor's current tax list, the 528
published notice shall set forth the time, date, and place of the 529
public hearing, ~~and shall~~ include all of the following: 530

(1) The name of the board of county commissioners that will 531
be conducting the ~~public~~ hearing on the proposed amendment; 532

(2) A statement indicating that the motion, application, or 533
resolution is an amendment to the zoning resolution; 534

(3) The time and place where the text and maps of the 535
proposed amendment will be available for examination for a period 536
of at least ten days prior to the ~~public~~ hearing; 537

(4) The name of the person responsible for giving notice of 538
the ~~public~~ hearing by publication; 539

(5) Any other information requested by the board. 540

(H) Within twenty days after ~~such its~~ public hearing, the 541
board of county commissioners shall either adopt or deny the 542
recommendation of the county rural zoning commission or adopt some 543
modification of it. If the board denies or modifies the 544
commission's recommendation ~~of the county rural zoning commission,~~ 545
the unanimous vote of the board shall be required. 546

~~Such~~ The proposed amendment, if adopted by the board, shall 547
become effective in thirty days after the date of ~~such its~~ 548
adoption, unless, within thirty days after the adoption ~~of the~~ 549
~~amendment,~~ there is presented to the board of county commissioners 550
a petition, signed by a number of qualified voters residing in the 551
unincorporated area of the township or part of that unincorporated 552
area included in the zoning plan equal to not less than eight per 553
cent of the total vote cast for all candidates for governor in 554
~~such that~~ area at the most recent general election at which a 555
governor was elected, requesting the board to submit the amendment 556
to the electors of ~~such that~~ area, for approval or rejection, at a 557
special election to be held on the day of the next primary or 558
general election. Each part of this petition shall contain the 559
number and the full and correct title, if any, of the zoning 560
amendment resolution, motion, or application, furnishing the name 561
by which the amendment ~~proposal~~ is known and a brief summary of 562
its contents. In addition to meeting the requirements of this 563
section, each petition shall be governed by the rules specified in 564
section 3501.38 of the Revised Code. 565

The form of a petition calling for a zoning referendum and 566
the statement of the circulator shall be substantially as follows: 567

"PETITION FOR ZONING REFERENDUM 568

(if the proposal is identified by a particular name or number, or 569
both, these should be inserted here) 570

A proposal to amend the zoning map of the unincorporated area 571
of Township, County, Ohio, 572
adopted (date) (followed by brief summary of 573
the proposal). 574

To the Board of County Commissioners of 575
County, Ohio: 576

We, the undersigned, being electors residing in the 577
unincorporated area of Township, included within 578
the County Zoning Plan, equal to not less than 579
eight per cent of the total vote cast for all candidates for 580
governor in the area at the preceding general election at which a 581
governor was elected, request the Board of County Commissioners to 582
submit this amendment of the zoning resolution to the electors of 583
..... Township residing within the unincorporated area of 584
the township included in the County Zoning 585
Resolution, for approval or rejection at a special election to be 586
held on the day of the next primary or general election to be held 587
on(date)....., pursuant to section 303.12 of the 588
Revised Code. 589

Street Address	Date of	590
Signature or R.F.D. Township Precinct County	Signing	591
.....		592
.....		593

STATEMENT OF CIRCULATOR 594

I,(name of circulator)....., 595
declare under penalty of election falsification that I am an 596
elector of the state of Ohio and reside at the address appearing 597
below my signature; that I am the circulator of the foregoing part 598
petition containing(number)..... signatures; that I have 599
witnessed the affixing of every signature; that all signers were 600
to the best of my knowledge and belief qualified to sign; and that 601

every signature is to the best of my knowledge and belief the
signature of the person whose signature it purports to be or of an
attorney in fact acting pursuant to section 3501.382 of the
Revised Code.

.....
(Signature of circulator)
.....
(Address of circulator's permanent
residence in this state)
.....
(City, village, or township,
and zip code)

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

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

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

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

The failure to file any amendment, or any text and maps, or
duplicates of any of these documents, with the office of the

county recorder or the county or regional planning commission as 633
required by this section does not invalidate the amendment and is 634
not grounds for an appeal of any decision of the board of zoning 635
appeals. 636

Sec. 306.70. A tax proposed to be levied by a board of county 637
commissioners or by the board of trustees of a regional transit 638
authority pursuant to sections 5739.023 and 5741.022 of the 639
Revised Code shall not become effective until it is submitted to 640
the electors residing within the county or within the territorial 641
boundaries of the regional transit authority and approved by a 642
majority of the electors voting ~~thereon~~ on it. Such question shall 643
be submitted at a general election or at a special election on a 644
day specified in the resolution levying the tax and occurring not 645
less than seventy-five days after such resolution is certified to 646
the board of elections, in accordance with section 3505.071 of the 647
Revised Code. 648

The board of elections of the county or of each county in 649
which any territory of the regional transit authority is located 650
shall make the necessary arrangements for the submission of such 651
question to the electors of the county or regional transit 652
authority, and the election shall be held, canvassed, and 653
certified in the same manner as regular elections for the election 654
of county officers. Notice of the election shall be published in 655
one or more newspapers which in the aggregate are of general 656
circulation in the territory of the county or of the regional 657
transit authority once a week for ~~four~~ two consecutive weeks prior 658
to the election ~~stating~~ and, if the board of elections operates 659
and maintains a web site, notice of the election also shall be 660
posted on that web site for thirty days prior to the election. The 661
notice shall state the type, rate, and purpose of the tax to be 662
levied, the length of time during which the tax will be in effect, 663

and the time and place of the election. 664

More than one such question may be submitted at the same 665
election. The form of the ballots cast at such election shall be: 666

"Shall a(n) (sales and use) 667
tax be levied for all transit purposes of the 668
(here insert name of the county or regional transit authority) at 669
a rate not exceeding (here insert percentage) 670
per cent for (here insert number of years the tax 671
is to be in effect, or that it is to be in effect for a continuing 672
period of time)?" 673

If the tax proposed to be levied is a continuation of an 674
existing tax, whether at the same rate or at an increased or 675
reduced rate, or an increase in the rate of an existing tax, the 676
notice and ballot form shall so state. 677

The board of elections to which the resolution was certified 678
shall certify the results of the election to the county auditor of 679
the county or secretary-treasurer of the regional transit 680
authority levying the tax and to the tax commissioner of the 681
state. 682

Sec. 307.791. The question of repeal of a county sediment 683
control rule adopted under section 307.79 of the Revised Code may 684
be initiated by filing with the board of elections of the county 685
not less than seventy-five days before the general or primary 686
election in any year a petition requesting that an election be 687
held on such question. Such petition shall be signed by qualified 688
electors residing in the county equal in number to ten per cent of 689
those voting for governor at the most recent gubernatorial 690
election in the county. 691

After determination by it that such petition is valid, the 692
board of elections shall submit the question to the electors of 693

the county at the next general or primary election. The election shall be conducted, canvassed, and certified in the same manner as regular elections for county offices in the county. Notice of the election shall be published in a newspaper of general circulation in the county once a week for ~~four~~ two consecutive weeks prior to the election, ~~stating~~ and, if the board of elections operates and maintains a web site, notice of the election also shall be posted on that web site for thirty days prior to the election. The notice shall state the purpose, ~~the~~ and place of the election, and the complete text of each rule sought to be repealed. The form of the ballot cast at such election shall be prescribed by the secretary of state. The question covered by such petition shall be submitted as a separate proposition, but it may be printed on the same ballot with any other proposition submitted at the same election other than the election of officers. If a majority of the qualified electors voting on the question of repeal approve the repeal, the result of the election shall be certified immediately after the canvass by the board of elections to the board of county commissioners, who shall thereupon rescind the rule.

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Sec. 322.021. The question of a repeal of a county permissive tax adopted as an emergency measure pursuant to division (B) of section 322.02 of the Revised Code may be initiated by filing with the board of elections of the county not less than seventy-five days before the general election in any year a petition requesting that an election be held on such question. Such petition shall be signed by qualified electors residing in the county equal in number to ten per cent of those voting for governor at the most recent gubernatorial election.

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After determination by it that such petition is valid, the board of elections shall submit the question to the electors of the county at the next general election. The election shall be

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conducted, canvassed, and certified in the same manner as regular
elections for county offices in the county. Notice of the election
shall be published in a newspaper of general circulation in the
district once a week for ~~four~~ two consecutive weeks prior to the
election, ~~stating and, if the board of elections operates and~~
maintains a web site, notice of the election also shall be posted
on that web site for thirty days prior to the election. The notice
shall state the purpose, time, and place of the election. The form
of the ballot cast at such election shall be prescribed by the
secretary of state. The question covered by such petition shall be
submitted as a separate proposition, but it may be printed on the
same ballot with any other proposition submitted at the same
election other than the election of officers. If a majority of the
qualified electors voting on the question of repeal approve the
repeal, the result of the election shall be certified immediately
after the canvass by the board of elections to the board of county
commissioners, who shall thereupon, after the current year, cease
to levy the tax.

Sec. 324.021. The question of repeal of a county permissive
tax adopted as an emergency measure pursuant to section 324.02 of
the Revised Code may be initiated by filing with the board of
elections of the county not less than seventy-five days before the
general election in any year a petition requesting that an
election be held on such question. Such petition shall be signed
by qualified electors residing in the county equal in number to
ten per cent of those voting for governor at the most recent
gubernatorial election.

After determination by it that such petition is valid, the
board of elections shall submit the question to the electors of
the county at the next general election. The election shall be
conducted, canvassed, and certified in the same manner as regular

elections for county offices in the county. Notice of the election 756
shall be published in a newspaper of general circulation in the 757
district once a week for ~~four~~ two consecutive weeks prior to the 758
election, ~~stating~~ and, if the board of elections operates and 759
maintains a web site, notice of the election also shall be posted 760
on that web site for thirty days prior to the election. The notice 761
shall state the purpose, ~~the~~ time, and ~~the~~ place of the election. 762
The form of the ballot cast at such election shall be prescribed 763
by the secretary of state. The question covered by such petition 764
shall be submitted as a separate proposition, but it may be 765
printed on the same ballot with any other proposition submitted at 766
the same election other than the election of officers. If a 767
majority of the qualified electors voting on the question of 768
repeal approve the repeal, the result of the election shall be 769
certified immediately after the canvass by the board of elections 770
to the board of county commissioners, who shall thereupon, after 771
the current year, cease to levy the tax. 772

Sec. 503.162. (A) After certification of a resolution as 773
provided in section 503.161 of the Revised Code, the board of 774
elections shall submit the question of whether the township's name 775
shall be changed to the electors of the unincorporated area of the 776
township in accordance with division (C) of that section, and the 777
ballot language shall be substantially as follows: 778

"Shall the township of (name) change its name to 779
..... (proposed name)? 780

..... For name change 781

..... Against name change" 782

(B)(1) At least forty-five days before the election on this 783
question, the board of township trustees shall provide notice of 784
the election and an explanation of the proposed name change in a 785

newspaper of general circulation in the township once a week for 786
~~three~~ two consecutive weeks and shall post the notice and 787
explanation in five conspicuous places in the unincorporated area 788
of the township. 789

(2) If the board of elections operates and maintains a web 790
site, notice of the election and an explanation of the proposed 791
name change shall be posted on that web site for at least thirty 792
days before the election on this question. 793

(C) If a majority of the votes cast on the proposition of 794
changing the township's name is in the affirmative, the name 795
change is adopted and becomes effective ninety days after the 796
board of elections certifies the election results to the fiscal 797
officer of the township. Upon receipt of the certification of the 798
election results from the board of elections, the fiscal officer 799
of the township shall send a copy of that certification to the 800
secretary of state. 801

(D) A change in the name of a township shall not alter the 802
rights or liabilities of the township as previously named. 803

Sec. 504.02. (A) After certification of a resolution as 804
provided in division (A), (B), or (D) of section 504.01 of the 805
Revised Code, the board of elections shall submit the question of 806
whether to adopt a limited home rule government to the electors of 807
the unincorporated area of the township, and the ballot language 808
shall be substantially as follows: 809

"Shall the township of (name) adopt a limited 810
home rule government, under which government the board of township 811
trustees, by resolution, may exercise limited powers of local 812
self-government and limited police powers? 813

..... For adoption of a limited home rule government 814

..... Against adoption of a limited home rule government " 815

(B)(1) At least forty-five days before the election on this question, the board of township trustees shall have notice of the election and a description of the proposed limited home rule government published in a newspaper of general circulation in the township once a week for ~~three~~ two consecutive weeks and have the notice and description posted in five conspicuous places in the unincorporated area of the township.

(2) If a board of elections operates and maintains a web site, notice of the election and a description of the proposed limited home rule government shall be posted on that web site for at least thirty days before the election on this question.

(C) If a majority of the votes cast on the proposition of adopting a limited home rule government is in the affirmative, that government is adopted and becomes the government of the township on the first day of January immediately following the election.

Sec. 504.03. (A)(1) If a limited home rule government is adopted pursuant to section 504.02 of the Revised Code, it shall remain in effect for at least three years except as otherwise provided in division (B) of this section. At the end of that period, if the board of township trustees determines that that government is not in the best interests of the township, it may adopt a resolution causing the board of elections to submit to the electors of the unincorporated area of the township the question of whether the township should continue the limited home rule government. The question shall be voted upon at the next general election occurring at least seventy-five days after the certification of the resolution to the board of elections. After certification of the resolution, the board of elections shall submit the question to the electors of the unincorporated area of the township, and the ballot language shall be substantially as

follows: 847

"Shall the township of (name) continue the 848
limited home rule government under which it is operating? 849
..... For continuation of the limited home rule government 850
..... Against continuation of the limited home rule government" 851

(2)(a) At least forty-five days before the election on the 852
question of continuing the limited home rule government, the board 853
of township trustees shall have notice of the election published 854
in a newspaper of general circulation in the township once a week 855
for ~~three~~ two consecutive weeks and have the notice posted in five 856
conspicuous places in the unincorporated area of the township. 857
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(b) If a board of elections operates and maintains a web 859
site, notice of the election shall be posted on that web site for 860
at least thirty days before the election on the question of 861
continuing the limited home rule government. 862

(B) The electors of a township that has adopted a limited 863
home rule government may propose at any time by initiative 864
petition, in accordance with section 504.14 of the Revised Code, a 865
resolution submitting to the electors in the unincorporated area 866
of the township, in an election, the question set forth in 867
division (A)(1) of this section. 868

(C) If a majority of the votes cast under division (A) or (B) 869
of this section on the proposition of continuing the limited home 870
rule government is in the negative, that government is terminated 871
effective on the first day of January immediately following the 872
election, and a limited home rule government shall not be adopted 873
in the unincorporated area of the township pursuant to section 874
504.02 of the Revised Code for at least three years after that 875
date. 876

(D) If a limited home rule government is terminated under 877

this section, the board of township trustees immediately shall 878
adopt a resolution repealing all resolutions adopted pursuant to 879
this chapter that are not authorized by any other section of the 880
Revised Code outside this chapter, effective on the first day of 881
January immediately following the election described in division 882
(A) or (B) of this section. However, no resolution adopted under 883
this division shall affect or impair the obligations of the 884
township under any security issued or contracts entered into by 885
the township in connection with the financing of any water supply 886
facility or sewer improvement under sections 504.18 to 504.20 of 887
the Revised Code or the authority of the township to collect or 888
enforce any assessments or other revenues constituting security 889
for or source of payments of debt service charges of those 890
securities. 891

(E) Upon the termination of a limited home rule government 892
under this section, if the township had converted its board of 893
township trustees to a five-member board before ~~the effective date~~ 894
~~of this amendment~~ September 26, 2003, the current board member who 895
received the lowest number of votes of the current board members 896
who were elected at the most recent election for township 897
trustees, and the current board member who received the lowest 898
number of votes of the current board members who were elected at 899
the second most recent election for township trustees, shall cease 900
to be township trustees on the date that the limited home rule 901
government terminates. Their offices likewise shall cease to exist 902
at that time, and the board shall continue as a three-member board 903
as provided in section 505.01 of the Revised Code. 904

Sec. 511.28. A copy of any resolution for a tax levy adopted 905
by the township board of park commissioners as provided in section 906
511.27 of the Revised Code shall be certified by the clerk of the 907
board of park commissioners to the board of elections of the 908

proper county, together with a certified copy of the resolution 909
approving the levy, passed by the board of township trustees if 910
such a resolution is required by division (C) of section 511.27 of 911
the Revised Code, not less than seventy-five days before a general 912
or primary election in any year. The board of elections shall 913
submit the proposal to the electors as provided in section 511.27 914
of the Revised Code at the succeeding general or primary election. 915
A resolution to renew an existing levy may not be placed on the 916
ballot unless the question is submitted at the general election 917
held during the last year the tax to be renewed may be extended on 918
the real and public utility property tax list and duplicate, or at 919
any election held in the ensuing year. The board of park 920
commissioners shall cause notice that the vote will be taken to be 921
published once a week for ~~four~~ two consecutive weeks prior to the 922
election in a newspaper of general circulation in the county 923
within which the park district is located. Additionally, if the 924
board of elections operates and maintains a web site, the board of 925
elections shall post that notice on its web site for thirty days 926
prior to the election. The notice shall state the purpose of the 927
proposed levy, the annual rate proposed expressed in dollars and 928
cents for each one hundred dollars of valuation as well as in 929
mills for each one dollar of valuation, the number of consecutive 930
years during which the levy shall be in effect, and the time and 931
place of the election. 932

The form of the ballots cast at the election shall be: "An 933
additional tax for the benefit of (name of township park district) 934
..... for the purpose of (purpose stated in the order of the 935
board) at a rate not exceeding mills for 936
each one dollar of valuation, which amounts to (rate expressed in 937
dollars and cents) for each one hundred dollars of 938
valuation, for (number of years the levy is to run)

	FOR THE TAX LEVY	941
	AGAINST THE TAX LEVY	942

If the levy submitted is a proposal to renew, increase, or decrease an existing levy, the form of the ballot specified in this section may be changed by substituting for the words "An additional" at the beginning of the form, the words "A renewal of a" in the case of a proposal to renew an existing levy in the same amount; the words "A renewal of mills and an increase of mills to constitute a" in the case of an increase; or the words "A renewal of part of an existing levy, being a reduction of mills, to constitute a" in the case of a decrease in the rate of the existing levy.

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to run, the phrase ", commencing in (first year the tax is to be levied), first due in calendar year (first calendar year in which the tax shall be due)."

The question covered by the order shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition submitted at the same election, other than the election of officers. More than one such question may be submitted at the same election.

Sec. 511.34. In townships composed of islands, and on one of which islands lands have been conveyed in trust for the benefit of the inhabitants of the island for use as a park, and a board of park trustees has been provided for the control of the park, the board of township trustees may create a tax district of the island to raise funds by taxation as provided under divisions (A) and (B) of this section.

(A) For the care and maintenance of parks on the island, the board of township trustees annually may levy a tax, not to exceed one mill, upon all the taxable property in the district. The tax shall be in addition to all other levies authorized by law, and subject to no limitation on tax rates except as provided in this division.

The proceeds of the tax levy shall be expended by the board of township trustees for the purpose of the care and maintenance of the parks, and shall be paid out of the township treasury upon the orders of the board of park trustees.

(B) For the purpose of acquiring additional land for use as a park, the board of township trustees may levy a tax in excess of the ten-mill limitation on all taxable property in the district. The tax shall be proposed by resolution adopted by two-thirds of the members of the board of township trustees. The resolution shall specify the purpose and rate of the tax and the number of years the tax will be levied, which shall not exceed five years, and which may include a levy on the current tax list and duplicate. The resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election. The board of township trustees shall certify a copy of the resolution to the proper board of elections not later than seventy-five days before the primary or general election in the township, and the board of elections shall submit the question of the tax to the voters of the district at the succeeding primary or general election. The board of elections shall make the necessary arrangements for the submission of the question to the electors of the district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the township for the election of officers. Notice of the election shall be published in a newspaper of general circulation in the township once a week for

~~four~~ two consecutive weeks prior to the election, ~~stating and, if~~
the board of elections operates and maintains a web site, notice
of the election also shall be posted on that web site for thirty
days prior to the election. The notice shall state the purpose of
the tax, the proposed rate of the tax, expressed in dollars and
cents for each one hundred dollars of valuation and mills for each
one dollar of valuation, the number of years the tax will be in
effect ~~and,~~ the first year the tax will be levied, and the time
and place of the election.

The form of the ballots cast at an election held under this
division shall be as follows:

"An additional tax for the benefit of (name of the
township) for the purpose of acquiring additional park land at a
rate of mills for each one dollar of valuation, which
amounts to (rate expressed in dollars and cents) for each
one hundred dollars of valuation, for (number of years
the levy is to run) beginning in (first year the tax
will be levied).

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

The question shall be submitted as a separate proposition but
may be printed on the same ballot with any other proposition
submitted at the same election other than the election of
officers. More than one such question may be submitted at the same
election.

If the levy is approved by a majority of electors voting on
the question, the board of elections shall certify the result of
the election to the tax commissioner. In the first year of the
levy, the tax shall be extended on the tax lists after the

February settlement following the election. If the tax is to be placed on the tax lists of the current year as specified in the resolution, the board of elections shall certify the result of the election immediately after the canvass to the board of township trustees, which shall forthwith make the necessary levy and certify the levy to the county auditor, who shall extend the levy on the tax lists for collection. After the first year of the levy, the levy shall be included in the annual tax budget that is certified to the county budget commission.

Sec. 513.14. The board of elections shall advertise the proposed tax levy question mentioned in section 513.13 of the Revised Code, in two newspapers of opposite political faith, if two such newspapers are published in the joint township hospital district, or otherwise, in one newspaper, published or of general circulation in the proposed township hospital district, once a week for ~~three~~ two consecutive weeks ~~immediately preceding such prior to the election and, if the board operates and maintains a web site, the board also shall advertise that proposed tax levy question on its web site for thirty days prior to the election.~~

Sec. 519.12. (A)(1) Amendments to the zoning resolution may be initiated by motion of the township zoning commission, by the passage of a resolution by the board of township trustees, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission. The board of township trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of township trustees requires such a fee, it shall be required generally, for each application. The board of township

trustees, upon the passage of such a resolution, shall certify it 1066
to the township zoning commission. 1067

(2) Upon the adoption of a motion by the township zoning 1068
commission, the certification of a resolution by the board of 1069
township trustees to the commission, or the filing of an 1070
application by property owners or lessees as described in division 1071
(A)(1) of this section with the commission, the commission shall 1072
set a date for a public hearing, which date shall not be less than 1073
twenty nor more than forty days from the date of the certification 1074
of such a resolution, the date of adoption of such a motion, or 1075
the date of the filing of such an application. Notice of the 1076
hearing shall be given by the commission by one publication in one 1077
or more newspapers of general circulation in the township at least 1078
ten days before the date of the hearing. 1079

(B) If the proposed amendment intends to rezone or redistrict 1080
ten or fewer parcels of land, as listed on the county auditor's 1081
current tax list, written notice of the hearing shall be mailed by 1082
the township zoning commission, by first class mail, at least ten 1083
days before the date of the public hearing to all owners of 1084
property within and contiguous to and directly across the street 1085
from the area proposed to be rezoned or redistricted to the 1086
addresses of those owners appearing on the county auditor's 1087
current tax list. The failure of delivery of that notice shall not 1088
invalidate any such amendment. 1089

(C) If the proposed amendment intends to rezone or redistrict 1090
ten or fewer parcels of land as listed on the county auditor's 1091
current tax list, the published and mailed notices shall set forth 1092
the time, date, and place of the public hearing and include all of 1093
the following: 1094

(1) The name of the township zoning commission that will be 1095
conducting the hearing; 1096

(2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;	1097 1098
(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;	1099 1100 1101 1102
(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;	1103 1104 1105
(5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;	1106 1107 1108 1109
(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;	1110 1111 1112
(7) Any other information requested by the commission;	1113
(8) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;	1114 1115 1116
<u>(8) Any other information requested by the commission.</u>	1117
(D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:	1118 1119 1120 1121 1122
(1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment;	1123 1124
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	1125 1126

(3) The time and place where the text and maps of the 1127
proposed amendment will be available for examination for a period 1128
of at least ten days prior to the hearing; 1129

(4) The name of the person responsible for giving notice of 1130
the hearing by publication; 1131

(5) A statement that, after the conclusion of the hearing, 1132
the matter will be submitted to the board of township trustees for 1133
its action; 1134

(6) Any other information requested by the commission. 1135

(E) Within five days after the adoption of the motion 1136
described in division (A) of this section, the certification of 1137
the resolution described in division (A) of this section, or the 1138
filing of the application described in division (A) of this 1139
section, the township zoning commission shall transmit a copy of 1140
it together with text and map pertaining to it to the county or 1141
regional planning commission, if there is such a commission. 1142

The county or regional planning commission shall recommend 1143
the approval or denial of the proposed amendment or the approval 1144
of some modification of it and shall submit its recommendation to 1145
the township zoning commission. The recommendation shall be 1146
considered at the public hearing held by the township zoning 1147
commission on the proposed amendment. 1148

The township zoning commission, within thirty days after the 1149
hearing, shall recommend the approval or denial of the proposed 1150
amendment, or the approval of some modification of it, and submit 1151
that recommendation together with the motion, application, or 1152
resolution involved, the text and map pertaining to the proposed 1153
amendment, and the recommendation of the county or regional 1154
planning commission on it to the board of township trustees. 1155

The board of township trustees, upon receipt of that 1156

recommendation, shall set a time for a public hearing on the 1157
proposed amendment, which date shall not be more than thirty days 1158
from the date of the receipt of that recommendation. Notice of the 1159
hearing shall be given by the board by one publication in one or 1160
more newspapers of general circulation in the township, at least 1161
ten days before the date of the hearing. 1162

(F) If the proposed amendment intends to rezone or redistrict 1163
ten or fewer parcels of land as listed on the county auditor's 1164
current tax list, the published notice shall set forth the time, 1165
date, and place of the public hearing and include all of the 1166
following: 1167

(1) The name of the board of township trustees that will be 1168
conducting the hearing; 1169

(2) A statement indicating that the motion, application, or 1170
resolution is an amendment to the zoning resolution; 1171

(3) A list of the addresses of all properties to be rezoned 1172
or redistricted by the proposed amendment and of the names of 1173
owners of those properties, as they appear on the county auditor's 1174
current tax list; 1175

(4) The present zoning classification of property named in 1176
the proposed amendment and the proposed zoning classification of 1177
that property; 1178

(5) The time and place where the motion, application, or 1179
resolution proposing to amend the zoning resolution will be 1180
available for examination for a period of at least ten days prior 1181
to the hearing; 1182

(6) The name of the person responsible for giving notice of 1183
the hearing by publication, by mail, or by both publication and 1184
mail; 1185

(7) Any other information requested by the board. 1186

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

(1) The name of the board of township trustees that will be conducting the hearing on the proposed amendment;

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

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

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

(5) Any other information requested by the board.

(H) Within twenty days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, the unanimous vote of the board shall be required.

The proposed amendment, if adopted by the board, shall become effective in thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected,

requesting the board of township trustees to submit the amendment 1217
to the electors of that area for approval or rejection at a 1218
special election to be held on the day of the next primary or 1219
general election that occurs at least seventy-five days after the 1220
petition is filed. Each part of this petition shall contain the 1221
number and the full and correct title, if any, of the zoning 1222
amendment resolution, motion, or application, furnishing the name 1223
by which the amendment is known and a brief summary of its 1224
contents. In addition to meeting the requirements of this section, 1225
each petition shall be governed by the rules specified in section 1226
3501.38 of the Revised Code. 1227

The form of a petition calling for a zoning referendum and 1228
the statement of the circulator shall be substantially as follows: 1229

"PETITION FOR ZONING REFERENDUM 1230

(if the proposal is identified by a particular name or number, or 1231
both, these should be inserted here) 1232

A proposal to amend the zoning map of the unincorporated area 1233
of Township, County, Ohio, adopted 1234
.....(date)..... (followed by brief summary of the proposal). 1235

To the Board of Township Trustees of 1236
Township, County, Ohio: 1237

..... County, Ohio: 1238

We, the undersigned, being electors residing in the 1239
unincorporated area of Township, included 1240
within the Township Zoning Plan, equal to not less 1241
than eight per cent of the total vote cast for all candidates for 1242
governor in the area at the preceding general election at which a 1243
governor was elected, request the Board of Township Trustees to 1244
submit this amendment of the zoning resolution to the electors of 1245
..... Township residing within the 1246
unincorporated area of the township included in the 1247

trustees and shall be accompanied by an appropriate map of the
area affected by the zoning proposal. Within two weeks after
receiving a petition filed under this section, the board of
township trustees shall certify the petition to the board of
elections. A petition filed under this section shall be certified
to the board of elections not less than seventy-five days prior to
the election at which the question is to be voted upon.

The board of elections shall determine the sufficiency and
validity of each petition certified to it by a board of township
trustees under this section. If the board of elections determines
that a petition is sufficient and valid, the question shall be
voted upon at a special election to be held on the day of the next
primary or general election that occurs at least seventy-five days
after the date the petition is filed with the board of township
trustees, regardless of whether any election will be held to
nominate or elect candidates on that day.

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

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

The failure to file any amendment, or any text and maps, or
duplicates of any of these documents, with the office of the
county recorder or the county or regional planning commission as
required by this section does not invalidate the amendment and is
not grounds for an appeal of any decision of the board of zoning
appeals.

Sec. 745.07. An ordinance passed pursuant to section 745.06 1310
of the Revised Code, shall not take effect until submitted to the 1311
electors of the municipal corporation, at a special or general 1312
election held ~~therein~~ in the municipal corporation at such time as 1313
the legislative authority ~~thereof~~ determines, and approved by a 1314
majority of the electors voting ~~thereon~~ on it. The ordinance shall 1315
be passed by an affirmative vote of not less than a majority of 1316
the members of the legislative authority, and shall be subject to 1317
the approval of the mayor as provided by law. The ordinance shall 1318
specify the form or phrasing of the question to be placed upon the 1319
ballot. Thirty days' notice of the election shall be given by 1320
publication once a week for ~~four~~ two consecutive weeks in two 1321
daily or weekly newspapers published or circulated in the 1322
municipal corporation, ~~which~~ and, if the board of elections 1323
operates and maintains a web site, notice of the election also 1324
shall be posted on that web site for thirty days prior to the 1325
election. The notice shall contain the full form or phrasing of 1326
the question to be submitted. The clerk of the legislative 1327
authority shall certify the passage of ~~such~~ the ordinance to the 1328
officers having control of elections in ~~such~~ the municipal 1329
corporation, who shall cause ~~such~~ the question to be voted on at 1330
the general or special election as specified in the ordinance. 1331

Sec. 747.11. The board of rapid transit commissioners may 1332
grant to any corporation organized for street or interurban 1333
railway purposes the right to operate, by lease or otherwise, the 1334
depots, terminals, and railways mentioned in section 747.08 of the 1335
Revised Code upon such terms as the board is authorized by 1336
ordinance to agree upon with such corporation, subject to the 1337
approval of a majority of the electors of the city voting ~~thereon~~ 1338
on the question. 1339

The board of rapid transit commissioners shall certify such 1340

lease or agreement to the board of elections, which shall then
submit the question of the approval of such lease or agreement to
the qualified electors of the city at either a special or general
election as the ordinance specifies. Thirty days' notice of the
election shall be given by publication in one or more of the
newspapers published in the city, ~~once a week for four~~ two
consecutive weeks prior to ~~the time of holding such~~ the election,
~~setting and, if the board of elections operates and maintains a~~
web site, the board of elections shall post notice of the election
for thirty days prior to the election on its web site. The notice
shall set forth the terms of the lease or agreement and the time
of holding the election. On the approval by a majority of the
voters voting at ~~such~~ the election, the corporation may operate
such depots, terminals, and railways as provided in the lease or
agreement, and corporations organized under the laws of this state
for street or interurban railway purposes may lease and operate
such depots, terminals, and railways.

Sec. 1901.07. (A) All municipal court judges shall be elected
on the nonpartisan ballot for terms of six years. In a municipal
court in which only one judge is to be elected in any one year,
that judge's term commences on the first day of January after the
election. In a municipal court in which two or more judges are to
be elected in any one year, their terms commence on successive
days beginning the first day of January, following the election,
unless otherwise provided by section 1901.08 of the Revised Code.

(B) All candidates for municipal court judge may be nominated
either by nominating petition or by primary election, except that
if the jurisdiction of a municipal court extends only to the
corporate limits of the municipal corporation in which the court
is located and that municipal corporation operates under a

charter, all candidates shall be nominated in the same manner 1372
provided in the charter for the office of municipal court judge, 1373
or, if no specific provisions are made in the charter for the 1374
office of municipal court judge, in the same manner as the charter 1375
prescribes for the nomination and election of the legislative 1376
authority of the municipal corporation. 1377

~~If a municipal corporation that has a municipal court has a 1378
charter that specifies a primary date other than the date 1379
specified in division (E) of section 3501.01 of the Revised Code, 1380
and if the jurisdiction of the a municipal court extends beyond 1381
the corporate limits of the municipal corporation, all candidates 1382
for the office of municipal judge of that court shall be nominated 1383
only by petition. 1384~~

If in which it is located or if the jurisdiction of the court 1385
does not extend beyond the corporate limits of the municipal 1386
corporation in which it is located and no charter provisions 1387
apply, all candidates for party nomination to the office of 1388
municipal court judge shall file a declaration of candidacy and 1389
petition not later than four p.m. of the seventy-fifth day before 1390
the day of the primary election, or if the primary election is a 1391
presidential primary election, not later than four p.m. of the 1392
sixtieth day before the day of the presidential primary election, 1393
in the form prescribed by section 3513.07 of the Revised Code. The 1394
petition shall conform to the requirements provided for ~~such~~ those 1395
petitions of candidacy contained in section 3513.05 of the Revised 1396
Code, except that the petition shall be signed by at least fifty 1397
electors of the territory of the court. If no valid declaration of 1398
candidacy is filed for nomination as a candidate of a political 1399
party for election to the office of municipal court judge, or if 1400
the number of persons filing the declarations of candidacy for 1401
nominations as candidates of one political party for election to 1402
the office does not exceed the number of candidates that that 1403

party is entitled to nominate as its candidates for election to 1404
the office, no primary election shall be held for the purpose of 1405
nominating candidates of that party for election to the office, 1406
and the candidates shall be issued certificates of nomination in 1407
the manner set forth in section 3513.02 of the Revised Code. 1408

If the jurisdiction of a municipal court extends beyond the 1409
corporate limits of the municipal corporation in which it is 1410
located or if the jurisdiction of the court does not extend beyond 1411
the corporate limits of the municipal corporation in which it is 1412
located and no charter provisions apply, nonpartisan candidates 1413
filing for the office of municipal court judge shall file 1414
nominating petitions ~~for the office of municipal judge shall file~~ 1415
~~them~~ not later than four p.m. of the day before the day of the 1416
primary election~~7~~, in the form prescribed by section 3513.261 of 1417
the Revised Code. The petition shall conform to the requirements 1418
provided for ~~such~~ those petitions of candidacy contained in 1419
section 3513.257 of the Revised Code, except that the petition 1420
shall be signed by at least fifty electors of the territory of the 1421
court. 1422

The nominating petition or declaration of candidacy for a 1423
municipal court judge shall contain a designation of the term for 1424
which the candidate seeks election. At the following regular 1425
municipal election, the candidacies of the judges nominated shall 1426
be submitted to the electors of the territory on a nonpartisan, 1427
judicial ballot in the same manner as provided for judges of the 1428
court of common pleas, except that, in a municipal corporation 1429
operating under a charter, all candidates for municipal court 1430
judge shall be elected in conformity with the charter if 1431
provisions are made in the charter for the election of municipal 1432
court judges. 1433

(C) Notwithstanding divisions (A) and (B) of this section, in 1434
the following municipal courts, the judges shall be nominated and 1435

elected as follows:

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(1) In the Cleveland municipal court, the judges shall be
nominated only by petition. The petition shall be signed by at
least ~~one thousand~~ fifty electors of the territory of the court.
It shall be in the statutory form and shall be filed in the manner
and within the time prescribed by the charter of the city of
Cleveland for filing petitions of candidates for municipal
offices. Each elector shall have the right to sign petitions for
as many candidates as are to be elected, but no more. The judges
shall be elected by the electors of the territory of the court in
the manner provided by law for the election of judges of the court
of common pleas.

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(2) In the Toledo municipal court, the judges shall be
nominated only by petition. The petition shall be signed by at
least ~~one thousand~~ fifty electors of the territory of the court.
It shall be in the statutory form and shall be filed in the manner
and within the time prescribed by the charter of the city of
Toledo for filing nominating petitions for city council. Each
elector shall have the right to sign petitions for as many
candidates as are to be elected, but no more. The judges shall be
elected by the electors of the territory of the court in the
manner provided by law for the election of judges of the court of
common pleas.

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(3) In the Akron municipal court, the judges shall be
nominated only by petition. The petition shall be signed by at
least ~~two hundred~~ fifty electors of the territory of the court. It
shall be in statutory form and shall be filed in the manner and
within the time prescribed by the charter of the city of Akron for
filing nominating petitions of candidates for municipal offices.
Each elector shall have the right to sign petitions for as many
candidates as are to be elected, but no more. The judges shall be
elected by the electors of the territory of the court in the

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manner provided by law for the election of judges of the court of 1468
common pleas. 1469

(4) In the Hamilton county municipal court, the judges shall 1470
be nominated only by petition. The petition shall be signed by at 1471
least ~~one thousand~~ fifty electors of the territory of the court, 1472
which petitions shall be signed, verified, and filed in the manner 1473
and within the time required by law for nominating petitions for 1474
members of council of the city of Cincinnati. The judges shall be 1475
elected by the electors of the territory of the court at the 1476
regular municipal election and in the manner provided by law for 1477
the election of judges of the court of common pleas. 1478

(5) In the Franklin county municipal court, the judges shall 1479
be nominated only by petition. The petition shall be signed by at 1480
least ~~one thousand~~ fifty electors of the territory of the court. 1481
The petition shall be in the statutory form and shall be filed in 1482
the manner and within the time prescribed by the charter of the 1483
city of Columbus for filing petitions of candidates for municipal 1484
offices. The judges shall be elected by the electors of the 1485
territory of the court in the manner provided by law for the 1486
election of judges of the court of common pleas. 1487

(6) In the Auglaize, Brown, Clermont, Crawford, Hocking, 1488
Jackson, Lawrence, Madison, Miami, Morrow, Portage, and Wayne 1489
county municipal courts, the judges shall be nominated only by 1490
petition. The petitions shall be signed by at least ~~two hundred~~ 1491
fifty electors of the territory of the court and shall conform to 1492
the provisions of this section. 1493

(D) As used in this section, as to an election for either a 1494
full or an unexpired term, "the territory within the jurisdiction 1495
of the court" means ~~such~~ that territory as it will be on the first 1496
day of January after the election. 1497

Sec. 1901.10. (A)(1)(a) The judges of the municipal court and 1498

officers of the court shall take an oath of office, as provided in 1499
section 3.23 of the Revised Code. The office of judge of the 1500
municipal court is subject to forfeiture, and the judge may be 1501
removed from office, for the causes and by the procedure provided 1502
in sections 3.07 to 3.10 of the Revised Code. A vacancy in the 1503
office of judge exists upon the death, resignation, forfeiture, 1504
removal from office, or absence from official duties for a period 1505
of six consecutive months, as determined under this section, of 1506
the judge and also by reason of the expiration of the term of an 1507
incumbent when no successor has been elected or qualified. The 1508
chief justice of the supreme court may designate a judge of 1509
another municipal court to act until that vacancy is filled in 1510
accordance with section 107.08 of the Revised Code. A vacancy 1511
resulting from the absence of a ~~municipal~~ judge from official 1512
duties for a period of six consecutive months shall be determined 1513
and declared by the legislative authority. 1514

(b) If a vacancy occurs in the office of judge or clerk of 1515
the municipal court after the one-hundredth day before the first 1516
Tuesday after the first Monday in May and prior to the fortieth 1517
day before the day of the general election, all candidates for 1518
election to ~~such the~~ unexpired term ~~for the office~~ of the judge or 1519
clerk ~~of the municipal court~~ shall file nominating petitions with 1520
the board of elections not later than four p.m. on the tenth day 1521
following the day on which the vacancy occurs, ~~provided~~ except 1522
that, when the vacancy occurs fewer than six days before the 1523
fortieth day before the general election, the deadline for filing 1524
shall be four p.m. on the thirty-sixth day before the day of the 1525
general election. 1526

(c) ~~Except as otherwise provided in division (A)(1)(d) of~~ 1527
~~this section, each~~ Each nominating petition referred to in 1528
division (A)(1)(b) of this section shall be in the form prescribed 1529
in section 3513.261 of the Revised Code and shall be signed by at 1530

~~least fifty~~ qualified electors of the territory of the municipal 1531
court ~~not less in number than one per cent of the number of~~ 1532
~~electors who voted for governor at the most recent regular state~~ 1533
~~election in the territory over which such court has jurisdiction,~~ 1534
~~or twenty five hundred electors, whichever is the lesser number.~~ 1535

~~(d) For any such vacancy occurring in the office of judge or~~ 1536
~~clerk of a municipal court named in division (C)(1), (2), (3),~~ 1537
~~(4), (5), or (6) of section 1901.07 of the Revised Code, each~~ 1538
~~nominating petition shall be signed by qualified electors of the~~ 1539
~~territory of the municipal court not less in number than one per~~ 1540
~~cent of the number of electors who voted for governor at the most~~ 1541
~~recent regular state election in the territory over which the~~ 1542
~~court has jurisdiction, or the number of qualified electors~~ 1543
~~required to sign a nominating petition in each of those divisions,~~ 1544
~~as applicable to each particular court, whichever is the lesser~~ 1545
~~number.~~ 1546

~~(e) No.~~ No nominating petition shall be accepted for filing 1547
or filed if it appears on its face to contain signatures 1548
aggregating in number more than twice the minimum aggregate number 1549
of signatures required by this section. 1550

(2) If a judge of a municipal court that has only one judge 1551
is temporarily absent, incapacitated, or otherwise unavailable, 1552
the judge may appoint a substitute who has the qualifications 1553
required by section 1901.06 of the Revised Code or a retired judge 1554
of a court of record who is a qualified elector and a resident of 1555
the territory of the court. If the judge is unable to make the 1556
appointment, the chief justice of the supreme court shall appoint 1557
a substitute. The appointee shall serve during the absence, 1558
incapacity, or unavailability of the incumbent, shall have the 1559
jurisdiction and powers conferred upon the judge of the municipal 1560
court, and shall be styled "acting judge." During that time of 1561
service, the acting judge shall sign all process and records and 1562

shall perform all acts pertaining to the office, except that of
removal and appointment of officers of the court. All courts shall
take judicial notice of the selection and powers of the acting
judge. The incumbent judge shall establish the amount of
compensation of an acting judge upon either a per diem, hourly, or
other basis, but the rate of pay shall not exceed the per diem
amount received by the incumbent judge.

(B) When the volume of cases pending in any municipal court
necessitates an additional judge, the chief justice of the supreme
court, upon the written request of the judge or presiding judge of
that municipal court, may designate a judge of another municipal
court or county court to serve for any period of time that the
chief justice may prescribe. The compensation of a judge so
designated shall be paid from the city treasury or, in the case of
a county-operated municipal court, from the county treasury. In
addition to the annual salary provided for in section 1901.11 of
the Revised Code and in addition to any compensation under
division (A)(5) or (6) of section 141.04 of the Revised Code to
which the judge is entitled in connection with the judge's own
court, a full-time or part-time judge while holding court outside
the judge's territory on the designation of the chief justice
shall receive actual and necessary expenses and compensation as
follows:

(1) A full-time judge shall receive thirty dollars for each
day of the assignment.

(2) A part-time judge shall receive for each day of the
assignment the per diem compensation of the judges of the court to
which the judge is assigned, less the per diem amount paid to
those judges pursuant to section 141.04 of the Revised Code,
calculated on the basis of two hundred fifty working days per
year.

If a request is made by a judge or the presiding judge of a municipal court to designate a judge of another municipal court because of the volume of cases in the court for which the request is made and the chief justice reports, in writing, that no municipal or county court judge is available to serve by designation, the judges of the court requesting the designation may appoint a substitute as provided in division (A)(2) of this section, who may serve for any period of time that is prescribed by the chief justice. The substitute judge shall be paid in the same manner and at the same rate as the incumbent judges, except that, if the substitute judge is entitled to compensation under division (A)(5) or (6) of section 141.04 of the Revised Code, then section 1901.121 of the Revised Code shall govern its payment.

Sec. 1901.31. The clerk and deputy clerks of a municipal court shall be selected, be compensated, give bond, and have powers and duties as follows:

(A) There shall be a clerk of the court who is appointed or elected as follows:

(1)(a) Except in the Akron, Barberton, Cuyahoga Falls, Toledo, Hamilton county, Portage county, and Wayne county municipal courts, if the population of the territory equals or exceeds one hundred thousand at the regular municipal election immediately preceding the expiration of the term of the present clerk, the clerk shall be nominated and elected by the qualified electors of the territory in the manner that is provided for the nomination and election of judges in section 1901.07 of the Revised Code.

The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(b) In the Hamilton county municipal court, the clerk of courts of Hamilton county shall be the clerk of the municipal court and may appoint an assistant clerk who shall receive the compensation, payable out of the treasury of Hamilton county in semimonthly installments, that the board of county commissioners prescribes. The clerk of courts of Hamilton county, acting as the clerk of the Hamilton county municipal court and assuming the duties of that office, shall receive compensation at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code. This compensation shall be paid from the county treasury in semimonthly installments and is in addition to the annual compensation that is received for the performance of the duties of the clerk of courts of Hamilton county, as provided in sections 325.08 and 325.18 of the Revised Code.

(c) In the Portage county and Wayne county municipal courts, the clerks of courts of Portage county and Wayne county shall be the clerks, respectively, of the Portage county and Wayne county municipal courts and may appoint a chief deputy clerk for each branch that is established pursuant to section 1901.311 of the Revised Code and assistant clerks as the judges of the municipal court determine are necessary, all of whom shall receive the compensation that the legislative authority prescribes. The clerks of courts of Portage county and Wayne county, acting as the clerks of the Portage county and Wayne county municipal courts and assuming the duties of these offices, shall receive compensation payable from the county treasury in semimonthly installments at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code.

(d) Except as otherwise provided in division (A)(1)(d) of 1657
this section, in the Akron municipal court, candidates for 1658
election to the office of clerk of the court shall be nominated by 1659
primary election. The primary election shall be held on the day 1660
specified in the charter of the city of Akron for the nomination 1661
of municipal officers. Notwithstanding any contrary provision of 1662
section 3513.05 or 3513.257 of the Revised Code, the declarations 1663
of candidacy and petitions of partisan candidates and the 1664
nominating petitions of independent candidates for the office of 1665
clerk of the Akron municipal court shall be signed by at least ~~two~~ 1666
~~hundred~~ fifty qualified electors of the territory of the court. 1667

The candidates shall file a declaration of candidacy and 1668
petition, or a nominating petition, whichever is applicable, not 1669
later than four p.m. of the seventy-fifth day before the day of 1670
the primary election, in the form prescribed by section 3513.07 or 1671
3513.261 of the Revised Code. The declaration of candidacy and 1672
petition, or the nominating petition, shall conform to the 1673
applicable requirements of section 3513.05 or 3513.257 of the 1674
Revised Code. 1675

If no valid declaration of candidacy and petition is filed by 1676
any person for nomination as a candidate of a particular political 1677
party for election to the office of clerk of the Akron municipal 1678
court, a primary election shall not be held for the purpose of 1679
nominating a candidate of that party for election to that office. 1680
If only one person files a valid declaration of candidacy and 1681
petition for nomination as a candidate of a particular political 1682
party for election to that office, a primary election shall not be 1683
held for the purpose of nominating a candidate of that party for 1684
election to that office, and the candidate shall be issued a 1685
certificate of nomination in the manner set forth in section 1686
3513.02 of the Revised Code. 1687

Declarations of candidacy and petitions, nominating 1688

petitions, and certificates of nomination for the office of clerk
of the Akron municipal court shall contain a designation of the
term for which the candidate seeks election. At the following
regular municipal election, all candidates for the office shall be
submitted to the qualified electors of the territory of the court
in the manner that is provided in section 1901.07 of the Revised
Code for the election of the judges of the court. The clerk so
elected shall hold office for a term of six years, which term
shall commence on the first day of January following the clerk's
election and continue until the clerk's successor is elected and
qualified.

(e) Except as otherwise provided in division (A)(1)(e) of
this section, in the Barberton municipal court, candidates for
election to the office of clerk of the court shall be nominated by
primary election. The primary election shall be held on the day
specified in the charter of the city of Barberton for the
nomination of municipal officers. Notwithstanding any contrary
provision of section 3513.05 or 3513.257 of the Revised Code, the
declarations of candidacy and petitions of partisan candidates and
the nominating petitions of independent candidates for the office
of clerk of the Barberton municipal court shall be signed by at
least ~~two hundred~~ fifty qualified electors of the territory of the
court.

The candidates shall file a declaration of candidacy and
petition, or a nominating petition, whichever is applicable, not
later than four p.m. of the seventy-fifth day before the day of
the primary election, in the form prescribed by section 3513.07 or
3513.261 of the Revised Code. The declaration of candidacy and
petition, or the nominating petition, shall conform to the
applicable requirements of section 3513.05 or 3513.257 of the
Revised Code.

If no valid declaration of candidacy and petition is filed by

any person for nomination as a candidate of a particular political party for election to the office of clerk of the Barberton municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Barberton municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(f) Except as otherwise provided in division (A)(1)(f) of this section, in the Cuyahoga Falls municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Cuyahoga Falls for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates

for the office of clerk of the Cuyahoga Falls municipal court 1753
shall be signed by at least ~~two hundred~~ fifty qualified electors 1754
of the territory of the court. 1755

The candidates shall file a declaration of candidacy and 1756
petition, or a nominating petition, whichever is applicable, not 1757
later than four p.m. of the seventy-fifth day before the day of 1758
the primary election, in the form prescribed by section 3513.07 or 1759
3513.261 of the Revised Code. The declaration of candidacy and 1760
petition, or the nominating petition, shall conform to the 1761
applicable requirements of section 3513.05 or 3513.257 of the 1762
Revised Code. 1763

If no valid declaration of candidacy and petition is filed by 1764
any person for nomination as a candidate of a particular political 1765
party for election to the office of clerk of the Cuyahoga Falls 1766
municipal court, a primary election shall not be held for the 1767
purpose of nominating a candidate of that party for election to 1768
that office. If only one person files a valid declaration of 1769
candidacy and petition for nomination as a candidate of a 1770
particular political party for election to that office, a primary 1771
election shall not be held for the purpose of nominating a 1772
candidate of that party for election to that office, and the 1773
candidate shall be issued a certificate of nomination in the 1774
manner set forth in section 3513.02 of the Revised Code. 1775

Declarations of candidacy and petitions, nominating 1776
petitions, and certificates of nomination for the office of clerk 1777
of the Cuyahoga Falls municipal court shall contain a designation 1778
of the term for which the candidate seeks election. At the 1779
following regular municipal election, all candidates for the 1780
office shall be submitted to the qualified electors of the 1781
territory of the court in the manner that is provided in section 1782
1901.07 of the Revised Code for the election of the judges of the 1783
court. The clerk so elected shall hold office for a term of six 1784

years, which term shall commence on the first day of January 1785
following the clerk's election and continue until the clerk's 1786
successor is elected and qualified. 1787

(g) Except as otherwise provided in division (A)(1)(g) of 1788
this section, in the Toledo municipal court, candidates for 1789
election to the office of clerk of the court shall be nominated by 1790
primary election. The primary election shall be held on the day 1791
specified in the charter of the city of Toledo for the nomination 1792
of municipal officers. Notwithstanding any contrary provision of 1793
section 3513.05 or 3513.257 of the Revised Code, the declarations 1794
of candidacy and petitions of partisan candidates and the 1795
nominating petitions of independent candidates for the office of 1796
clerk of the Toledo municipal court shall be signed by at least 1797
~~two hundred~~ fifty qualified electors of the territory of the 1798
court. 1799

The candidates shall file a declaration of candidacy and 1800
petition, or a nominating petition, whichever is applicable, not 1801
later than four p.m. of the seventy-fifth day before the day of 1802
the primary election, in the form prescribed by section 3513.07 or 1803
3513.261 of the Revised Code. The declaration of candidacy and 1804
petition, or the nominating petition, shall conform to the 1805
applicable requirements of section 3513.05 or 3513.257 of the 1806
Revised Code. 1807

If no valid declaration of candidacy and petition is filed by 1808
any person for nomination as a candidate of a particular political 1809
party for election to the office of clerk of the Toledo municipal 1810
court, a primary election shall not be held for the purpose of 1811
nominating a candidate of that party for election to that office. 1812
If only one person files a valid declaration of candidacy and 1813
petition for nomination as a candidate of a particular political 1814
party for election to that office, a primary election shall not be 1815
held for the purpose of nominating a candidate of that party for 1816

election to that office, and the candidate shall be issued a
certificate of nomination in the manner set forth in section
3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating
petitions, and certificates of nomination for the office of clerk
of the Toledo municipal court shall contain a designation of the
term for which the candidate seeks election. At the following
regular municipal election, all candidates for the office shall be
submitted to the qualified electors of the territory of the court
in the manner that is provided in section 1901.07 of the Revised
Code for the election of the judges of the court. The clerk so
elected shall hold office for a term of six years, which term
shall commence on the first day of January following the clerk's
election and continue until the clerk's successor is elected and
qualified.

(2)(a) Except for the Alliance, Auglaize county, Brown
county, Columbiana county, Lorain, Massillon, and Youngstown
municipal courts, in a municipal court for which the population of
the territory is less than one hundred thousand, the clerk shall
be appointed by the court, and the clerk shall hold office until
the clerk's successor is appointed and qualified.

(b) In the Alliance, Lorain, Massillon, and Youngstown
municipal courts, the clerk shall be elected for a term of office
as described in division (A)(1)(a) of this section.

(c) In the Auglaize county and Brown county municipal courts,
the clerks of courts of Auglaize county and Brown county shall be
the clerks, respectively, of the Auglaize county and Brown county
municipal courts and may appoint a chief deputy clerk for each
branch that is established pursuant to section 1901.311 of the
Revised Code, and assistant clerks as the judge of the court
determines are necessary, all of whom shall receive the

compensation that the legislative authority prescribes. The clerks 1848
of courts of Auglaize county and Brown county, acting as the 1849
clerks of the Auglaize county and Brown county municipal courts 1850
and assuming the duties of these offices, shall receive 1851
compensation payable from the county treasury in semimonthly 1852
installments at one-fourth the rate that is prescribed for the 1853
clerks of courts of common pleas as determined in accordance with 1854
the population of the county and the rates set forth in sections 1855
325.08 and 325.18 of the Revised Code. 1856

(d) In the Columbiana county municipal court, the clerk of 1857
courts of Columbiana county shall be the clerk of the municipal 1858
court, may appoint a chief deputy clerk for each branch office 1859
that is established pursuant to section 1901.311 of the Revised 1860
Code, and may appoint any assistant clerks that the judges of the 1861
court determine are necessary. All of the chief deputy clerks and 1862
assistant clerks shall receive the compensation that the 1863
legislative authority prescribes. The clerk of courts of 1864
Columbiana county, acting as the clerk of the Columbiana county 1865
municipal court and assuming the duties of that office, shall 1866
receive compensation payable from the county treasury in 1867
semimonthly installments at one-fourth the rate that is prescribed 1868
for the clerks of courts of common pleas as determined in 1869
accordance with the population of the county and the rates set 1870
forth in sections 325.08 and 325.18 of the Revised Code. 1871

(3) During the temporary absence of the clerk due to illness, 1872
vacation, or other proper cause, the court may appoint a temporary 1873
clerk, who shall be paid the same compensation, have the same 1874
authority, and perform the same duties as the clerk. 1875

(B) Except in the Hamilton county, Portage county, and Wayne 1876
county municipal courts, if a vacancy occurs in the office of the 1877
clerk of the Alliance, Lorain, Massillon, or Youngstown municipal 1878
court or occurs in the office of the clerk of a municipal court 1879

for which the population of the territory equals or exceeds one 1880
hundred thousand because the clerk ceases to hold the office 1881
before the end of the clerk's term or because a clerk-elect fails 1882
to take office, the vacancy shall be filled, until a successor is 1883
elected and qualified, by a person chosen by the residents of the 1884
territory of the court who are members of the county central 1885
committee of the political party by which the last occupant of 1886
that office or the clerk-elect was nominated. Not less than five 1887
nor more than fifteen days after a vacancy occurs, those members 1888
of that county central committee shall meet to make an appointment 1889
to fill the vacancy. At least four days before the date of the 1890
meeting, the chairperson or a secretary of the county central 1891
committee shall notify each such member of that county central 1892
committee by first class mail of the date, time, and place of the 1893
meeting and its purpose. A majority of all such members of that 1894
county central committee constitutes a quorum, and a majority of 1895
the quorum is required to make the appointment. If the office so 1896
vacated was occupied or was to be occupied by a person not 1897
nominated at a primary election, or if the appointment was not 1898
made by the committee members in accordance with this division, 1899
the court shall make an appointment to fill the vacancy. A 1900
successor shall be elected to fill the office for the unexpired 1901
term at the first municipal election that is held more than one 1902
hundred twenty days after the vacancy occurred. 1903

(C)(1) In a municipal court, other than the Auglaize county, 1904
the Brown county, the Columbiana county, and the Lorain municipal 1905
courts, for which the population of the territory is less than one 1906
hundred thousand, the clerk of the municipal court shall receive 1907
the annual compensation that the presiding judge of the court 1908
prescribes, if the revenue of the court for the preceding calendar 1909
year, as certified by the auditor or chief fiscal officer of the 1910
municipal corporation in which the court is located or, in the 1911

case of a county-operated municipal court, the county auditor, is 1912
equal to or greater than the expenditures, including any debt 1913
charges, for the operation of the court payable under this chapter 1914
from the city treasury or, in the case of a county-operated 1915
municipal court, the county treasury for that calendar year, as 1916
also certified by the auditor or chief fiscal officer. If the 1917
revenue of a municipal court, other than the Auglaize county, the 1918
Brown county, the Columbiana county, and the Lorain municipal 1919
courts, for which the population of the territory is less than one 1920
hundred thousand for the preceding calendar year as so certified 1921
is not equal to or greater than those expenditures for the 1922
operation of the court for that calendar year as so certified, the 1923
clerk of a municipal court shall receive the annual compensation 1924
that the legislative authority prescribes. As used in this 1925
division, "revenue" means the total of all costs and fees that are 1926
collected and paid to the city treasury or, in a county-operated 1927
municipal court, the county treasury by the clerk of the municipal 1928
court under division (F) of this section and all interest received 1929
and paid to the city treasury or, in a county-operated municipal 1930
court, the county treasury in relation to the costs and fees under 1931
division (G) of this section. 1932

(2) In a municipal court, other than the Hamilton county, 1933
Portage county, and Wayne county municipal courts, for which the 1934
population of the territory is one hundred thousand or more, and 1935
in the Lorain municipal court, the clerk of the municipal court 1936
shall receive annual compensation in a sum equal to eighty-five 1937
per cent of the salary of a judge of the court. 1938

(3) The compensation of a clerk described in division (C)(1) 1939
or (2) of this section is payable in semimonthly installments from 1940
the same sources and in the same manner as provided in section 1941
1901.11 of the Revised Code. 1942

(D) Before entering upon the duties of the clerk's office, 1943

the clerk of a municipal court shall give bond of not less than 1944
six thousand dollars to be determined by the judges of the court, 1945
conditioned upon the faithful performance of the clerk's duties. 1946

(E) The clerk of a municipal court may do all of the 1947
following: administer oaths, take affidavits, and issue executions 1948
upon any judgment rendered in the court, including a judgment for 1949
unpaid costs; issue, sign, and attach the seal of the court to all 1950
writs, process, subpoenas, and papers issuing out of the court; 1951
and approve all bonds, sureties, recognizances, and undertakings 1952
fixed by any judge of the court or by law. The clerk may refuse to 1953
accept for filing any pleading or paper submitted for filing by a 1954
person who has been found to be a vexatious litigator under 1955
section 2323.52 of the Revised Code and who has failed to obtain 1956
leave to proceed under that section. The clerk shall do all of the 1957
following: file and safely keep all journals, records, books, and 1958
papers belonging or appertaining to the court; record the 1959
proceedings of the court; perform all other duties that the judges 1960
of the court may prescribe; and keep a book showing all receipts 1961
and disbursements, which book shall be open for public inspection 1962
at all times. 1963

The clerk shall prepare and maintain a general index, a 1964
docket, and other records that the court, by rule, requires, all 1965
of which shall be the public records of the court. In the docket, 1966
the clerk shall enter, at the time of the commencement of an 1967
action, the names of the parties in full, the names of the 1968
counsel, and the nature of the proceedings. Under proper dates, 1969
the clerk shall note the filing of the complaint, issuing of 1970
summons or other process, returns, and any subsequent pleadings. 1971
The clerk also shall enter all reports, verdicts, orders, 1972
judgments, and proceedings of the court, clearly specifying the 1973
relief granted or orders made in each action. The court may order 1974
an extended record of any of the above to be made and entered, 1975

under the proper action heading, upon the docket at the request of 1976
any party to the case, the expense of which record may be taxed as 1977
costs in the case or may be required to be prepaid by the party 1978
demanding the record, upon order of the court. 1979

(F) The clerk of a municipal court shall receive, collect, 1980
and issue receipts for all costs, fees, fines, bail, and other 1981
moneys payable to the office or to any officer of the court. The 1982
clerk shall each month disburse to the proper persons or officers, 1983
and take receipts for, all costs, fees, fines, bail, and other 1984
moneys that the clerk collects. Subject to sections 3375.50 and 1985
4511.193 of the Revised Code and to any other section of the 1986
Revised Code that requires a specific manner of disbursement of 1987
any moneys received by a municipal court and except for the 1988
Hamilton county, Lawrence county, and Ottawa county municipal 1989
courts, the clerk shall pay all fines received for violation of 1990
municipal ordinances into the treasury of the municipal 1991
corporation the ordinance of which was violated and shall pay all 1992
fines received for violation of township resolutions adopted 1993
pursuant to Chapter 504. of the Revised Code into the treasury of 1994
the township the resolution of which was violated. Subject to 1995
sections 1901.024 and 4511.193 of the Revised Code, in the 1996
Hamilton county, Lawrence county, and Ottawa county municipal 1997
courts, the clerk shall pay fifty per cent of the fines received 1998
for violation of municipal ordinances and fifty per cent of the 1999
fines received for violation of township resolutions adopted 2000
pursuant to Chapter 504. of the Revised Code into the treasury of 2001
the county. Subject to sections 3375.50, 3375.53, 4511.19, and 2002
5503.04 of the Revised Code and to any other section of the 2003
Revised Code that requires a specific manner of disbursement of 2004
any moneys received by a municipal court, the clerk shall pay all 2005
fines collected for the violation of state laws into the county 2006
treasury. Except in a county-operated municipal court, the clerk 2007

shall pay all costs and fees the disbursement of which is not
otherwise provided for in the Revised Code into the city treasury.
The clerk of a county-operated municipal court shall pay the costs
and fees the disbursement of which is not otherwise provided for
in the Revised Code into the county treasury. Moneys deposited as
security for costs shall be retained pending the litigation. The
clerk shall keep a separate account of all receipts and
disbursements in civil and criminal cases, which shall be a
permanent public record of the office. On the expiration of the
term of the clerk, the clerk shall deliver the records to the
clerk's successor. The clerk shall have other powers and duties as
are prescribed by rule or order of the court.

(G) All moneys paid into a municipal court shall be noted on
the record of the case in which they are paid and shall be
deposited in a state or national bank, or a domestic savings and
loan association, as defined in section 1151.01 of the Revised
Code, that is selected by the clerk. Any interest received upon
the deposits shall be paid into the city treasury, except that, in
a county-operated municipal court, the interest shall be paid into
the treasury of the county in which the court is located.

On the first Monday in January of each year, the clerk shall
make a list of the titles of all cases in the court that were
finally determined more than one year past in which there remains
unclaimed in the possession of the clerk any funds, or any part of
a deposit for security of costs not consumed by the costs in the
case. The clerk shall give notice of the moneys to the parties who
are entitled to the moneys or to their attorneys of record. All
the moneys remaining unclaimed on the first day of April of each
year shall be paid by the clerk to the city treasurer, except
that, in a county-operated municipal court, the moneys shall be
paid to the treasurer of the county in which the court is located.
The treasurer shall pay any part of the moneys at any time to the

person who has the right to the moneys upon proper certification 2040
of the clerk. 2041

(H) Deputy clerks may be appointed by the clerk and shall 2042
receive the compensation, payable in semimonthly installments out 2043
of the city treasury, that the clerk may prescribe, except that 2044
the compensation of any deputy clerk of a county-operated 2045
municipal court shall be paid out of the treasury of the county in 2046
which the court is located. Each deputy clerk shall take an oath 2047
of office before entering upon the duties of the deputy clerk's 2048
office and, when so qualified, may perform the duties appertaining 2049
to the office of the clerk. The clerk may require any of the 2050
deputy clerks to give bond of not less than three thousand 2051
dollars, conditioned for the faithful performance of the deputy 2052
clerk's duties. 2053

(I) For the purposes of this section, whenever the population 2054
of the territory of a municipal court falls below one hundred 2055
thousand but not below ninety thousand, and the population of the 2056
territory prior to the most recent regular federal census exceeded 2057
one hundred thousand, the legislative authority of the municipal 2058
corporation may declare, by resolution, that the territory shall 2059
be considered to have a population of at least one hundred 2060
thousand. 2061

(J) The clerk or a deputy clerk shall be in attendance at all 2062
sessions of the municipal court, although not necessarily in the 2063
courtroom, and may administer oaths to witnesses and jurors and 2064
receive verdicts. 2065

Sec. 2961.01. (A) A person convicted of a felony under the 2066
laws of this or any other state or the United States, unless the 2067
conviction is reversed or annulled, is incompetent to be an 2068
elector or juror or to hold an office of honor, trust, or profit. 2069
When any person convicted of a felony under any law of that type 2070

is granted parole, judicial release, or a conditional pardon or is released under a non-jail community control sanction or a post-release control sanction, the person is competent to be an elector during the period of community control, parole, post-release control, or release or until the conditions of the pardon have been performed or have transpired and is competent to be an elector thereafter following final discharge. The full pardon of a ~~convict~~ person convicted of a felony restores the rights and privileges so forfeited under this ~~section~~ division, but a pardon shall not release a ~~convict~~ the person convicted of a felony from the costs of ~~the convict's~~ a conviction in this state, unless so specified.

(B) A person convicted of a felony under laws of this state or any other state or the United States is incompetent to circulate or serve as a witness for the signing of any declaration of candidacy and petition, voter registration application, or nominating, initiative, referendum, or recall petition.

(C) As used in this section:

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(2) "Non-jail community control sanction" means a community control sanction that is neither a term in a community-based correctional facility nor a term in a jail.

(3) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code.

Sec. 2967.17. (A) The adult parole authority, in its discretion, may grant an administrative release to any of the following:

(1) A parole violator or release violator serving another

felony sentence in a correctional institution within or without
this state for the purpose of consolidation of the records or if
justice would best be served;

(2) A parole violator at large or release violator at large
whose case has been inactive for at least ten years following the
date of declaration of the parole violation or the violation of a
post-release control sanction;

(3) A parolee taken into custody by the immigration and
naturalization service of the United States department of justice
and deported from the United States.

(B) The adult parole authority shall not grant an
administrative release except upon the concurrence of a majority
of the parole board and approval of the chief of the adult parole
authority. An administrative release does not restore for the
person to whom it is granted the rights and privileges forfeited
by conviction as provided in section 2961.01 of the Revised Code.
Any person granted an administrative release under this section
may subsequently apply for a commutation of sentence for the
purpose of regaining the rights and privileges forfeited by
conviction, except that the privilege of circulating or serving as
a witness for the signing of any declaration of candidacy and
petition, voter registration application, or nominating,
initiative, referendum, or recall petition forfeited under section
2961.01 of the Revised Code may not be restored under this
section.

Sec. 3311.21. (A) In addition to the resolutions authorized
by sections 5705.194, 5705.21, 5705.212, and 5705.213 of the
Revised Code, the board of education of a joint vocational or
cooperative education school district by a vote of two-thirds of
its full membership may at any time adopt a resolution declaring
the necessity to levy a tax in excess of the ten-mill limitation

for a period not to exceed ten years to provide funds for any one 2132
or more of the following purposes, which may be stated in the 2133
following manner in such resolution, the ballot, and the notice of 2134
election: purchasing a site or enlargement thereof and for the 2135
erection and equipment of buildings; for the purpose of enlarging, 2136
improving, or rebuilding thereof; for the purpose of providing for 2137
the current expenses of the joint vocational or cooperative school 2138
district; or for a continuing period for the purpose of providing 2139
for the current expenses of the joint vocational or cooperative 2140
education school district. The resolution shall specify the amount 2141
of the proposed rate and, if a renewal, whether the levy is to 2142
renew all, or a portion of, the existing levy, and shall specify 2143
the first year in which the levy will be imposed. If the levy 2144
provides for but is not limited to current expenses, the 2145
resolution shall apportion the annual rate of the levy between 2146
current expenses and the other purpose or purposes. Such 2147
apportionment may but need not be the same for each year of the 2148
levy, but the respective portions of the rate actually levied each 2149
year for current expenses and the other purpose or purposes shall 2150
be limited by such apportionment. The portion of any such rate 2151
actually levied for current expenses of a joint vocational or 2152
cooperative education school district shall be used in applying 2153
division (A) of section 3317.01 of the Revised Code. The portion 2154
of any such rate not apportioned to the current expenses of a 2155
joint vocational or cooperative education school district shall be 2156
used in applying division (B) of this section. On the adoption of 2157
such resolution, the joint vocational or cooperative education 2158
school district board of education shall certify the resolution to 2159
the board of elections of the county containing the most populous 2160
portion of the district, which board shall receive resolutions for 2161
filing and send them to the boards of elections of each county in 2162
which territory of the district is located, furnish all ballots 2163
for the election as provided in section 3505.071 of the Revised 2164

Code, and prepare the election notice; and the board of elections 2165
of each county in which the territory of such district is located 2166
shall make the other necessary arrangements for the submission of 2167
the question to the electors of the joint vocational or 2168
cooperative education school district at the next primary or 2169
general election occurring not less than seventy-five days after 2170
the resolution was received from the joint vocational or 2171
cooperative education school district board of education, or at a 2172
special election to be held at a time designated by the district 2173
board of education consistent with the requirements of section 2174
3501.01 of the Revised Code, which date shall not be earlier than 2175
seventy-five days after the adoption and certification of the 2176
resolution. 2177

The board of elections of the county or counties in which 2178
territory of the joint vocational or cooperative education school 2179
district is located shall cause to be published in one or more 2180
newspapers of general circulation in ~~such~~ that district an 2181
advertisement of the proposed tax levy question together with a 2182
statement of the amount of the proposed levy once ~~each~~ a week for 2183
~~three~~ two consecutive weeks, prior to the election at which the 2184
question is to appear on the ballot, and, if the board of 2185
elections operates and maintains a web site, the board also shall 2186
post a similar advertisement on its web site for thirty days prior 2187
to that election. 2188

If a majority of the electors voting on the question of 2189
levying such tax vote in favor of the levy, the joint vocational 2190
or cooperative education school district board of education shall 2191
annually make the levy within the district at the rate specified 2192
in the resolution and ballot or at any lesser rate, and the county 2193
auditor of each affected county shall annually place the levy on 2194
the tax list and duplicate of each school district in ~~his~~ the 2195
county having territory in the joint vocational or cooperative 2196

education school district. The taxes realized from the levy shall 2197
be collected at the same time and in the same manner as other 2198
taxes on the duplicate, and the taxes, when collected, shall be 2199
paid to the treasurer of the joint vocational or cooperative 2200
education school district and deposited ~~by him~~ to a special fund, 2201
which shall be established by the joint vocational or cooperative 2202
education school district board of education for all revenue 2203
derived from any tax levied pursuant to this section and for the 2204
proceeds of anticipation notes which shall be deposited in such 2205
fund. After the approval of the levy, the joint vocational or 2206
cooperative education school district board of education may 2207
anticipate a fraction of the proceeds of the levy and from time to 2208
time, during the life of the levy, but in any year prior to the 2209
time when the tax collection from the levy so anticipated can be 2210
made for that year, issue anticipation notes in an amount not 2211
exceeding fifty per cent of the estimated proceeds of the levy to 2212
be collected in each year up to a period of five years after the 2213
date of the issuance of the notes, less an amount equal to the 2214
proceeds of the levy obligated for each year by the issuance of 2215
anticipation notes, provided that the total amount maturing in any 2216
one year shall not exceed fifty per cent of the anticipated 2217
proceeds of the levy for that year. Each issue of notes shall be 2218
sold as provided in Chapter 133. of the Revised Code, and shall, 2219
except for such limitation that the total amount of such notes 2220
maturing in any one year shall not exceed fifty per cent of the 2221
anticipated proceeds of the levy for that year, mature serially in 2222
substantially equal installments, during each year over a period 2223
not to exceed five years after their issuance. 2224

(B) Prior to the application of section 319.301 of the 2225
Revised Code, the rate of a levy that is limited to, or to the 2226
extent that it is apportioned to, purposes other than current 2227
expenses shall be reduced in the same proportion in which the 2228
district's total valuation increases during the life of the levy 2229

because of additions to such valuation that have resulted from 2230
improvements added to the tax list and duplicate. 2231

(C) The form of ballot cast at an election under division (A) 2232
of this section shall be as prescribed by section 5705.25 of the 2233
Revised Code. 2234

Sec. 3311.50. (A) As used in this section, "county school 2235
financing district" means a taxing district consisting of the 2236
following territory: 2237

(1) The territory that constitutes the educational service 2238
center on the date that the governing board of that educational 2239
service center adopts a resolution under division (B) of this 2240
section declaring that the territory of the educational service 2241
center is a county school financing district, exclusive of any 2242
territory subsequently withdrawn from the district under division 2243
(D) of this section; 2244

(2) Any territory that has been added to the county school 2245
financing district under this section. 2246

A county school financing district may include the territory 2247
of a city, local, or exempted village school district whose 2248
territory also is included in the territory of one or more other 2249
county school financing districts. 2250

(B) The governing board of any educational service center 2251
may, by resolution, declare that the territory of the educational 2252
service center is a county school financing district. The 2253
resolution shall state the purpose for which the county school 2254
financing district is created which may be for any one or more of 2255
the following purposes: 2256

(1) To levy taxes for the provision of special education by 2257
the school districts that are a part of the district, including 2258
taxes for permanent improvements for special education; 2259

(2) To levy taxes for the provision of specified educational 2260
programs and services by the school districts that are a part of 2261
the district, as identified in the resolution creating the 2262
district, including the levying of taxes for permanent 2263
improvements for those programs and services; 2264

(3) To levy taxes for permanent improvements of school 2265
districts that are a part of the district. 2266

The governing board of the educational service center that 2267
creates a county school financing district shall serve as the 2268
taxing authority of the district and may use educational service 2269
center governing board employees to perform any of the functions 2270
necessary in the performance of its duties as a taxing authority. 2271
A county school financing district shall not employ any personnel. 2272

With the approval of a majority of the members of the board 2273
of education of each school district within the territory of the 2274
county school financing district, the taxing authority of the 2275
financing district may amend the resolution creating the district 2276
to broaden or narrow the purposes for which it was created. 2277

A governing board of an educational service center may create 2278
more than one county school financing district. If a governing 2279
board of an educational service center creates more than one such 2280
district, it shall clearly distinguish among the districts it 2281
creates by including a designation of each district's purpose in 2282
the district's name. 2283

(C) A majority of the members of a board of education of a 2284
city, local, or exempted village school district may adopt a 2285
resolution requesting that its territory be joined with the 2286
territory of any county school financing district. Copies of the 2287
resolution shall be filed with the state board of education and 2288
the taxing authority of the county school financing district. 2289
Within sixty days of its receipt of such a resolution, the county 2290

school financing district's taxing authority shall vote on the 2291
question of whether to accept the school district's territory as 2292
part of the county school financing district. If a majority of the 2293
members of the taxing authority vote to accept the territory, the 2294
school district's territory shall thereupon become a part of the 2295
county school financing district unless the county school 2296
financing district has in effect a tax imposed under section 2297
5705.211 of the Revised Code. If the county school financing 2298
district has such a tax in effect, the taxing authority shall 2299
certify a copy of its resolution accepting the school district's 2300
territory to the school district's board of education, which may 2301
then adopt a resolution, with the affirmative vote of a majority 2302
of its members, proposing the submission to the electors of the 2303
question of whether the district's territory shall become a part 2304
of the county school financing district and subject to the taxes 2305
imposed by the financing district. The resolution shall set forth 2306
the date on which the question shall be submitted to the electors, 2307
which shall be at a special election held on a date specified in 2308
the resolution, which shall not be earlier than seventy-five days 2309
after the adoption and certification of the resolution. A copy of 2310
the resolution shall immediately be certified to the board of 2311
elections of the proper county, which shall make arrangements for 2312
the submission of the proposal to the electors of the school 2313
district. The board of the joining district shall publish notice 2314
of the election in one or more newspapers of general circulation 2315
in the county once a week for ~~four~~ two consecutive weeks prior to 2316
the election. Additionally, if the board of elections operates and 2317
maintains a web site, the board of elections shall post notice of 2318
the election on its web site for thirty days prior to the 2319
election. The question appearing on the ballot shall read: 2320

"Shall the territory within (name of the school 2321
district proposing to join the county school financing district) 2322

..... be added to (name) county school 2323
financing district, and a property tax for the purposes of 2324
..... (here insert purposes) at a rate of taxation 2325
not exceeding (here insert the outstanding tax rate) 2326
..... be in effect for (here insert the number of 2327
years the tax is to be in effect or "a continuing period of time," 2328
as applicable)?" 2329

If the proposal is approved by a majority of the electors 2330
voting on it, the joinder shall take effect on the first day of 2331
July following the date of the election, and the county board of 2332
elections shall notify the county auditor of each county in which 2333
the school district joining its territory to the county school 2334
financing district is located. 2335

(D) The board of any city, local, or exempted village school 2336
district whose territory is part of a county school financing 2337
district may withdraw its territory from the county school 2338
financing district thirty days after submitting to the governing 2339
board that is the taxing authority of the district and the state 2340
board a resolution proclaiming such withdrawal, adopted by a 2341
majority vote of its members, but any county school financing 2342
district tax levied in such territory on the effective date of the 2343
withdrawal shall remain in effect in such territory until such tax 2344
expires or is renewed. No board may adopt a resolution withdrawing 2345
from a county school financing district that would take effect 2346
during the forty-five days preceding the date of an election at 2347
which a levy proposed under section 5705.215 of the Revised Code 2348
is to be voted upon. 2349

(E) A city, local, or exempted village school district does 2350
not lose its separate identity or legal existence by reason of 2351
joining its territory to a county school financing district under 2352
this section and an educational service center does not lose its 2353
separate identity or legal existence by reason of creating a 2354

county school financing district that accepts or loses territory 2355
under this section. 2356

Sec. 3311.73. (A) No later than seventy-five days before the 2357
general election held in the first even-numbered year occurring at 2358
least four years after the date it assumed control of the 2359
municipal school district pursuant to division (B) of section 2360
3311.71 of the Revised Code, the board of education appointed 2361
under that division shall notify the board of elections of each 2362
county containing territory of the municipal school district of 2363
the referendum election required by division (B) of this section. 2364

(B) At the general election held in the first even-numbered 2365
year occurring at least four years after the date the new board 2366
assumed control of a municipal school district pursuant to 2367
division (B) of section 3311.71 of the Revised Code, the following 2368
question shall be submitted to the electors residing in the school 2369
district: 2370

"Shall the mayor of (here insert the name of the 2371
applicable municipal corporation)~~.....~~ continue to appoint the 2372
members of the board of education of the (here insert the 2373
name of the municipal school district)~~.....~~?" 2374

The board of elections of the county in which the majority of 2375
the school district's territory is located shall make all 2376
necessary arrangements for the submission of the question to the 2377
electors, and the election shall be conducted, canvassed, and 2378
certified in the same manner as regular elections in the district 2379
for the election of county officers, provided that in any such 2380
election in which only part of the electors of a precinct are 2381
qualified to vote, the board of elections may assign voters in 2382
such part to an adjoining precinct. Such an assignment may be made 2383
to an adjoining precinct in another county with the consent and 2384
approval of the board of elections of such other county. Notice of 2385

the election shall be published in a newspaper of general
circulation in the school district once a week for ~~three~~ two
consecutive weeks prior to the election ~~stating, and, if the board~~
of elections operates and maintains a web site, the board of
elections shall post notice of the election on its web site for
thirty days prior to the election. The notice shall state the
question on which the election is being held. The ballot shall be
in the form prescribed by the secretary of state. Costs of
submitting the question to the electors shall be charged to the
municipal school district in accordance with section 3501.17 of
the Revised Code.

(C) If a majority of electors voting on the issue proposed in
division (B) of this section approve the question, the mayor shall
appoint a new board on the immediately following first day of July
pursuant to division (F) of section 3311.71 of the Revised Code.

(D) If a majority of electors voting on the issue proposed in
division (B) of this section disapprove the question, a new
seven-member board of education shall be elected at the next
regular election occurring in November of an odd-numbered year. At
such election, four members shall be elected for terms of four
years and three members shall be elected for terms of two years.
Thereafter, their successors shall be elected in the same manner
and for the same terms as members of boards of education of a city
school district. All members of the board of education of a
municipal school district appointed pursuant to division (B) of
section 3311.71 of the Revised Code shall continue to serve after
the end of the terms to which they were appointed until their
successors are qualified and assume office in accordance with
section 3313.09 of the Revised Code.

Sec. 3349.29. An agreement made pursuant to sections 3349.27
and 3349.28 of the Revised Code is not effective unless it has

been approved by the legislative authority of the municipal 2417
corporation with which the municipal university is identified, 2418
upon such legislative authority's determination that such 2419
agreement will be beneficial to the municipal corporation, and 2420
also approved by the Ohio board of regents, and, if required by 2421
any applicable appropriation measure, by the state controlling 2422
board, and any payment from state tax moneys provided for in the 2423
agreement will be subject to appropriations made by the general 2424
assembly. If provision is to be made under such agreement for the 2425
transfer of, or grant of the right to use, all or a substantial 2426
part of the assets of the municipal university to the state 2427
university and assumption by the state university of educational 2428
functions of the municipal university, such agreement shall not 2429
become effective, under sections 3349.27 to 3349.30, ~~inclusive~~, of 2430
the Revised Code until the electors of the municipal corporation 2431
have approved such transfer or grant. 2432

The legislative authority of the municipal corporation shall, 2433
by ordinance, submit the question to the electors at a general, 2434
primary, or a special election to be held on the date specified in 2435
~~said the~~ ordinance. ~~Such~~ The ordinance shall be certified to the 2436
board of elections not later than ~~on~~ the forty-fifth day preceding 2437
the date of ~~such the~~ election. Notice of ~~such the~~ election shall 2438
be published in one or more newspapers of general circulation in 2439
the municipal corporation once a week for ~~four~~ two consecutive 2440
weeks prior to the election and, if the board of elections 2441
operates and maintains a web site, notice of the election also 2442
shall be posted on that web site for thirty days prior to the 2443
election. The form of the ballot to be used at ~~said the~~ election 2444
shall be substantially as follows, with such variations as may be 2445
appropriate to reflect the general nature of the transfer or grant 2446
of use of assets and the transfer of educational functions 2447
contemplated: 2448

"Shall assets of the municipal university known as 2449
..... be transferred to (make available for 2450
use by) a state university known as 2451
and the state university assume educational functions of the 2452
municipal university and provide higher education in (or in close 2453
proximity to) the city of to the 2454
residents of the city of and of the state 2455
of Ohio and such others as shall be admitted?" 2456

The favorable vote of a majority of those voting on the 2457
proposition constitutes such approval as is required by this 2458
section. 2459

Sec. 3354.12. (A) Upon the request by resolution approved by 2460
the board of trustees of a community college district, and upon 2461
certification to the board of elections not less than seventy-five 2462
days prior to the election, the boards of elections of the county 2463
or counties comprising such district shall place upon the ballot 2464
in their respective counties the question of levying a tax on all 2465
the taxable property in the community college district outside the 2466
ten-mill limitation, for a specified period of years or for a 2467
continuing period of time, to provide funds for any one or more of 2468
the following purposes: the acquisition of sites, the erection, 2469
furnishing, and equipment of buildings, the acquisition, 2470
construction, or improvement of any property which the board of 2471
trustees of a community college district is authorized to acquire, 2472
construct, or improve and which has an estimated life of 2473
usefulness of five years or more as certified by the fiscal 2474
officer, and the payment of operating costs. Not more than two 2475
special elections shall be held in any one calendar year. Levies 2476
for a continuing period of time adopted under this section may be 2477
reduced in accordance with section 5705.261 of the Revised Code. 2478

If such proposal is to be or include the renewal of an 2479

existing levy at the expiration thereof, the ballot for such
election shall state whether it is a renewal of a tax; a renewal
of a stated number of mills and an increase of a stated number of
mills, or a renewal of a part of an existing levy with a reduction
of a stated number of mills; the year of the tax duplicate on
which such renewal will first be made; and if earlier, the year of
the tax duplicate on which such additional levy will first be
made, which may include the tax duplicate for the current year
unless the election is to be held after the first Tuesday after
the first Monday in November of the current tax year. The ballot
shall also state the period of years for such levy or that it is
for a continuing period of time. If a levy for a continuing period
of time provides for but is not limited to current expenses, the
resolution of the board of trustees providing for the election on
such levy shall apportion the annual rate of the levy between
current expenses and the other purpose or purposes. Such
apportionment need not be the same for each year of the levy, but
the respective portions of the rate actually levied each year for
current expenses and the other purpose or purposes shall be
limited by such apportionment. The portion of the rate apportioned
to the other purpose or purposes shall be reduced as provided in
division (B) of this section.

If a majority of the electors in such district voting on such
question approve thereof, the county auditor or auditors of the
county or counties comprising such district shall annually, for
the applicable years, place such levy on the tax duplicate in such
district, in an amount determined by the board of trustees, but
not to exceed the amount set forth in the proposition approved by
the electors.

The boards of trustees of a community college district shall
establish a special fund for all revenue derived from any tax
levied pursuant to this section.

The boards of elections of the county or counties comprising 2512
the district shall cause to be published in a newspaper of general 2513
circulation in each such county, an advertisement of the proposed 2514
tax levy question, once ~~each~~ a week for three two consecutive 2515
weeks immediately preceding prior to the election at which the 2516
question is to appear on the ballot, and, if a board of elections 2517
operates and maintains a web site, that board also shall post a 2518
similar advertisement on its web site for thirty days prior to 2519
that election. 2520

After the approval of such levy by vote, the board of 2521
trustees of a community college district may anticipate a fraction 2522
of the proceeds of such levy and from time to time issue 2523
anticipation notes having such maturity or maturities that the 2524
aggregate principal amount of all such notes maturing in any 2525
calendar year shall not exceed seventy-five per cent of the 2526
anticipated proceeds from such levy for such year, and that no 2527
note shall mature later than the thirty-first day of December of 2528
the tenth calendar year following the calendar year in which such 2529
note is issued. Each issue of notes shall be sold as provided in 2530
Chapter 133. of the Revised Code. 2531

The amount of bonds or anticipatory notes authorized pursuant 2532
to Chapter 3354. of the Revised Code, may include sums to repay 2533
moneys previously borrowed, advanced, or granted and expended for 2534
the purposes of such bond or anticipatory note issues, whether 2535
such moneys were advanced from the available funds of the 2536
community college district or by other persons, and the community 2537
college district may restore and repay to such funds or persons 2538
from the proceeds of such issues the moneys so borrowed, advanced 2539
or granted. 2540

All operating costs of such community college may be paid out 2541
of any gift or grant from the state, pursuant to division (K) of 2542
section 3354.09 of the Revised Code; out of student fees and 2543

tuition collected pursuant to division (G) of section 3354.09 of 2544
the Revised Code; or out of unencumbered funds from any other 2545
source of the community college income not prohibited by law. 2546

(B) Prior to the application of section 319.301 of the 2547
Revised Code, the rate of a levy that is limited to, or to the 2548
extent that it is apportioned to, purposes other than current 2549
expenses shall be reduced in the same proportion in which the 2550
district's total valuation increases during the life of the levy 2551
because of additions to such valuation that have resulted from 2552
improvements added to the tax list and duplicate. 2553

Sec. 3355.09. Upon receipt of a request from the university 2554
branch district managing authority, the boards of elections of the 2555
county or counties comprising such district shall place upon the 2556
ballot in the district at the next primary or general election 2557
occurring not less than seventy-five days after submission of such 2558
request by such managing authority, the question of levying a tax 2559
outside the ten-mill limitation, for a specified period of years, 2560
to provide funds for any of the following purposes: 2561

(A) Purchasing a site or enlargement thereof; 2562

(B) The erection and equipment of buildings; 2563

(C) Enlarging, improving, or rebuilding buildings; 2564

(D) The acquisition, construction, or improvement of any 2565
property which the university branch district managing authority 2566
is authorized to acquire, construct, or improve and which has been 2567
certified by the fiscal officer to have an estimated useful life 2568
of five or more years. 2569

If a majority of the electors in such district voting on such 2570
question approve, the county auditor of the county or counties 2571
comprising such district shall annually place such levy on the tax 2572
duplicate in such district, in the amount set forth in the 2573

proposition approved by the electors. 2574

The managing authority of the university branch district 2575
shall establish a special fund pursuant to section 3355.07 of the 2576
Revised Code for all revenue derived from any tax levied pursuant 2577
to provisions of this section. 2578

The boards of election of the county or counties comprising 2579
the district shall cause to be published in a newspaper of general 2580
circulation in each such county, an advertisement of the proposed 2581
tax levy question, once ~~each~~ a week for three ~~two consecutive~~ 2582
~~weeks immediately preceding~~ prior to the election at which the 2583
question is to appear on the ballot, and, if a board of elections 2584
operates and maintains a web site, that board also shall post a 2585
similar advertisement on its web site for thirty days prior to the 2586
election. 2587

After the approval of such levy by vote, the managing 2588
authority of the university branch district may anticipate a 2589
fraction of the proceeds of such levy and from time to time, 2590
during the life of such levy, issue anticipation notes in an 2591
amount not to exceed seventy-five per cent of the estimated 2592
proceeds of such levy to be collected in each year over a period 2593
of five years after the date of the issuance of such notes, less 2594
an amount equal to the proceeds of such levy previously obligated 2595
for such year by the issuance of anticipation notes, provided, 2596
that the total amount maturing in any one year shall not exceed 2597
seventy-five per cent of the anticipated proceeds of such levy for 2598
that year. 2599

Each issue of notes shall be sold as provided in Chapter 133. 2600
of the Revised Code and shall mature serially in substantially 2601
equal amounts, during each remaining year of the levy, not to 2602
exceed five, after their issuance. 2603

Sec. 3375.03. Unless the transfer of certain library 2604
territory pursuant to division (G) of section 3375.01 of the 2605
Revised Code has been agreed to by the affected boards of library 2606
trustees, a referendum petition against the transfer of the 2607
territory to another library district, signed by qualified 2608
electors of the territory to be transferred ~~and~~ equal in number to 2609
at least ten per cent of ~~such~~ those electors who voted in the last 2610
gubernatorial election, may be filed with the library board of the 2611
territory's current library district within sixty days after 2612
certified copies of the boundary change order have been filed in 2613
final form with the secretary of state, and the order shall not 2614
become effective until after the outcome of the referendum 2615
procedure prescribed in this section. 2616

Each part of a petition filed pursuant to this section shall 2617
contain a full and correct title of the petition, a brief summary 2618
of its purpose, and a statement by the person soliciting 2619
signatures for the petition, made under penalty of election 2620
falsification, certifying that, to the best of the circulator's 2621
knowledge and belief, each signature contained in the petition is 2622
that of the person whose name it purports to be or of an attorney 2623
in fact acting pursuant to section 3501.382 of the Revised Code, 2624
that each person is an elector residing in the territory subject 2625
to transfer entitled to sign the petition, and that each person 2626
signed the petition with knowledge of its contents. The petition 2627
may contain additional information that shall fairly and 2628
accurately present the question to prospective petition signers. 2629

The form of a petition calling for a referendum and the 2630
statement of the circulator shall be substantially as follows: 2631

"PETITION FOR REFERENDUM ON LIBRARY 2632
DISTRICT TRANSFER 2633

A petition against the transfer of territory currently 2634
located in the library district and 2635

proposed for transfer by the state library board to the 2636
..... library district. 2637

We, the undersigned, being electors residing in the area 2638
proposed to be transferred, equal in number to not less than ten 2639
per cent of the qualified electors in the area subject to transfer 2640
who voted at the last general election, request the 2641
..... library board to submit the question of 2642
the transfer of territory to the library 2643
district to the electors residing within the territory proposed to 2644
be transferred for approval or rejection at the next primary or 2645
general election. 2646

Street Address Date of 2647
Signature or R.F.D. Precinct Signing 2648
..... 2649
..... 2650

STATEMENT OF CIRCULATOR 2651

I, (name of circulator) 2652
....., declare under penalty of election falsification 2653
that I am an elector of the state of Ohio and reside at the 2654
address appearing below my signature; that I am the circulator of 2655
the foregoing part petition containing 2656
.....(number)..... signatures; that I have witnessed the 2657
affixing of every signature; that all signers were to the best of 2658
my knowledge and belief qualified to sign; that every signature is 2659
to the best of my knowledge and belief the signature of the person 2660
whose signature it purports to be or of an attorney in fact acting 2661
pursuant to section 3501.382 of the Revised Code; and that such 2662
person signed the petition with knowledge of its contents. 2663

..... 2664
(Signature of circulator) 2665
..... 2666

(Address of circulator's permanent residence in this state) 2667
..... 2668
(City or village and zip code) 2670

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 2671
OF THE FIFTH DEGREE." 2672

The person presenting a referendum petition under this 2673
section shall be given a receipt containing the time of day and 2674
the date on which the petition is filed with the library board and 2675
noting the purpose of and the number of signatures on the 2676
petition. The secretary of the library board shall cause the board 2677
of elections of the county or counties in which the territory to 2678
be transferred is located to check the sufficiency of signatures 2679
on ~~such~~ the petition, and, if these are found to be sufficient, 2680
the secretary shall present the petition to the library board at a 2681
meeting of the board, which shall occur not later than thirty days 2682
following the filing of the petition with the board. The board 2683
shall promptly certify the question to the board of elections of 2684
the county or counties in which the territory to be transferred is 2685
located for the purpose of having the proposal placed on the 2686
ballot within that territory at the next general or primary 2687
election occurring not less than sixty days after the 2688
certification. 2689

The form of the ballot to be used at the election on the 2690
question of the transfer shall be as follows: 2691

"Shall the territory (here insert its 2692
boundaries) which is currently within the 2693
..... (here insert the name of the current library district) 2694
library district be transferred to the 2695
(here insert the name of the library district to which the 2696
territory is proposed to be transferred) library district? 2697
..... For the transfer 2698

..... Against the transfer" 2699

The persons qualified to vote on the question are the 2700
electors residing in the territory proposed to be transferred. The 2701
costs of an election held under this section shall be paid by the 2702
board of library trustees of the current library district of the 2703
territory to be transferred. The board of elections shall certify 2704
the result of the election to the state library board and to the 2705
library boards of the affected library district. 2706

If a majority of electors voting on the question vote in 2707
favor of the transfer, the transfer shall take effect on the date 2708
of the certification of the election to the state library board. 2709
If a majority of the voters voting on the question do not vote for 2710
the transfer, the transfer shall not take place. 2711

Sec. 3501.01. As used in the sections of the Revised Code 2712
relating to elections and political communications: 2713

(A) "General election" means the election held on the first 2714
Tuesday after the first Monday in each November. 2715

(B) "Regular municipal election" means the election held on 2716
the first Tuesday after the first Monday in November in each 2717
odd-numbered year. 2718

(C) "Regular state election" means the election held on the 2719
first Tuesday after the first Monday in November in each 2720
even-numbered year. 2721

(D) "Special election" means any election other than those 2722
elections defined in other divisions of this section. A special 2723
election may be held only on the first Tuesday after the first 2724
Monday in February, May, August, or November, or on the day 2725
authorized by a particular municipal or county charter for the 2726
holding of a primary election, except that in any year in which a 2727
presidential primary election is held, no special election shall 2728

be held in February or May, except as authorized by a municipal or
county charter, but may be held on the first Tuesday after the
first Monday in March.

(E)(1) "Primary" or "primary election" means an election held
for the purpose of nominating persons as candidates of political
parties for election to offices, and for the purpose of electing
persons as members of the controlling committees of political
parties and as delegates and alternates to the conventions of
political parties. Primary elections shall be held on the first
Tuesday after the first Monday in May of each year except in years
in which a presidential primary election is held.

(2) "Presidential primary election" means a primary election
as defined by division (E)(1) of this section at which an election
is held for the purpose of choosing delegates and alternates to
the national conventions of the major political parties pursuant
to section 3513.12 of the Revised Code. Unless otherwise
specified, presidential primary elections are included in
references to primary elections. In years in which a presidential
primary election is held, all primary elections shall be held on
the first Tuesday after the first Monday in March except as
otherwise authorized by a municipal or county charter.

(F) "Political party" means any group of voters meeting the
requirements set forth in section 3517.01 of the Revised Code for
the formation and existence of a political party.

(1) "Major political party" means any political party
organized under the laws of this state whose candidate for
governor or nominees for presidential electors received no less
than twenty per cent of the total vote cast for such office at the
most recent regular state election.

(2) "Intermediate political party" means any political party
organized under the laws of this state whose candidate for

governor or nominees for presidential electors received less than 2760
twenty per cent but not less than ten per cent of the total vote 2761
cast for such office at the most recent regular state election. 2762

(3) "Minor political party" means any political party 2763
organized under the laws of this state whose candidate for 2764
governor or nominees for presidential electors received less than 2765
ten per cent but not less than five per cent of the total vote 2766
cast for such office at the most recent regular state election or 2767
which has filed with the secretary of state, subsequent to any 2768
election in which it received less than five per cent of such 2769
vote, a petition signed by qualified electors equal in number to 2770
at least one per cent of the total vote cast for such office in 2771
the last preceding regular state election, except that a newly 2772
formed political party shall be known as a minor political party 2773
until the time of the first election for governor or president 2774
which occurs not less than twelve months subsequent to the 2775
formation of such party, after which election the status of such 2776
party shall be determined by the vote for the office of governor 2777
or president. 2778

(G) "Dominant party in a precinct" or "dominant political 2779
party in a precinct" means that political party whose candidate 2780
for election to the office of governor at the most recent regular 2781
state election at which a governor was elected received more votes 2782
than any other person received for election to that office in such 2783
precinct at such election. 2784

(H) "Candidate" means any qualified person certified in 2785
accordance with the provisions of the Revised Code for placement 2786
on the official ballot of a primary, general, or special election 2787
to be held in this state, or any qualified person who claims to be 2788
a write-in candidate, or who knowingly assents to being 2789
represented as a write-in candidate by another at either a 2790
primary, general, or special election to be held in this state. 2791

(I) "Independent candidate" means any candidate who claims 2792
not to be affiliated with a political party, and whose name has 2793
been certified on the office-type ballot at a general or special 2794
election through the filing of a statement of candidacy and 2795
nominating petition, as prescribed in section 3513.257 of the 2796
Revised Code. 2797

(J) "Nonpartisan candidate" means any candidate whose name is 2798
required, pursuant to section 3505.04 of the Revised Code, to be 2799
listed on the nonpartisan ballot, including all candidates for 2800
judicial office, for member of any board of education, for 2801
municipal or township offices in which primary elections are not 2802
held for nominating candidates by political parties, and for 2803
offices of municipal corporations having charters that provide for 2804
separate ballots for elections for these offices. 2805

(K) "Party candidate" means any candidate who claims to be a 2806
member of a political party, whose name has been certified on the 2807
office-type ballot at a general or special election through the 2808
filing of a declaration of candidacy and petition of candidate, 2809
and who has won the primary election of the candidate's party for 2810
the public office the candidate seeks or is selected by party 2811
committee in accordance with section 3513.31 of the Revised Code. 2812

(L) "Officer of a political party" includes, but is not 2813
limited to, any member, elected or appointed, of a controlling 2814
committee, whether representing the territory of the state, a 2815
district therein, a county, township, a city, a ward, a precinct, 2816
or other territory, of a major, intermediate, or minor political 2817
party. 2818

(M) "Question or issue" means any question or issue certified 2819
in accordance with the Revised Code for placement on an official 2820
ballot at a general or special election to be held in this state. 2821

(N) "Elector" or "qualified elector" means a person having 2822

the qualifications provided by law to be entitled to vote.	2823
(O) "Voter" means an elector who votes at an election.	2824
(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.	2825 2826 2827
(Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place.	2828 2829 2830 2831
(R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.	2832 2833 2834
(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.	2835 2836 2837
(T) "Political subdivision" means a county, township, city, village, or school district.	2838 2839
(U) "Election officer" or "election official" means any of the following:	2840 2841
(1) Secretary of state;	2842
(2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;	2843 2844 2845 2846
(3) Director of a board of elections;	2847
(4) Deputy director of a board of elections;	2848
(5) Member of a board of elections;	2849
(6) Employees of a board of elections;	2850

(7) Precinct polling place judges and clerks;	2851
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	2852 2853
(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.	2854 2855 2856 2857 2858 2859 2860
(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.	2861 2862 2863 2864
(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health, the department of mental retardation and developmental disabilities, the rehabilitation services commission, and any other agency the secretary of state designates. "Designated agency" does not include public high schools and vocational schools, public libraries, or the office of a county treasurer.	2865 2866 2867 2868 2869 2870 2871 2872 2873 2874 2875 2876 2877 2878 2879 2880
(Y) "National Voter Registration Act of 1993" means the	2881

"National Voter Registration Act of 1993," 107 Stat. 77, 42	2882
U.S.C.A. 1973gg.	2883
(Z) "Voting Rights Act of 1965" means the "Voting Rights Act	2884
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended.	2885
<u>(AA) "Photo identification" means a document that meets each</u>	2886
<u>of the following requirements:</u>	2887
<u>(1) It shows the name of the individual to whom it was</u>	2888
<u>issued, which shall conform to the name in the poll list or</u>	2889
<u>signature pollbook.</u>	2890
<u>(2) It shows the current address of the individual to whom it</u>	2891
<u>was issued, which shall conform to the address in the poll list or</u>	2892
<u>signature pollbook, except for a driver's license or a state</u>	2893
<u>identification card issued under section 4507.50 of the Revised</u>	2894
<u>Code, which may show either the current or former address of the</u>	2895
<u>individual to whom it was issued, regardless of whether that</u>	2896
<u>address conforms to the address in the poll list or signature</u>	2897
<u>pollbook.</u>	2898
<u>(3) It shows a photograph of the individual to whom it was</u>	2899
<u>issued.</u>	2900
<u>(4) It includes an expiration date that has not passed.</u>	2901
<u>(5) It was issued by the government of the United States or</u>	2902
<u>this state.</u>	2903
Sec. 3501.05. The secretary of state shall do all of the	2904
following:	2905
(A) Appoint all members of boards of elections;	2906
(B) Issue instructions by directives and advisories to	2907
members of the boards as to the proper methods of conducting	2908
elections + . <u>In addition to any other publication of those</u>	2909
<u>directives and advisories, the secretary of state shall publish</u>	2910

those directives and advisories on a web site of the office of the 2911
secretary of state as soon as is practicable after they are 2912
issued, but not later than the close of business on the same day 2913
as a directive or advisory is issued. The secretary of state shall 2914
not remove from the web site any directives and advisories so 2915
posted. The secretary of state shall provide on that web site 2916
access to all directives and advisories currently in effect and to 2917
an archive of all directives and advisories previously published 2918
on that web site. 2919

(C) Prepare rules and instructions for the conduct of 2920
elections; 2921

(D) Publish and furnish to the boards from time to time a 2922
sufficient number of indexed copies of all election laws then in 2923
force; 2924

(E) Edit and issue all pamphlets concerning proposed laws or 2925
amendments required by law to be submitted to the voters; 2926

(F) Prescribe the form of registration cards, blanks, and 2927
records; 2928

(G) Determine and prescribe the forms of ballots and the 2929
forms of all blanks, cards of instructions, pollbooks, tally 2930
sheets, certificates of election, and forms and blanks required by 2931
law for use by candidates, committees, and boards; 2932

(H) Prepare the ballot title or statement to be placed on the 2933
ballot for any proposed law or amendment to the constitution to be 2934
submitted to the voters of the state; 2935

(I) Certify to the several boards the forms of ballots and 2936
names of candidates for state offices, and the form and wording of 2937
state referendum questions and issues, as they shall appear on the 2938
ballot; 2939

(J) Give final approval to ballot language for any local 2940

question or issue approved and transmitted by boards of elections	2941
under section 3501.11 of the Revised Code;	2942
(K) Receive all initiative and referendum petitions on state	2943
questions and issues and determine and certify to the sufficiency	2944
of those petitions;	2945
(L) Require such reports from the several boards as are	2946
provided by law, or as the secretary of state considers necessary;	2947
(M) Compel the observance by election officers in the several	2948
counties of the requirements of the election laws;	2949
(N)(1) Except as otherwise provided in division (N)(2) of	2950
this section, investigate the administration of election laws,	2951
frauds, and irregularities in elections in any county, and report	2952
violations of election laws to the attorney general or prosecuting	2953
attorney, or both, for prosecution;	2954
(2) On and after August 24, 1995, report a failure to comply	2955
with or a violation of a provision in sections 3517.08 to 3517.13,	2956
3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the	2957
Revised Code, whenever the secretary of state has or should have	2958
knowledge of a failure to comply with or a violation of a	2959
provision in one of those sections, by filing a complaint with the	2960
Ohio elections commission under section 3517.153 of the Revised	2961
Code;	2962
(O) Make an annual report to the governor containing the	2963
results of elections, the cost of elections in the various	2964
counties, a tabulation of the votes in the several political	2965
subdivisions, and other information and recommendations relative	2966
to elections the secretary of state considers desirable;	2967
(P) Prescribe and distribute to boards of elections a list of	2968
instructions indicating all legal steps necessary to petition	2969
successfully for local option elections under sections 4301.32 to	2970

4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 2971

~~(Q) Prescribe a general program~~ Adopt rules pursuant to 2972
Chapter 119. of the Revised Code to require each board of 2973
elections to remove ineligible voters from official registration 2974
lists by reason of change of the statewide voter registration 2975
database and, if already prepared for a particular election, from 2976
the poll list or signature pollbook used in each precinct, which 2977
rules shall provide for all of the following: 2978

(1) A process for the removal of voters who have changed 2979
residence, which shall be uniform, nondiscriminatory, and in 2980
compliance with the Voting Rights Act of 1965 and the National 2981
Voter Registration Act of 1993, including a program that uses the 2982
national change of address service provided by the United States 2983
postal system through its licensees; 2984

(2) A process for the removal of ineligible voters under 2985
section 3503.21 of the Revised Code; 2986

(3) A uniform system for marking or removing the name of an 2987
ineligible voter from the statewide voter registration database 2988
and, if already prepared for a particular election, from the poll 2989
list or signature pollbook used in each precinct and noting the 2990
reason for that mark or removal. 2991

(R) Prescribe a general program for registering voters or 2992
updating voter registration information, such as name and 2993
residence changes, at designated agencies, the offices of deputy 2994
registrars of motor vehicles, public high schools and vocational 2995
schools, public libraries, and the offices of county treasurers, 2996
and prescribe a program of distribution of voter registration 2997
forms through those agencies, the offices of the registrar and 2998
deputy registrars of motor vehicles, public high schools and 2999
vocational schools, public libraries, and the offices of county 3000
treasurers; 3001

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

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

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

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

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

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

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

~~(W)(V)~~ Establish a computerized statewide database of all legally registered voters under section 3503.15 of the Revised Code that complies with the requirements of the "Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666, and provide training in the operation of that system;

(W) Ensure that all directives, advisories, other instructions, or decisions issued or made during or as a result of

any conference or teleconference call with a board of elections to 3032
discuss the proper methods and procedures for conducting 3033
elections, to answer questions regarding elections, or to discuss 3034
the interpretation of directives, advisories, or other 3035
instructions issued by the secretary of state are posted on a web 3036
site of the office of the secretary of state as soon as is 3037
practicable after the completion of the conference or 3038
teleconference call, but not later than the close of business on 3039
the same day as the conference or teleconference call takes place. 3040

(X) Publish a report on a web site of the office of the 3041
secretary of state not later than one month after the completion 3042
of the canvass of the election returns for each primary and 3043
general election, identifying, by county, the number of absent 3044
voter's ballots cast and the number of those ballots that were 3045
counted, and the number of provisional ballots cast and the number 3046
of those ballots that were counted, for that election. The 3047
secretary of state shall maintain the information on the web site 3048
in an archive format for each subsequent election. 3049

(Y) Conduct voter education outlining voter identification 3050
requirements; 3051

(Z) Establish a procedure by which a registered elector may 3052
update the elector's signature used in the poll list or signature 3053
pollbook produced by the board of elections of the county in which 3054
the elector resides; 3055

(AA) Perform other duties required by law. 3056

Whenever a primary election is held under section 3513.32 of 3057
the Revised Code or a special election is held under section 3058
3521.03 of the Revised Code to fill a vacancy in the office of 3059
representative to congress, the secretary of state shall establish 3060
a deadline, notwithstanding any other deadline required under the 3061
Revised Code, by which any or all of the following shall occur: 3062

the filing of a declaration of candidacy and petitions or a 3063
statement of candidacy and nominating petition together with the 3064
applicable filing fee; the filing of protests against the 3065
candidacy of any person filing a declaration of candidacy or 3066
nominating petition; the filing of a declaration of intent to be a 3067
write-in candidate; the filing of campaign finance reports; the 3068
preparation of, and the making of corrections or challenges to, 3069
precinct voter registration lists; the receipt of applications for 3070
absent voter's ballots or armed service absent voter's ballots; 3071
the supplying of election materials to precincts by boards of 3072
elections; the holding of hearings by boards of elections to 3073
consider challenges to the right of a person to appear on a voter 3074
registration list; and the scheduling of programs to instruct or 3075
reinstruct election officers. 3076

In the performance of the secretary of state's duties as the 3077
chief election officer, the secretary of state may administer 3078
oaths, issue subpoenas, summon witnesses, compel the production of 3079
books, papers, records, and other evidence, and fix the time and 3080
place for hearing any matters relating to the administration and 3081
enforcement of the election laws. 3082

In any controversy involving or arising out of the adoption 3083
of registration or the appropriation of funds for registration, 3084
the secretary of state may, through the attorney general, bring an 3085
action in the name of the state in the court of common pleas of 3086
the county where the cause of action arose or in an adjoining 3087
county, to adjudicate the question. 3088

In any action involving the laws in Title XXXV of the Revised 3089
Code wherein the interpretation of those laws is in issue in such 3090
a manner that the result of the action will affect the lawful 3091
duties of the secretary of state or of any board of elections, the 3092
secretary of state may, on the secretary of state's motion, be 3093
made a party. 3094

The secretary of state may apply to any court that is hearing 3095
a case in which the secretary of state is a party, for a change of 3096
venue as a substantive right, and the change of venue shall be 3097
allowed, and the case removed to the court of common pleas of an 3098
adjoining county named in the application or, if there are cases 3099
pending in more than one jurisdiction that involve the same or 3100
similar issues, the court of common pleas of Franklin county. 3101

Public high schools and vocational schools, public libraries, 3102
and the office of a county treasurer shall implement voter 3103
registration programs as directed by the secretary of state 3104
pursuant to this section. 3105

Sec. 3501.052. (A) The secretary of state shall not serve as 3106
campaign treasurer or in any other official capacity for any 3107
campaign committee for any state or local office other than an 3108
office to which the secretary of state is seeking election. 3109

(B) The secretary of state shall not serve as campaign 3110
treasurer or in any other official capacity for any principal 3111
campaign committee or other authorized committee for any federal 3112
office other than an office to which the secretary of state is 3113
seeking election. 3114

(C) The secretary of state shall not serve as a treasurer or 3115
in any other official capacity for any committee named in an 3116
initiative petition, any committee named in a referendum petition, 3117
any person making disbursements for the direct costs of producing 3118
or airing electioneering communications, or any other committee 3119
regulated under Chapter 3517. of the Revised Code. 3120

(D) The attorney general shall not serve as a treasurer or in 3121
any other official capacity for any committee named in an 3122
initiative petition or any committee named in a referendum 3123
petition. 3124

<u>(E) As used in this section:</u>	3125
<u>(1) "Authorized committee" and "principal campaign committee"</u>	3126
<u>have the same meanings as in the Federal Election Campaign Act.</u>	3127
<u>(2) "Campaign committee," "campaign treasurer," and "Federal</u>	3128
<u>Election Campaign Act" have the same meanings as in section</u>	3129
<u>3517.01 of the Revised Code.</u>	3130
<u>(3) "Electioneering communication" has the same meaning as in</u>	3131
<u>section 3517.1011 of the Revised Code.</u>	3132
Sec. 3501.10. (A) The board of elections shall, as an expense	3133
of the board, provide suitable rooms for its offices and records	3134
and the necessary and proper furniture and supplies for those	3135
rooms. The board may lease such offices and rooms, necessary to	3136
its operation, for the length of time and upon the terms the board	3137
deems in the best interests of the public, provided that the term	3138
of any such lease shall not exceed fifteen years.	3139
Thirty days prior to entering into such a lease, the board	3140
shall notify the board of county commissioners in writing of its	3141
intent to enter into the lease. The notice shall specify the terms	3142
and conditions of the lease. Prior to the thirtieth day after	3143
receiving that notice and before any lease is entered into, the	3144
board of county commissioners may reject the proposed lease by a	3145
majority vote. After receiving written notification of the	3146
rejection by the board of county commissioners, the board of	3147
elections shall not enter into the lease that was rejected, but	3148
may immediately enter into additional lease negotiations, subject	3149
to the requirements of this section.	3150
The board of elections in any county may, by resolution,	3151
request that the board of county commissioners submit to the	3152
electors of the county, in accordance with section 133.18 of the	3153
Revised Code, the question of issuing bonds for the acquisition of	3154

real estate and the construction on it of a suitable building with
necessary furniture and equipment for the proper administration of
the duties of the board of elections. The resolution declaring the
necessity for issuing such bonds shall relate only to the
acquisition of real estate and to the construction, furnishing,
and equipping of a building as provided in this division.

(B) The board of elections in each county shall keep its
offices, or one or more of its branch registration offices, open
for the performance of its duties until nine p.m. on the last day
of registration before a general or primary election. At all other
times during each week, the board shall keep its offices and rooms
open for a period of time that the board considers necessary for
the performance of its duties.

(C) The board of elections may maintain permanent or
temporary branch offices at any place within the county, provided
that, if the board of elections permits electors to vote at a
branch office, electors shall not be permitted to vote at any
other branch office or any other office of the board of elections.

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

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

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

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

(D) Appoint and remove its director, deputy director, and 3185
employees and all registrars, judges, and other officers of 3186
elections, fill vacancies, and designate the ward or district and 3187
precinct in which each shall serve; 3188

(E) Make and issue rules and instructions, not inconsistent 3189
with law or the rules, directives, or advisories issued by the 3190
secretary of state, as it considers necessary for the guidance of 3191
election officers and voters; 3192

(F) Advertise and contract for the printing of all ballots 3193
and other supplies used in registrations and elections; 3194

(G) Provide for the issuance of all notices, advertisements, 3195
and publications concerning elections, except as otherwise 3196
provided in division (G) of section 3501.17 of the Revised Code; 3197

(H) Provide for the delivery of ballots, pollbooks, and other 3198
required papers and material to the polling places; 3199

(I) Cause the polling places to be suitably provided with 3200
voting machines, marking devices, automatic tabulating equipment, 3201
stalls, and other required supplies. In fulfilling this duty, 3202
each board of a county that uses voting machines, marking devices, 3203
or automatic tabulating equipment shall conduct a full vote of the 3204
board during a public session of the board on the allocation and 3205
distribution of voting machines, marking devices, and automatic 3206
tabulating equipment for each precinct in the county. 3207

(J) Investigate irregularities, nonperformance of duties, or 3208
violations of Title XXXV of the Revised Code by election officers 3209
and other persons; administer oaths, issue subpoenas, summon 3210
witnesses, and compel the production of books, papers, records, 3211
and other evidence in connection with any such investigation; and 3212
report the facts to the prosecuting attorney; 3213

(K) Review, examine, and certify the sufficiency and validity 3214

of petitions and nomination papers, and, after certification,	3215
return to the secretary of state all petitions and nomination	3216
papers that the secretary of state forwarded to the board;	3217
(L) Receive the returns of elections, canvass the returns,	3218
make abstracts of them, and transmit those abstracts to the proper	3219
authorities;	3220
(M) Issue certificates of election on forms to be prescribed	3221
by the secretary of state;	3222
(N) Make an annual report to the secretary of state, on the	3223
form prescribed by the secretary of state, containing a statement	3224
of the number of voters registered, elections held, votes cast,	3225
appropriations received, expenditures made, and other data	3226
required by the secretary of state;	3227
(O) Prepare and submit to the proper appropriating officer a	3228
budget estimating the cost of elections for the ensuing fiscal	3229
year;	3230
(P) Perform other duties as prescribed by law or the rules,	3231
directives, or advisories of the secretary of state;	3232
(Q) Investigate and determine the residence qualifications of	3233
electors;	3234
(R) Administer oaths in matters pertaining to the	3235
administration of the election laws;	3236
(S) Prepare and submit to the secretary of state, whenever	3237
the secretary of state requires, a report containing the names and	3238
residence addresses of all incumbent county, municipal, township,	3239
and board of education officials serving in their respective	3240
counties;	3241
(T) Establish and maintain a voter registration of all	3242
qualified electors in the county who offer to register;	3243
(U) Maintain voter registration records, make reports	3244

concerning voter registration as required by the secretary of 3245
state, and remove ineligible electors from voter registration 3246
lists in accordance with law and directives of the secretary of 3247
state; 3248

~~(V) At least annually, on a schedule and in a format 3249
prescribed by the secretary of state, submit to the secretary of 3250
state an accurate and current list of all registered voters in the 3251
county for the purpose of assisting the secretary of state to 3252
maintain a master list of registered voters pursuant to section 3253
3503.27 of the Revised Code; 3254~~

~~(W)~~ Give approval to ballot language for any local question 3255
or issue and transmit the language to the secretary of state for 3256
the secretary of state's final approval; 3257

~~(X)~~(W) Prepare and cause the following notice to be displayed 3258
in a prominent location in every polling place: 3259

"NOTICE 3260

Ohio law prohibits any person from voting or attempting to 3261
vote more than once at the same election. 3262

Violators are guilty of a felony of the fourth degree and 3263
shall be imprisoned and additionally may be fined in accordance 3264
with law." 3265

(X) In all cases of a tie vote or a disagreement in the 3266
board, if no decision can be arrived at, the director or 3267
chairperson shall submit the matter in controversy, not later than 3268
fourteen days after the tie vote or the disagreement, to the 3269
secretary of state, who shall summarily decide the question, and 3270
the secretary of state's decision shall be final. 3271

(Y) Assist each designated agency, deputy registrar of motor 3272
vehicles, public high school and vocational school, public 3273
library, and office of a county treasurer in the implementation of 3274

a program for registering voters at all voter registration 3275
locations as prescribed by the secretary of state. Under this 3276
program, each board of elections shall direct to the appropriate 3277
board of elections any voter registration applications for persons 3278
residing outside the county where the board is located within five 3279
days after receiving the applications. 3280

(Z) On any day on which an elector may vote in person at the 3281
office of the board or at another site designated by the board, 3282
consider the board or other designated site ~~shall be considered~~ a 3283
polling place for that day, ~~and all~~. All requirements or 3284
prohibitions of law that apply to a polling place shall apply to 3285
the office of the board or other designated site on that day. 3286

Sec. 3501.13. (A) The director of the board of elections 3287
shall keep a full and true record of the proceedings of the board 3288
and of all moneys received and expended; file and preserve in ~~its~~ 3289
the board's office all orders and records pertaining to the 3290
administration of registrations, primaries, and elections; receive 3291
and have the custody of all books, papers, and property belonging 3292
to the board; and ~~shall~~ perform ~~such~~ other duties in connection 3293
with ~~his~~ the office of director and the proper conduct of 3294
elections as the board determines. 3295

(B) Before entering upon the duties of ~~his~~ the office, the 3296
director shall subscribe to an oath that ~~he~~ the director will 3297
support the ~~constitutions~~ Constitution of the United States and ~~of~~ 3298
~~this state~~ the Ohio Constitution, perform all the duties of the 3299
~~director~~ office to the best of ~~his~~ the director's ability, enforce 3300
the election laws, and preserve all records, documents, and other 3301
property pertaining to the conduct of elections placed in ~~his~~ the 3302
director's custody. 3303

(C) The director may administer oaths to ~~such~~ persons ~~as are~~ 3304
required by law to file certificates or other papers with the 3305

board, to judges ~~and clerks~~ of elections, to witnesses who are 3306
called to testify before the board, and to voters filling out 3307
blanks at the board's offices. Except as otherwise provided by 3308
state or federal law, the records of the board and papers and 3309
books filed in its office are public records and open to 3310
inspection under such reasonable regulations as shall be 3311
established by the board. The following notice shall be posted in 3312
a prominent place at each board office: 3313

"Except as otherwise provided by state or federal law, 3314
records filed in this office of the board of elections are open to 3315
public inspection during normal office hours, pursuant to the 3316
following reasonable regulations: (the board shall here list its 3317
regulations). Whoever prohibits any person from inspecting the 3318
public records of this board is subject to the penalties of 3319
section 3599.161 of the Revised Code." 3320

(D) Upon receipt of a written declaration of intent to retire 3321
as provided for in section 145.38 of the Revised Code, the 3322
director shall provide a copy to each member of the board of 3323
elections. 3324

Sec. 3501.17. (A) The expenses of the board of elections 3325
shall be paid from the county treasury, in pursuance of 3326
appropriations by the board of county commissioners, in the same 3327
manner as other county expenses are paid. If the board of county 3328
commissioners fails to appropriate an amount sufficient to provide 3329
for the necessary and proper expenses of the board of elections 3330
pertaining to the conduct of elections, the board of elections may 3331
apply to the court of common pleas within the county, which shall 3332
fix the amount necessary to be appropriated and the amount shall 3333
be appropriated. Payments shall be made upon vouchers of the board 3334
of elections certified to by its chairperson or acting chairperson 3335
and the director or deputy director, upon warrants of the county 3336

auditor. 3337

The board of elections shall not incur any obligation 3338
involving the expenditure of money unless there are moneys 3339
sufficient in the funds appropriated therefor to meet the 3340
obligation ~~as required in division (D) of section 5705.41 of the~~ 3341
~~Revised Code~~. If the board of elections requests a transfer of 3342
funds from one of its appropriation items to another, the board of 3343
county commissioners shall adopt a resolution providing for the 3344
transfer except as otherwise provided in section 5705.40 of the 3345
Revised Code. The expenses of the board of elections shall be 3346
apportioned among the county and the various subdivisions as 3347
provided in this section, and the amount chargeable to each 3348
subdivision shall be withheld by the auditor from the moneys 3349
payable thereto at the time of the next tax settlement. At the 3350
time of submitting budget estimates in each year, the board of 3351
elections shall submit to the taxing authority of each 3352
subdivision, upon the request of the subdivision, an estimate of 3353
the amount to be withheld from the subdivision during the next 3354
fiscal year. 3355

(B) Except as otherwise provided in division (F) of this 3356
section, the entire compensation of the members of the board of 3357
elections and of the director, deputy director, and other 3358
employees in the board's offices; the expenditures for the rental, 3359
furnishing, and equipping of the office of the board and for the 3360
necessary office supplies for the use of the board; the 3361
expenditures for the acquisition, repair, care, and custody of the 3362
polling places, booths, guardrails, and other equipment for 3363
polling places; the cost of pollbooks, tally sheets, maps, flags, 3364
ballot boxes, and all other permanent records and equipment; the 3365
cost of all elections held in and for the state and county; and 3366
all other expenses of the board which are not chargeable to a 3367
political subdivision in accordance with this section shall be 3368

paid in the same manner as other county expenses are paid. 3369

(C) The compensation of judges and clerks of elections; the 3370
cost of renting, moving, heating, and lighting polling places and 3371
of placing and removing ballot boxes and other fixtures and 3372
equipment thereof; the cost of printing and delivering ballots, 3373
cards of instructions, and other election supplies; and all other 3374
expenses of conducting primaries and elections in the odd-numbered 3375
years shall be charged to the subdivisions in and for which such 3376
primaries or elections are held. The charge for each primary or 3377
general election in odd-numbered years for each subdivision shall 3378
be determined in the following manner: first, the total cost of 3379
all chargeable items used in conducting such elections shall be 3380
ascertained; second, the total charge shall be divided by the 3381
number of precincts participating in such election, in order to 3382
fix the cost per precinct; third, the cost per precinct shall be 3383
prorated by the board of elections to the subdivisions conducting 3384
elections for the nomination or election of offices in such 3385
precinct; fourth, the total cost for each subdivision shall be 3386
determined by adding the charges prorated to it in each precinct 3387
within the subdivision. 3388

(D) The entire cost of special elections held on a day other 3389
than the day of a primary or general election, both in 3390
odd-numbered or in even-numbered years, shall be charged to the 3391
subdivision. Where a special election is held on the same day as a 3392
primary or general election in an even-numbered year, the 3393
subdivision submitting the special election shall be charged only 3394
for the cost of ballots and advertising. Where a special election 3395
is held on the same day as a primary or general election in an 3396
odd-numbered year, the subdivision submitting the special election 3397
shall be charged for the cost of ballots and advertising for such 3398
special election, in addition to the charges prorated to such 3399
subdivision for the election or nomination of candidates in each 3400

precinct within the subdivision, as set forth in the preceding
paragraph.

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(E) Where a special election is held on the day specified by
division (E) of section 3501.01 of the Revised Code for the
holding of a primary election, for the purpose of submitting to
the voters of the state constitutional amendments proposed by the
general assembly, and a subdivision conducts a special election on
the same day, the entire cost of the special election shall be
divided proportionally between the state and the subdivision based
upon a ratio determined by the number of issues placed on the
ballot by each, except as otherwise provided in division (G) of
this section. Such proportional division of cost shall be made
only to the extent funds are available for such purpose from
amounts appropriated by the general assembly to the secretary of
state. If a primary election is also being conducted in the
subdivision, the costs shall be apportioned as otherwise provided
in this section.

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

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

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(H) The cost of renting, heating, and lighting registration
places; the cost of the necessary books, forms, and supplies for
the conduct of registration; and the cost of printing and posting

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precinct registration lists shall be charged to the subdivision in 3432
which such registration is held. 3433

(I) As used in this section, "statewide ballot issue" means 3434
any ballot issue, whether proposed by the general assembly or by 3435
initiative or referendum, that is submitted to the voters 3436
throughout the state. 3437

Sec. 3501.19. (A) Except as otherwise provided in division 3438
(C) of this section, on each of the following dates, the board of 3439
elections shall send a notice by nonforwardable mail to each 3440
elector who is registered to vote in a precinct in which an 3441
election will be conducted: 3442

(1) The sixtieth day before the day of any special election 3443
that may be held on the first Tuesday after the first Monday in 3444
August, 2006; 3445

(2) The sixtieth day before the day of the 2006 general 3446
election; 3447

(3) The sixtieth day before the day of the 2008 primary 3448
election; 3449

(4) The sixtieth day before the day of the 2008 general 3450
election. 3451

(B) The notice required under division (A) of this section 3452
shall include each of the following: 3453

(1) The day of the election; 3454

(2) The location of the polling place for the precinct in 3455
which the elector is registered to vote; 3456

(3) A reminder, which shall be indicated in bold type, 3457
stating as follows: 3458

"Voters must bring identification to the polls in order to 3459
verify identity. Identification may include a current and valid 3460

photo identification, a military identification that shows the 3461
voter's name and current address, or a copy of a current utility 3462
bill, bank statement, government check, paycheck, or other 3463
government document, other than this reminder or a voter 3464
registration notification, that shows the voter's name and current 3465
address. Voters who do not provide one of these documents will 3466
still be able to vote by providing the last four digits of the 3467
voter's social security number and by casting a provisional 3468
ballot. Voters who do not have any of the above forms of 3469
identification, including a social security number, will still be 3470
able to vote by signing an affirmation swearing to the voter's 3471
identity under penalty of election falsification and by casting a 3472
provisional ballot." 3473

(C) If the notice sent under division (A) of this section is 3474
returned undelivered to the board, the board shall cause the 3475
elector's name in the official registration list and in the poll 3476
list or signature pollbook for that elector's precinct to be 3477
marked to indicate that the notice was returned to the board. 3478

At the first election at which an elector whose name has been 3479
so marked appears to vote, the elector shall be required to 3480
provide identification to the election officials. 3481

If the elector provides to the election officials a current 3482
and valid photo identification, a military identification that 3483
shows the voter's name and current address, or a copy of a current 3484
utility bill, bank statement, government check, paycheck, or other 3485
government document, other than a notice of an election mailed by 3486
a board of elections under section 3501.19 of the Revised Code or 3487
a notice of an election mailed by a board of elections under 3488
division (A) of this section or a notice of voter registration 3489
notification mailed by a board of elections under section 3503.19 3490
of the Revised Code, the voter shall be permitted to cast a ballot 3491
in accordance with division (B) of section 3505.18 of the Revised 3492

Code. The board shall correct that elector's registration, if 3493
needed, and shall remove the indication that the elector's notice 3494
was returned from that elector's name on the official registration 3495
list and on the poll list or signature pollbook. 3496

If the elector provides to the election officials a photo 3497
identification that does not contain the elector's current 3498
address, if the elector provides the last four digits of the 3499
elector's social security number, if the elector is unable to 3500
provide any of the required forms of identification, if the 3501
elector refuses to provide any of the required forms of 3502
identification, or if the elector executes an affirmation under 3503
division (A)(4) of section 3505.18 of the Revised Code, the 3504
elector shall be permitted to vote by provisional ballot under 3505
section 3505.181 of the Revised Code. If the provisional ballot is 3506
counted pursuant to division (B)(3) of section 3505.183 of the 3507
Revised Code, the board shall correct that elector's registration, 3508
if needed, and shall remove the indication that the elector's 3509
notice was returned from that elector's name on the official 3510
registration list and on the poll list or signature pollbook. 3511

(D) No board of elections shall be required to mail a notice 3512
under division (A) of this section to any elector who registered 3513
to vote within thirty days prior to the date for mailing the 3514
notice under that division. 3515

(E) A notice mailed to an elector under division (A) of this 3516
section shall not be considered a government document that 3517
contains the voter's name and current address for the purpose of 3518
providing identification under sections 3503.14, 3503.16, 3503.19, 3519
3503.28, 3505.18, 3505.181, 3505.182, 3505.183, 3509.03, 3509.031, 3520
3509.04, 3509.05, 3511.02, and 3511.09 of the Revised Code. 3521

Sec. 3501.26. When the polls are closed after a primary, 3522
general, or special election, the receiving officials shall, in 3523

the presence of the counting officials and attending witnesses	3524
<u>observers</u> , proceed as follows:	3525
(A) Count the number of electors who voted, as shown on the	3526
poll books ; <u>i</u>	3527
(B) Count the unused ballots without removing stubs ; <u>i</u>	3528
(C) Count the soiled and defaced ballots ; <u>i</u>	3529
(D) Insert the totals of divisions (A), (B), and (C) of this	3530
section on the report forms provided therefor in the poll books ; <u>i</u>	3531
(E) Count the voted ballots. If the number of voted ballots	3532
exceeds the number of voters whose names appear upon the poll	3533
books, the presiding judge shall enter on the poll books an	3534
explanation of such that <u>that</u> discrepancy, and such that <u>that</u> explanation,	3535
if agreed to, shall be subscribed to by all of the judges. Any	3536
judge having a different explanation shall enter it in the poll	3537
books and subscribe to it.	3538
(F) Put the unused ballots with stubs attached, and soiled	3539
and defaced ballots with stubs attached, in the envelopes or	3540
containers provided therefor, and certify the number.	3541
The receiving officials shall deliver to and place in the	3542
custody of the counting officials all the supplies provided for	3543
the conduct of such that <u>that</u> election and the ballots which that <u>that</u> are	3544
to be counted and tallied, and take a receipt for <u>the</u> same, which	3545
receipt shall appear in and be a part of the poll books of such	3546
precinct. Having performed their duties, the receiving officials	3547
shall immediately depart.	3548
Having receipted for the ballots, the counting officials	3549
shall proceed to count and tally the vote as cast in the manner	3550
prescribed by section 3505.27 of the Revised Code and certify the	3551
result of the election to the board of elections.	3552
Sec. 3501.30. (A) The board of elections shall provide for	3553

each polling place the necessary ballot boxes, official ballots, 3554
cards of instructions, registration forms, pollbooks or poll 3555
lists, tally sheets, forms on which to make summary statements, 3556
writing implements, paper, and all other supplies necessary for 3557
casting and counting the ballots and recording the results of the 3558
voting at the polling place. The pollbooks or poll lists shall 3559
have certificates appropriately printed on them for the signatures 3560
of all the precinct officials, by which they shall certify that, 3561
to the best of their knowledge and belief, the pollbooks or poll 3562
lists correctly show the names of all electors who voted in the 3563
polling place at the election indicated in the ~~pollbook~~ pollbooks 3564
or poll ~~list~~ lists. 3565

All of the following shall be included among the supplies 3566
provided to each polling place: 3567

(1) A large map of each appropriate precinct, which shall be 3568
displayed prominently to assist persons who desire to register or 3569
vote on election day. Each map shall show all streets within the 3570
precinct and contain identifying symbols of the precinct in bold 3571
print. 3572

(2) Any materials, postings, or instructions required to 3573
comply with state or federal laws; 3574

(3) A flag of the United States approximately two and 3575
one-half feet in length along the top, which shall be displayed 3576
outside the entrance to the polling place during the time it is 3577
open for voting; 3578

(4) Two or more small flags of the United States 3579
approximately fifteen inches in length along the top, which shall 3580
be placed at a distance of one hundred feet from the polling place 3581
on the thoroughfares or walkways leading to the polling place, to 3582
mark the distance within which persons other than election 3583
officials, ~~witnesses, challengers~~ observers, police officers, and 3584

electors waiting to mark, marking, or casting their ballots shall 3585
not loiter, congregate, or engage in any kind of election 3586
campaigning. Where small flags cannot reasonably be placed one 3587
hundred feet from the polling place, the presiding election judge 3588
shall place the flags as near to one hundred feet from the 3589
entrance to the polling place as is physically possible. Police 3590
officers and all election officials shall see that this 3591
prohibition against loitering and congregating is enforced. 3592

When the period of time during which the polling place is 3593
open for voting expires, all of the flags described in this 3594
division shall be taken into the polling place, and shall be 3595
returned to the board together with all other election supplies 3596
required to be delivered to the board. 3597

(B) The board of elections shall follow the instructions and 3598
advisories of the secretary of state in the production and use of 3599
polling place supplies. 3600

Sec. 3501.33. All judges of election shall enforce peace and 3601
good order in and about the place of registration or election. 3602
They shall especially keep the place of access of the electors to 3603
the polling place open and unobstructed and prevent and stop any 3604
improper practices or attempts tending to obstruct, intimidate, or 3605
interfere with any elector in registering or voting. They shall 3606
protect ~~challengers and witnesses~~ observers against molestation 3607
and violence in the performance of their duties, and may eject 3608
from the polling place any ~~such challenger or witness~~ observer for 3609
violation of any provision of Title XXXV of the Revised Code. They 3610
shall prevent riots, violence, tumult, or ~~the~~ disorder. In the 3611
discharge of these duties, they may call upon the sheriff, police, 3612
or other peace officers to aid them in enforcing the law. They may 3613
order the arrest of any person violating ~~such title~~ Title XXXV of 3614
the Revised Code, but such an arrest shall not prevent ~~such the~~ 3615

person from registering or voting if ~~he~~ the person is entitled to 3616
do so. The sheriff, all constables, police officers, and other 3617
officers of the peace shall immediately obey and aid in the 3618
enforcement of any lawful order made by the precinct election 3619
officials in the enforcement of ~~such title~~ Title XXXV of the 3620
Revised Code. 3621

Sec. 3501.35. (A) During an election and the counting of the 3622
ballots, no person shall ~~loiter or~~ do any of the following: 3623

(1) Loiter, congregate, or engage in any kind of election 3624
campaigning within the area between the polling place and the 3625
small flags of the United States placed on the thoroughfares and 3626
walkways leading to the polling place, and if the line of electors 3627
waiting to vote extends beyond those small flags, within ten feet 3628
of any elector in that line; ~~in~~ 3629

(2) In any manner hinder or delay an elector in reaching or 3630
leaving the place fixed for casting ~~his~~ the elector's ballot; 3631
~~within such distance give,~~ 3632

(3) Give, tender, or exhibit any ballot or ticket to any 3633
person other than ~~his~~ the elector's own ballot to the judge of 3634
election within the area between the polling place and the small 3635
flags of the United States placed on the thoroughfares and 3636
walkways leading to the polling place, and if the line of electors 3637
waiting to vote extends beyond those small flags, within ten feet 3638
of any elector in that line; ~~exhibit~~ 3639

(4) Exhibit any ticket or ballot which ~~he~~ the elector intends 3640
to cast; ~~or solicit~~ 3641

(5) Solicit or in any manner attempt to influence any elector 3642
in casting ~~his~~ the elector's vote. ~~No~~ 3643

(B) Except as otherwise provided in division (C) of section 3644
3503.23 of the Revised Code, no person, ~~who is~~ not an election 3645

official, employee, ~~witness, challenger~~ observer, or police 3646
officer, shall be allowed to enter the polling place during the 3647
election, except for the purpose of voting or assisting another 3648
person to vote as provided in section 3505.24 of the Revised Code. 3649
~~No~~ 3650

(C) No more electors shall be allowed to approach the voting 3651
shelves at any time than there are voting shelves provided. ~~The~~ 3652

(D) The judges of election and the police officer shall 3653
strictly enforce the observance of this section. 3654

Sec. 3501.38. All declarations of candidacy, nominating 3655
petitions, or other petitions presented to or filed with the 3656
secretary of state or a board of elections or with any other 3657
public office for the purpose of becoming a candidate for any 3658
nomination or office or for the holding of an election on any 3659
issue shall, in addition to meeting the other specific 3660
requirements prescribed in the sections of the Revised Code 3661
relating to them, be governed by the following rules: 3662

(A) Only electors qualified to vote on the candidacy or issue 3663
which is the subject of the petition shall sign a petition. Each 3664
signer shall be a registered elector pursuant to section 3503.11 3665
of the Revised Code. The facts of qualification shall be 3666
determined as of the date when the petition is filed. 3667

(B) Signatures shall be affixed in ink. Each signer may also 3668
print the signer's name, so as to clearly identify the signer's 3669
signature. 3670

(C) Each signer shall place on the petition after the 3671
signer's name the date of signing and the location of the signer's 3672
voting residence, including the street and number if in a 3673
municipal corporation or the rural route number, post office 3674
address, or township if outside a municipal corporation. The 3675

voting address given on the petition shall be the address 3676
appearing in the registration records at the board of elections. 3677

(D) ~~No~~ Except as otherwise provided in section 3501.382 of 3678
the Revised Code, no person shall write any name other than the 3679
person's own on any petition. ~~No~~ Except as otherwise provided in 3680
section 3501.382 of the Revised Code, no person may authorize 3681
another to sign for the person. If a petition contains the 3682
signature of an elector two or more times, only the first 3683
signature shall be counted. 3684

(E)(1) On each petition paper, the circulator shall indicate 3685
the number of signatures contained on it, and shall sign a 3686
statement made under penalty of election falsification that the 3687
circulator witnessed the affixing of every signature, that all 3688
signers were to the best of the circulator's knowledge and belief 3689
qualified to sign, and that every signature is to the best of the 3690
circulator's knowledge and belief the signature of the person 3691
whose signature it purports to be or of an attorney in fact acting 3692
pursuant to section 3501.382 of the Revised Code. On the 3693
circulator's statement for a declaration of candidacy, or 3694
nominating petition, ~~or declaration of intent to be a write in~~ 3695
~~candidate~~ for a person seeking to become a statewide candidate or 3696
for a statewide initiative or a statewide referendum petition, the 3697
circulator shall identify the circulator's name, the address of 3698
the circulator's permanent resident, and the name and address of 3699
the person employing the circulator to circulate the petition, if 3700
any. 3701

(2) As used in division (E) of this section, "statewide 3702
candidate" means the joint candidates for the offices of governor 3703
and lieutenant governor or a candidate for the office of secretary 3704
of state, auditor of state, treasurer of state, or attorney 3705
general. 3706

(F) ~~If~~ Except as otherwise provided in section 3501.382 of 3707
the Revised Code, if a circulator knowingly permits an unqualified 3708
person to sign a petition paper or permits a person to write a 3709
name other than the person's own on a petition paper, that 3710
petition paper is invalid; otherwise, the signature of a person 3711
not qualified to sign shall be rejected but shall not invalidate 3712
the other valid signatures on the paper. 3713

(G) The circulator of a petition may, before filing it in a 3714
public office, strike from it any signature the circulator does 3715
not wish to present as a part of the petition. 3716

(H) Any signer of a petition or an attorney in fact acting 3717
pursuant to section 3501.382 of the Revised Code on behalf of a 3718
signer may remove the signer's signature from that petition at any 3719
time before the petition is filed in a public office by striking 3720
the signer's name from the petition; no signature may be removed 3721
after the petition is filed in any public office. 3722

(I)(1) No alterations, corrections, or additions may be made 3723
to a petition after it is filed in a public office. 3724

(2) No petition may be withdrawn after it is filed in a 3725
public office. Nothing in this division prohibits a person from 3726
withdrawing as a candidate as otherwise provided by law. 3727

(J) All declarations of candidacy, nominating petitions, or 3728
other petitions under this section shall be accompanied by the 3729
following statement in boldface capital letters: WHOEVER COMMITS 3730
ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE. 3731

(K) All separate petition papers shall be filed at the same 3732
time, as one instrument. 3733

(L) If a board of elections distributes for use a petition 3734
form for a declaration of candidacy, nominating petition, 3735
~~declaration of intent to be a write-in candidate,~~ or any type of 3736

question or issue petition that does not satisfy the requirements 3737
of law as of the date of that distribution, the board shall not 3738
invalidate the petition on the basis that the petition form does 3739
not satisfy the requirements of law, if the petition otherwise is 3740
valid. Division (L) of this section applies only if the candidate 3741
received the petition from the board within ninety days of when 3742
the petition is required to be filed. 3743

Sec. 3501.382. (A)(1) A registered voter who, by reason of 3744
disability, is unable to physically sign the voter's name as a 3745
candidate, signer, or circulator on a declaration of candidacy and 3746
petition, nominating petition, other petition, or other document 3747
under Title XXXV of the Revised Code may authorize a legally 3748
competent resident of this state who is eighteen years of age or 3749
older as an attorney in fact to sign that voter's name to the 3750
petition or other election document, at the voter's direction and 3751
in the voter's presence, in accordance with either of the 3752
following procedures: 3753

(a) The voter may file with the board of elections of the 3754
voter's county of residence a notarized form that includes or has 3755
attached all of the following: 3756

(i) The name of the voter who is authorizing an attorney in 3757
fact to sign petitions or other election documents on that voter's 3758
behalf, at the voter's direction and in the voter's presence; 3759

(ii) An attestation of the voter that the voter, by reason of 3760
disability, is unable to sign physically petitions or other 3761
election documents and that the voter desires the attorney in fact 3762
to sign them on the voter's behalf, at the direction of the voter 3763
and in the voter's presence; 3764

(iii) The name, residence address, date of birth, and, if 3765
applicable, Ohio supreme court registration number of the attorney 3766
in fact authorized to sign on the voter's behalf, at the voter's 3767

direction and in the voter's presence. A photocopy of the attorney 3768
in fact's driver's license or state identification card issued 3769
under section 4507.50 of the Revised Code shall be attached to the 3770
notarized form. 3771

(iv) The form of the signature that the attorney in fact will 3772
use in signing petitions or other election documents on the 3773
voter's behalf, at the voter's direction and in the voter's 3774
presence. 3775

(b) The voter may acknowledge, before an election official, 3776
and file with the board of elections of the voter's county of 3777
residence a form that includes or has attached all of the 3778
following: 3779

(i) The name of the voter who is authorizing an attorney in 3780
fact to sign petitions or other election documents on that voter's 3781
behalf, at the voter's direction and in the voter's presence; 3782

(ii) An attestation of the voter that the voter, by reason of 3783
disability, is physically unable to sign petitions or other 3784
election documents and that the voter desires the attorney in fact 3785
to sign them on the voter's behalf, at the direction of the voter 3786
and in the voter's presence; 3787

(iii) An attestation from a licensed physician that the voter 3788
is disabled and, by reason of that disability, is physically 3789
unable to sign petitions or other election documents; 3790

(iv) The name, residence address, date of birth, and, if 3791
applicable, Ohio supreme court registration number of the attorney 3792
in fact authorized to sign on the voter's behalf, at the voter's 3793
direction and in the voter's presence. A photocopy of the attorney 3794
in fact's driver's license or state identification card issued 3795
under section 4507.50 of the Revised Code shall be attached to the 3796
notarized form. 3797

(v) The form of the signature that the attorney in fact will use in signing petitions or other election documents on the voter's behalf, at the voter's direction and in the voter's presence. 3798
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(2) In addition to performing customary notarial acts with respect to the power of attorney form described in division (A)(1)(a) of this section, the notary public shall acknowledge that the voter in question affirmed in the presence of the notary public the information listed in divisions (A)(1)(a)(i), (ii), and (iii) of this section. A notary public shall not perform any notarial acts with respect to such a power of attorney form unless the voter first gives such an affirmation. Only a notary public satisfying the requirements of section 147.01 of the Revised Code may perform notarial acts with respect to such a power of attorney form. 3802
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(B) A board of elections that receives a form under division (A)(1) of this section from a voter shall do both of the following: 3813
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(1) Use the signature provided in accordance with division (A)(1)(a)(iv) or (A)(1)(b)(v) of this section for the purpose of verifying the voter's signature on all declarations of candidacy and petitions, nominating petitions, other petitions, or other documents signed by that voter under Title XXXV of the Revised Code; 3816
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(2) Cause the poll list or signature pollbook for the relevant precinct to identify the voter in question as having authorized an attorney in fact to sign petitions or other election documents on the voter's behalf, at the voter's direction and in the voter's presence. 3822
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(C) Notwithstanding division (D) of section 3501.38 or any other provision of the Revised Code to the contrary, an attorney 3827
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in fact authorized to sign petitions or other election documents 3829
on a disabled voter's behalf, at the direction of and in the 3830
presence of that voter, in accordance with division (A) of this 3831
section may sign that voter's name to any petition or other 3832
election document under Title XXXV of the Revised Code after the 3833
power of attorney has been filed with the board of elections in 3834
accordance with division (A)(1) of this section. The signature 3835
shall be deemed to be that of the disabled voter, and the voter 3836
shall be deemed to be the signer. 3837

(D)(1) Notwithstanding division (F) of section 3501.38 or any 3838
other provision of the Revised Code to the contrary, the 3839
circulator of a petition may knowingly permit an attorney in fact 3840
to sign the petition on a disabled voter's behalf, at the 3841
direction of and in the presence of that voter, in accordance with 3842
division (A)(1) of this section. 3843

(2) Notwithstanding division (F) of section 3501.38 or any 3844
other provision of the Revised Code to the contrary, no petition 3845
paper shall be invalidated on the ground that the circulator 3846
knowingly permitted an attorney in fact to write a name other than 3847
the attorney in fact's own name on a petition paper, if that 3848
attorney in fact signed the petition on a disabled voter's behalf, 3849
at the direction of and in the presence of that voter, in 3850
accordance with division (C) of this section. 3851

(E) The secretary of state shall prescribe the form and 3852
content of the form for the power of attorney prescribed under 3853
division (A)(1) of this section and also shall prescribe the form 3854
and content of a distinct form to revoke such a power of attorney. 3855

(F) As used in this section, "unable to physically sign" 3856
means that the person with a disability cannot comply with the 3857
provisions of section 3501.011 of the Revised Code. A person is 3858
not "unable to physically sign" if the person is able to comply 3859

with section 3501.011 through reasonable accommodation, including 3860
the use of assistive technology or augmentative devices. 3861

Sec. 3501.39. (A) The secretary of state or a board of 3862
elections shall accept any petition described in section 3501.38 3863
of the Revised Code unless one of the following occurs: 3864

(1) A written protest against the petition or candidacy, 3865
naming specific objections, is filed, a hearing is held, and a 3866
determination is made by the election officials with whom the 3867
protest is filed that the petition is invalid, in accordance with 3868
any section of the Revised Code providing a protest procedure. 3869

(2) A written protest against the petition or candidacy, 3870
naming specific objections, is filed, a hearing is held, and a 3871
determination is made by the election officials with whom the 3872
protest is filed that the petition violates any requirement 3873
established by law. 3874

(3) The candidate's candidacy or the petition violates the 3875
requirements of this chapter, Chapter 3513. of the Revised Code, 3876
or any other requirements established by law. 3877

(B) Except as otherwise provided in division (C) of this 3878
section or section 3513.052 of the Revised Code, a board of 3879
elections shall not invalidate any declaration of candidacy or 3880
nominating petition under division (A)(3) of this section after 3881
the fiftieth day prior to the election at which the candidate 3882
seeks nomination to office, if the candidate filed a declaration 3883
of candidacy, or election to office, if the candidate filed a 3884
nominating petition. 3885

(C)(1) If a petition is filed for the nomination or election 3886
of a candidate in a charter municipal corporation with a filing 3887
deadline that occurs after the seventy-fifth day before the day of 3888
the election, a board of elections may invalidate the petition 3889

within fifteen days after the date of that filing deadline. 3890

(2) If a petition for the nomination or election of a 3891
candidate is invalidated under division (C)(1) of this section, 3892
that person's name shall not appear on the ballots for any office 3893
for which the person's petition has been invalidated. If the 3894
ballots have already been prepared, the board of elections shall 3895
remove the name of that person from the ballots to the extent 3896
practicable in the time remaining before the election. If the name 3897
is not removed from the ballots before the day of the election, 3898
the votes for that person are void and shall not be counted. 3899

Sec. 3501.90. (A) As used in this section: 3900

(1) "Harassment in violation of the election law" means 3901
either of the following: 3902

(a) Any of the following types of conduct in or about a 3903
polling place or a place of registration or election: obstructing 3904
access of an elector to a polling place; another improper practice 3905
or attempt tending to obstruct, intimidate, or interfere with an 3906
elector in registering or voting at a place of registration or 3907
election; molesting or otherwise engaging in violence against 3908
observers in the performance of their duties at a place of 3909
registration or election; or participating in a riot, violence, 3910
tumult, or disorder in and about a place of registration or 3911
election; 3912

(b) A violation of division (A)(1), (2), (3), or (5) or 3913
division (B) of section 3501.35 of the Revised Code. 3914

(2) "Person" has the same meaning as in division (C) of 3915
section 1.59 of the Revised Code and also includes any 3916
organization that is not otherwise covered by that division. 3917

(3) "Trier of fact" means the jury or, in a nonjury action, 3918
the court. 3919

(B) An elector who has experienced harassment in violation of the election law has a cause of action against each person that committed the harassment in violation of the election law. In any civil action based on this cause of action, the elector may seek a declaratory judgment, an injunction, or other appropriate equitable relief. The civil action may be commenced by an elector who has experienced harassment in violation of the election law either alone or as a party to a class action under Civil Rule 23.

(C)(1) In addition to the equitable relief authorized by division (B) of this section, an elector who has experienced harassment in violation of the election law may be entitled to relief under division (C)(2) or (3) of this section.

(2) If the harassment in violation of the election law involved intentional or reckless threatening or causing of bodily harm to the elector while the elector was attempting to register to vote, to obtain an absent voter's ballot, or to vote, the elector may seek, in a civil action based on the cause of action created by division (B) of this section, monetary damages as prescribed in this division. The civil action may be commenced by the elector who has experienced harassment in violation of the election law either alone or as a party to a class action under Civil Rule 23. Upon proof by a preponderance of the evidence in the civil action that the harassment in violation of the election law involved intentional or reckless threatening or causing of bodily harm to the elector, the trier of fact shall award the elector the greater of three times of the amount of the elector's actual damages or one thousand dollars. The court also shall award a prevailing elector reasonable attorney's fees and court costs.

(3) Whether a civil action on the cause of action created by division (B) of this section is commenced by an elector who has experienced harassment in violation of the election law alone or as a party to a class action under Civil Rule 23, if the defendant

in the action is an organization that has previously been 3952
determined in a court of this state to have engaged in harassment 3953
in violation of the election law, the elector may seek an order of 3954
the court granting any of the following forms of relief upon proof 3955
by a preponderance of the evidence: 3956

(a) Divestiture of the organization's interest in any 3957
enterprise or in any real property; 3958

(b) Reasonable restrictions upon the future activities or 3959
investments of the organization, including, but not limited to, 3960
prohibiting the organization from engaging in any harassment in 3961
violation of the election law; 3962

(c) The dissolution or reorganization of the organization; 3963

(d) The suspension or revocation of any license, permit, or 3964
prior approval granted to the organization by any state agency; 3965

(e) The revocation of the organization's authorization to do 3966
business in this state if the organization is a foreign 3967
corporation or other form of foreign entity. 3968

(D) It shall not be a defense in a civil action based on the 3969
cause of action created by division (B) of this section, whether 3970
commenced by an elector who has experienced harassment in 3971
violation of the election law alone or as a party to a class 3972
action under Civil Rule 23, that no criminal prosecution was 3973
commenced or conviction obtained in connection with the conduct 3974
alleged to be the basis of the civil action. 3975

(E) In a civil action based on the cause of action created by 3976
division (B) of this section, whether commenced by an elector who 3977
has experienced harassment in violation of the election law alone 3978
or as a party to a class action under Civil Rule 23, the elector 3979
may name as defendants each individual who engaged in conduct 3980
constituting harassment in violation of the election law as well 3981

as any person that employs, sponsors, or uses as an agent any such 3982
individual or that has organized a common scheme to cause 3983
harassment in violation of the election law. 3984

Sec. 3503.02. All registrars and judges of elections, in 3985
determining the residence of a person offering to register or 3986
vote, shall be governed by the following rules: 3987

(A) That place shall be considered the residence of a person 3988
in which the person's habitation is fixed and to which, whenever 3989
the person is absent, the person has the intention of returning. 3990

(B) A person shall not be considered to have lost the 3991
person's residence who leaves the person's home and goes into 3992
another state or county of this state, for temporary purposes 3993
only, with the intention of returning. 3994

(C) A person shall not be considered to have gained a 3995
residence in any county of this state into which the person comes 3996
for temporary purposes only, without the intention of making such 3997
county the permanent place of abode. 3998

(D) The place where the family of a married ~~man or woman~~ 3999
person resides shall be considered to be ~~his or her~~ the person's 4000
place of residence; except that when the ~~husband and wife~~ spouses 4001
have separated and live apart, the place where ~~he or she~~ such a 4002
spouse resides the length of time required to entitle a person to 4003
vote shall be considered to be ~~his or her~~ the spouse's place of 4004
residence. 4005

(E) If a person removes to another state with the intention 4006
of making such state the person's residence, the person shall be 4007
considered to have lost the person's residence in this state. 4008

(F) Except as otherwise provided in division (G) of this 4009
section, if a person removes from this state and continuously 4010
resides outside this state for a period of four years or more, the 4011

person shall be considered to have lost the person's residence in 4012
this state, notwithstanding the fact that the person may entertain 4013
an intention to return at some future period. 4014

(G) If a person removes from this state to engage in the 4015
services of the United States government, the person shall not be 4016
considered to have lost the person's residence in this state 4017
during the period of such service, and likewise should the person 4018
enter the employment of the state, the place where such person 4019
resided at the time of the person's removal shall be considered to 4020
be the person's place of residence. 4021

(H) If a person goes into another state and while there 4022
exercises the right of a citizen by voting, the person shall be 4023
considered to have lost the person's residence in this state. 4024

(I) If a person does not have a fixed place of habitation, 4025
but has a shelter or other location at which the person has been a 4026
consistent or regular inhabitant and to which the person has the 4027
intention of returning, that shelter or other location shall be 4028
deemed the person's residence for the purpose of registering to 4029
vote. 4030

Sec. 3503.06. (A) No person shall be entitled to vote at any 4031
election, or to sign or circulate any declaration of candidacy or 4032
any nominating, ~~initiative, referendum,~~ or recall petition, unless 4033
the person is registered as an elector and will have resided in 4034
the county and precinct where the person is registered for at 4035
least thirty days at the time of the next election. 4036

(B)(1) No person shall be entitled to circulate any 4037
initiative or referendum petition unless the person is a resident 4038
of this state. 4039

(2) All election officials, in determining the residence of a 4040
person circulating a petition under division (B)(1) of this 4041

section, shall be governed by the following rules:

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(a) That place shall be considered the residence of a person
in which the person's habitation is fixed and to which, whenever
the person is absent, the person has the intention of returning.

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(b) A person shall not be considered to have lost the
person's residence who leaves the person's home and goes into
another state for temporary purposes only, with the intention of
returning.

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(c) A person shall not be considered to have gained a
residence in any county of this state into which the person comes
for temporary purposes only, without the intention of making that
county the permanent place of abode.

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(d) If a person removes to another state with the intention
of making that state the person's residence, the person shall be
considered to have lost the person's residence in this state.

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(e) Except as otherwise provided in division (B)(2)(f) of
this section, if a person removes from this state and continuously
resides outside this state for a period of four years or more, the
person shall be considered to have lost the person's residence in
this state, notwithstanding the fact that the person may entertain
an intention to return at some future period.

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(f) If a person removes from this state to engage in the
services of the United States government, the person shall not be
considered to have lost the person's residence in this state
during the period of that service, and likewise should the person
enter the employment of the state, the place where that person
resided at the time of the person's removal shall be considered to
be the person's place of residence.

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(g) If a person goes into another state and, while there,
exercises the right of a citizen by voting, the person shall be

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considered to have lost the person's residence in this state.

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(C) No person shall be entitled to sign any initiative or referendum petition unless the person is registered as an elector and will have resided in the county and precinct where the person is registered for at least thirty days at the time of the next election.

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Sec. 3503.11. When any person applies for a driver's license, commercial driver's license, a state of Ohio identification card issued under section 4507.50 of the Revised Code, or motorcycle operator's license or endorsement, or the renewal or duplicate of any license or endorsement under Chapter 4506. or 4507. of the Revised Code, the registrar of motor vehicles or deputy registrar shall offer the applicant the opportunity to register to vote or to update ~~his or her~~ the applicant's voter registration. The registrar of motor vehicles or deputy registrar also shall make available to all other customers voter registration applications ~~or~~ and change of residence ~~or~~ and change of name ~~applications,~~ forms, but is not required to offer assistance to these customers in completing ~~the~~ a voter registration application or other form.

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The registrar or deputy registrar shall send any completed registration application or any completed change of residence ~~and~~ or change of name ~~notice form~~ notice form to the board of elections of the county in which the office of the registrar or deputy registrar is located, within five days after accepting the application or ~~notice other form.~~

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The registrar shall collect from each deputy registrar through the reports filed under division (J) of section 4503.03 of the Revised Code and transmit to the secretary of state information on the number of voter registration applications and change of residence or change of name ~~notices forms~~ forms completed or

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declined, and any additional information required by the secretary 4103
of state to comply with the National Voter Registration Act of 4104
1993. No information relating to an applicant's decision to 4105
decline to register or update ~~his or her~~ the applicant's voter 4106
registration at the office of the registrar or deputy registrar 4107
may be used for any purpose other than voter registration 4108
record-keeping required by the secretary of state, and all such 4109
information shall be kept confidential. 4110

The secretary of state shall prescribe voter registration 4111
applications and change of residence and change of name ~~notices~~ 4112
forms for use by the bureau of motor vehicles. The bureau of motor 4113
vehicles shall supply all of its deputy registrars with a 4114
sufficient number of voter registration applications and change of 4115
residence and change of name ~~notices~~ forms. 4116

Sec. 3503.13. (A) ~~Except as provided in division (C) of this~~ 4117
~~section, registration forms shall consist of original and~~ 4118
~~duplicate cards or loose leaf pages as prescribed by the secretary~~ 4119
~~of state. When such registration forms have been filled out and~~ 4120
~~filed in the office of the board of elections, the original forms~~ 4121
~~shall be filed together in one file and the duplicate forms shall~~ 4122
~~be filed together in another file. Except as otherwise provided in~~ 4123
~~division (D) of this section, the original forms shall be filed by~~ 4124
~~precincts and shall constitute the precinct register for use in~~ 4125
~~polling places on election day. The duplicate forms shall be filed~~ 4126
~~alphabetically and shall constitute the permanent office record of~~ 4127
~~the board. It shall not be removed from the office of the board~~ 4128
~~except upon the order of a court.~~ 4129

(B) Except as otherwise provided by state or federal law, ~~the~~ 4130
registration ~~records~~ forms submitted by applicants and the 4131
statewide voter registration database established under section 4132
3503.15 of the Revised Code shall be open to public inspection at 4133

all times when the office of the board of elections is open for 4134
business, under such regulations as the board adopts, provided 4135
that no person shall be permitted to inspect ~~such records~~ voter 4136
registration forms except in the presence of an employee of the 4137
board. 4138

~~(C) The board of elections of a county that adopts or has 4139
adopted electronic data processing for the registration of 4140
qualified electors of the county may use a single registration 4141
form complying with the requirements of division (A) of this 4142
section. The information contained on the form may be duplicated 4143
on punch cards, magnetic tape, discs, diskettes, or such other 4144
media as are compatible with the data processing system adopted by 4145
the board and may constitute the permanent office record in lieu 4146
of the duplicate registration card. 4147~~

~~(D) Instead of using the original registration forms as the 4148
precinct register in the polling places on election day as 4149
provided in division (A) of this section, a 4150~~

~~(B) A board of elections that has adopted electronic data 4151
processing may use a legible digitized signature list of voter 4152
signatures, copied from the signatures on the registration forms 4153
in a form and manner prescribed by the secretary of state, 4154
provided that the board ~~continues to record and maintain at the~~ 4155
~~board office the information obtained from the form prescribed~~ 4156
~~under section 3503.14 includes the required voter registration~~ 4157
information in the statewide voter registration database 4158
established under section 3503.15 of the Revised Code, and 4159
provided that the precinct election officials have computer 4160
printouts at the polls ~~containing any necessary information~~ 4161
~~specified by the secretary of state that would otherwise be~~ 4162
~~available to them on the registration forms prepared in the manner~~ 4163
required under section 3503.23 of the Revised Code. 4164~~

Sec. 3503.14. (A) The secretary of state shall prescribe the 4165
form and content of the registration ~~and~~ change of residence, and 4166
change of name ~~form~~ forms used in this state. The ~~form~~ forms shall 4167
~~set forth the eligibility requirements needed to qualify as an~~ 4168
~~elector and~~ meet the requirements of the National Voter 4169
Registration Act of 1993 and shall include spaces for all of the 4170
following: 4171

(1) The voter's name; 4172

(2) The voter's address; 4173

(3) The current date; 4174

(4) The voter's date of birth; 4175

(5) The voter to provide one or more of the following: 4176

(a) The voter's driver's license number, if any; 4177

(b) The last four digits of the voter's social security 4178
number, if any; 4179

(c) A copy of a current and valid photo identification, a 4180
copy of a military identification that shows the voter's name and 4181
current address, or a copy of a current utility bill, bank 4182
statement, government check, paycheck, or other government 4183
document, other than a notice of an election mailed by a board of 4184
elections under section 3501.19 of the Revised Code or a notice of 4185
voter registration mailed by a board of elections under section 4186
3503.19 of the Revised Code, that shows the voter's name and 4187
address. 4188

(6) The voter's signature. The 4189

The registration form shall include a space on which the 4190
person registering an applicant shall sign the person's name and 4191
provide the person's address and a space on which the person 4192
registering an applicant shall name the employer who is employing 4193

that person to register the applicant. ~~No election official or~~ 4194
~~employee of a designated agency who is~~ 4195

Except for forms prescribed by the secretary of state under 4196
section 3503.11 of the Revised Code, the secretary of state shall 4197
permit boards of elections to produce forms that have subdivided 4198
spaces for each individual alphanumeric character of the 4199
information provided by the voter so as to accommodate the 4200
electronic reading and conversion of the voter's information to 4201
data and the subsequent electronic transfer of that data to the 4202
statewide voter registration database established under section 4203
3503.15 of the Revised Code. 4204

(B) None of the following persons who are registering an 4205
applicant in the course of that official's or employee's normal 4206
duties shall be required to sign the election official's or 4207
employee's person's name, provide the person's address, or to name 4208
the employer who is employing the election official or employee 4209
person to register an applicant on a form prepared under this 4210
section: 4211

- (1) An election official; 4212
- (2) A county treasurer; 4213
- (3) A deputy registrar of motor vehicles; 4214
- (4) An employee of a designated agency; 4215
- (5) An employee of a public high school; 4216
- (6) An employee of a public vocational school; 4217
- (7) An employee of a public library; 4218
- (8) An employee of the office of a county treasurer; 4219
- (9) An employee of the bureau of motor vehicles; 4220
- (10) An employee of a deputy registrar of motor vehicles; 4221
- (11) An employee of an election official. 4222

~~(B) Any~~ (C) Except as provided in section 3501.382 of the 4223
Revised Code, any applicant who is unable to sign the applicant's 4224
own name shall make an "X," if possible, which shall be certified 4225
by the signing of the name of the applicant by the person filling 4226
out the form, who shall add the person's own signature. If an 4227
applicant is unable to make an "X," the applicant shall indicate 4228
in some manner that the applicant desires to register to vote or 4229
to change the applicant's name or residence. The person 4230
registering the applicant shall sign the form and attest that the 4231
applicant indicated that the applicant desired to register to vote 4232
or to change the applicant's name or residence. 4233

~~(C)(D)~~ No registration ~~and,~~ change of residence ~~and, or~~ 4234
change of name form shall be rejected solely on the basis that a 4235
person registering an applicant failed to sign the person's name 4236
or failed to name the employer who is employing that person to 4237
register the applicant as required under division (A) of this 4238
section. 4239

~~(D)(E)~~ As used in this section, "registering an applicant" 4240
includes any effort, for compensation, to provide voter 4241
registration forms or to assist persons in completing or returning 4242
those forms ~~or returning them to the board of elections, the~~ 4243
~~office of the secretary of state, or another appropriate public~~ 4244
~~office.~~ 4245

Sec. 3503.15. (A) The secretary of state shall establish and 4246
maintain a statewide voter registration database that shall be 4247
continuously available to each board of elections and to other 4248
agencies as authorized by law. 4249

(B) The statewide voter registration database established 4250
under this section shall be the official list of registered voters 4251
for all elections conducted in this state. 4252

(C) The statewide voter registration database established 4253
under this section shall, at a minimum, include all of the 4254
following: 4255

(1) An electronic network that connects all board of 4256
elections offices with the office of the secretary of state and 4257
with the offices of all other boards of elections; 4258

(2) A computer program that harmonizes the records contained 4259
in the database with records maintained by each board of 4260
elections; 4261

(3) An interactive computer program that allows access to the 4262
records contained in the database by each board of elections and 4263
by any persons authorized by the secretary of state to add, 4264
delete, modify, or print database records, and to conduct updates 4265
of the database; 4266

(4) A search program capable of verifying registered voters 4267
and their registration information by name, driver's license 4268
number, birth date, social security number, or current address; 4269

(5) Safeguards and components to ensure that the integrity, 4270
security, and confidentiality of the voter registration 4271
information is maintained. 4272

(D) The secretary of state shall adopt rules pursuant to 4273
Chapter 119. of the Revised Code doing all of the following: 4274

(1) Specifying the manner in which existing voter 4275
registration records maintained by boards of elections shall be 4276
converted to electronic files for inclusion in the statewide voter 4277
registration database; 4278

(2) Establishing a uniform method for entering voter 4279
registration records into the statewide voter registration 4280
database on an expedited basis, but not less than once per day, if 4281
new registration information is received; 4282

<u>(3) Establishing a uniform method for purging canceled voter registration records from the statewide voter registration database in accordance with section 3503.21 of the Revised Code;</u>	4283
	4284
	4285
<u>(4) Specifying the persons authorized to add, delete, modify, or print records contained in the statewide voter registration database and to make updates of that database;</u>	4286
	4287
	4288
<u>(5) Establishing a process for annually auditing the information contained in the statewide voter registration database.</u>	4289
	4290
	4291
<u>(E) A board of elections promptly shall purge a voter's name and voter registration information from the statewide voter registration database in accordance with the rules adopted by the secretary of state under division (D)(3) of this section after the cancellation of a voter's registration under section 3503.21 of the Revised Code.</u>	4292
	4293
	4294
	4295
	4296
	4297
<u>(F) The secretary of state shall provide training in the operation of the statewide voter registration database to each board of elections and to any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database.</u>	4298
	4299
	4300
	4301
	4302
<u>(G)(1) The statewide voter registration database established under this section shall be made available on a web site of the office of the secretary of state as follows:</u>	4303
	4304
	4305
<u>(a) Except as otherwise provided in division (G)(1)(b) of this section, only the following information from the statewide voter registration database regarding a registered voter shall be made available on the web site:</u>	4306
	4307
	4308
	4309
<u>(i) The voter's name;</u>	4310
<u>(ii) The voter's address;</u>	4311
<u>(iii) The voter's precinct number;</u>	4312

(iv) The voter's voting history. 4313

(b) During the thirty days before the day of a primary or 4314
general election, the web site interface of the statewide voter 4315
registration database shall permit a voter to search for the 4316
polling location at which that voter may cast a ballot. 4317

(2) The secretary of state shall establish, by rule adopted 4318
under Chapter 119. of the Revised Code, a process for boards of 4319
elections to notify the secretary of state of changes in the 4320
locations of precinct polling places for the purpose of updating 4321
the information made available on the secretary of state's web 4322
site under division (G)(1)(b) of this section. Those rules shall 4323
require a board of elections, during the thirty days before the 4324
day of a primary or general election, to notify the secretary of 4325
state within one business day of any change to the location of a 4326
precinct polling place within the county. 4327

(3) During the thirty days before the day of a primary or 4328
general election, not later than one business day after receiving 4329
a notification from a county pursuant to division (G)(2) of this 4330
section that the location of a precinct polling place has changed, 4331
the secretary of state shall update that information on the 4332
secretary of state's web site for the purpose of division 4333
(G)(1)(b) of this section. 4334

Sec. 3503.16. (A) Whenever a registered elector changes the 4335
place of residence of that registered elector from one precinct to 4336
another within a county or from one county to another, or has a 4337
change of name, that registered elector shall report the change by 4338
delivering a change of residence or change of name form, whichever 4339
is appropriate, as prescribed by the secretary of state under 4340
section 3503.14 of the Revised Code to the state or local office 4341
of a designated agency, a public high school or vocational school, 4342
a public library, the office of the county treasurer, the office 4343

of the secretary of state, any office of the registrar or deputy 4344
registrar of motor vehicles, or any office of a board of elections 4345
in person or by a third person. Any voter registration, change of 4346
address, or change of name application, returned by mail, may be 4347
sent only to the secretary of state or the board of elections. 4348

A registered elector also may update the registration of that 4349
registered elector by filing a change of residence or change of 4350
name form on the day of a special, primary, or general election at 4351
the polling place in the precinct in which that registered elector 4352
resides or at the board of elections or at another site designated 4353
by the board. 4354

(B)(1)(a) Any registered elector who moves within a precinct 4355
~~or changes the name of that registered elector and remains within~~ 4356
~~a precinct~~ on or prior to the day of a general, primary, or 4357
special election and has not filed a notice of change of residence 4358
~~or change of name, whichever is appropriate,~~ with the board of 4359
elections may vote in that election by going to that registered 4360
elector's assigned polling place, completing and signing a notice 4361
of change of residence ~~or change of name, whichever is~~ 4362
appropriate, showing identification in the form of a current and 4363
valid photo identification, a military identification that shows 4364
the voter's name and current address, or a copy of a current 4365
utility bill, bank statement, government check, paycheck, or other 4366
government document, other than a notice of an election mailed by 4367
a board of elections under section 3501.19 of the Revised Code or 4368
a notice of voter registration mailed by a board of elections 4369
under section 3503.19 of the Revised Code, that shows the name and 4370
current address of the elector,and casting a ballot. If the 4371
elector provides either a driver's license or a state 4372
identification card issued under section 4507.50 of the Revised 4373
Code that does not contain the elector's current residence 4374
address, the elector shall provide the last four digits of the 4375

elector's driver's license number or state identification card 4376
number, and the precinct election official shall mark the poll 4377
list or signature pollbook to indicate that the elector has 4378
provided a driver's license or state identification card number 4379
with a former address and record the last four digits of the 4380
elector's driver's license number or state identification card 4381
number. 4382

(b) Any registered elector who changes the name of that 4383
registered elector and remains within a precinct on or prior to 4384
the day of a general, primary, or special election and has not 4385
filed a notice of change of name with the board of elections may 4386
vote in that election by going to that registered elector's 4387
assigned polling place, completing and signing a notice of a 4388
change of name, and casting a provisional ballot under section 4389
3505.181 of the Revised Code. 4390

(2) Any registered elector who moves from one precinct to 4391
another within a county or moves from one precinct to another and 4392
changes the name of that registered elector on or prior to the day 4393
of a general, primary, or special election and has not filed a 4394
notice of change of residence or change of name, whichever is 4395
appropriate, with the board of elections may vote in that election 4396
if that registered elector complies with division (G) of this 4397
section or does all of the following: 4398

(a) Appears at anytime during regular business hours on or 4399
after the twenty-eighth day prior to the election in which that 4400
registered elector wishes to vote, or, if the election is held on 4401
the day of a presidential primary election, the twenty-fifth day 4402
prior to the election, through noon of the Saturday prior to the 4403
election ~~or~~ at the office of the board of elections, appears at 4404
any time during regular business hours on the Monday prior to the 4405
election at the office of the board of elections, or appears on 4406
the day of the election at either of the following locations: 4407

(i) The polling place in the precinct in which that 4408
registered elector resides; 4409

(ii) ~~The location designated by the board of elections, which~~ 4410
~~shall be the office of the board or another appropriate site~~ 4411
~~designated by the board in the county in which that registered~~ 4412
~~elector resides~~ of elections or, if pursuant to division (C) of 4413
section 3501.10 of the Revised Code the board has designated 4414
another location in the county at which registered electors may 4415
vote, at that other location instead of the office of the board of 4416
elections. 4417

(b) Completes and signs, under penalty of election 4418
falsification, a notice of change of residence or change of name, 4419
whichever is appropriate, and files it with election officials at 4420
the polling place, at the office of the board of elections, ~~or at~~ 4421
~~the site designated by the board~~ or, if pursuant to division (C) 4422
of section 3501.10 of the Revised Code the board has designated 4423
another location in the county at which registered electors may 4424
vote, at that other location instead of the office of the board of 4425
elections, whichever is appropriate; 4426

(c) Votes a provisional ballot under section 3505.181 of the 4427
Revised Code at the polling place, at the office of the board of 4428
elections, ~~or at the site designated by the board~~ or, if pursuant 4429
to division (C) of section 3501.10 of the Revised Code the board 4430
has designated another location in the county at which registered 4431
electors may vote, at that other location instead of the office of 4432
the board of elections, whichever is appropriate, by absent 4433
~~voter's ballots~~ using the address to which that registered elector 4434
has moved or the name of that registered elector as changed, 4435
whichever is appropriate; 4436

(d) Completes and signs, under penalty of election 4437
falsification, a statement attesting that that registered elector 4438

4439 moved or had a change of name, whichever is appropriate, on or
4440 prior to the day of the election, has voted a provisional ballot
4441 at the polling place in the precinct in which that registered
4442 elector resides, at the office of the board of elections, ~~or at~~
4443 ~~the site designated by the board~~ or, if pursuant to division (C)
4444 of section 3501.10 of the Revised Code the board has designated
4445 another location in the county at which registered electors may
4446 vote, at that other location instead of the office of the board of
4447 elections, whichever is appropriate, and will not vote or attempt
4448 to vote at any other location for that particular election. The
4449 statement required under division (B)(2)(d) of this section shall
4450 be included on the notice of change of residence or change of
4451 name, whichever is appropriate, required under division (B)(2)(b)
4452 of this section.

(C) Any registered elector who moves from one county to 4453
another county within the state on or prior to the day of a 4454
general, primary, or special election and has not registered to 4455
vote in the county to which that registered elector moved may vote 4456
in that election if that registered elector complies with division 4457
(G) of this section or does all of the following: 4458

(1) Appears at any time during regular business hours on or 4459
after the twenty-eighth day prior to the election in which that 4460
registered elector wishes to vote, ~~or~~ if the election is held on 4461
the day of a presidential primary election, the twenty-fifth day 4462
prior to the election, through noon of the Saturday prior to the 4463
election ~~or~~ at the office of the board of elections or, if 4464
pursuant to division (C) of section 3501.10 of the Revised Code 4465
the board has designated another location in the county at which 4466
registered electors may vote, at that other location instead of 4467
the office of the board of elections, appears during regular 4468
business hours on the Monday prior to the election at the office 4469
of the board of elections or, if pursuant to division (C) of 4470

section 3501.10 of the Revised Code the board has designated 4471
another location in the county at which registered electors may 4472
vote, at that other location instead of the office of the board of 4473
elections, or appears on the day of the election at the location 4474
designated by the board of elections, which shall be either the 4475
office of the board or another appropriate site designated by the 4476
board in the county in which that registered elector resides of 4477
elections or, if pursuant to division (C) of section 3501.10 of 4478
the Revised Code the board has designated another location in the 4479
county at which registered electors may vote, at that other 4480
location instead of the office of the board of elections; 4481

(2) Completes and signs, under penalty of election 4482
falsification, a notice of change of residence and files it with 4483
election officials at the board ~~or at the site designated by the~~ 4484
~~board, whichever is appropriate~~ of elections or, if pursuant to 4485
division (C) of section 3501.10 of the Revised Code the board has 4486
designated another location in the county at which registered 4487
electors may vote, at that other location instead of the office of 4488
the board of elections; 4489

(3) Votes a provisional ballot under section 3505.181 of the 4490
Revised Code at the office of the board of elections ~~or at a site~~ 4491
~~designated by the board by absent voter's ballots~~ or, if pursuant 4492
to division (C) of section 3501.10 of the Revised Code the board 4493
has designated another location in the county at which registered 4494
electors may vote, at that other location instead of the office of 4495
the board of elections, using the address to which that registered 4496
elector has moved; 4497

(4) Completes and signs, under penalty of election 4498
falsification, a statement attesting that that registered elector 4499
has moved from one county to another county within the state on or 4500
prior to the day of the election, has voted at the office of the 4501
board of elections ~~or at the site designated by the board,~~ 4502

~~whichever is appropriate or, if pursuant to division (C) of~~ 4503
~~section 3501.10 of the Revised Code the board has designated~~ 4504
~~another location in the county at which registered electors may~~ 4505
~~vote, at that other location instead of the office of the board of~~ 4506
~~elections, and will not vote or attempt to vote at any other~~ 4507
location for that particular election. The statement required 4508
under division (C)(4) of this section shall be included on the 4509
notice of change of residence required under division (C)(2) of 4510
this section. 4511

(D) A person who votes by absent voter's ballots pursuant to 4512
division ~~(B), (C), or~~ (G) of this section shall not make written 4513
application for the ballots pursuant to Chapter 3509. of the 4514
Revised Code. Ballots cast pursuant to division ~~(B), (C), or~~ (G) 4515
of this section shall be set aside in a special envelope and 4516
counted during the official canvass of votes in the manner 4517
provided for in sections 3505.32 and 3509.06 of the Revised Code 4518
insofar as that manner is applicable. The board shall examine the 4519
pollbooks to verify that no ballot was cast at the polls or by 4520
absent voter's ballots under Chapter 3509. or 3511. of the Revised 4521
Code by an elector who has voted by absent voter's ballots 4522
pursuant to division ~~(B), (C), or~~ (G) of this section. Any ballot 4523
determined to be insufficient for any of the reasons stated above 4524
or stated in section 3509.07 of the Revised Code shall not be 4525
counted. 4526

A Subject to division (C) of section 3501.10 of the Revised 4527
Code, a board of elections may lease or otherwise acquire a site 4528
different from the office of the board at which registered 4529
electors may vote pursuant to division (B) or (C) of this section. 4530

(E) Upon receiving a change of residence or change of name 4531
form, the board of elections shall immediately send the registrant 4532
an acknowledgment notice. If the change of residence or change of 4533
name form is valid, the board shall update the voter's 4534

registration as appropriate. If that form is incomplete, the board 4535
shall inform the registrant in the acknowledgment notice specified 4536
in this division of the information necessary to complete or 4537
update that registrant's registration. 4538

(F) Change of residence and change of name forms shall be 4539
available at each polling place, and when these forms are 4540
completed, noting changes of residence or name, as appropriate, 4541
they shall be filed with election officials at the polling place. 4542
Election officials shall return completed forms, together with the 4543
pollbooks and tally sheets, to the board of elections. 4544

The board of elections shall provide change of residence and 4545
change of name forms to the probate court and court of common 4546
pleas. The court shall provide the forms to any person eighteen 4547
years of age or older who has a change of name by order of the 4548
court or who applies for a marriage license. The court shall 4549
forward all completed forms to the board of elections within five 4550
days after receiving them. 4551

(G) A registered elector who otherwise would qualify to vote 4552
under division (B) or (C) of this section but is unable to appear 4553
at the office of the board ~~or other location designated by the~~ 4554
board of elections or, if pursuant to division (C) of section 4555
3501.10 of the Revised Code the board has designated another 4556
location in the county at which registered electors may vote, at 4557
that other location, on account of personal illness, physical 4558
disability, or infirmity, may vote on the day of the election if 4559
that registered elector does all of the following: 4560

(1) Makes a written application that includes all of the 4561
information required under section 3509.03 of the Revised Code to 4562
the appropriate board for an absent voter's ballot on or after the 4563
twenty-seventh day prior to the election in which the registered 4564
elector wishes to vote through noon of the Saturday prior to that 4565

election and requests that the absent voter's ballot be sent to 4566
the address to which the registered elector has moved if the 4567
registered elector has moved, or to the address of that registered 4568
elector who has not moved but has had a change of name; 4569

(2) Declares that the registered elector has moved or had a 4570
change of name, whichever is appropriate, and otherwise is 4571
qualified to vote under the circumstances described in division 4572
(B) or (C) of this section, whichever is appropriate, but that the 4573
registered elector is unable to appear at the board ~~or other~~ 4574
~~location designated by the board~~ of elections because of personal 4575
illness, physical disability, or infirmity; 4576

(3) Completes and returns along with the completed absent 4577
voter's ballot a notice of change of residence indicating the 4578
address to which the registered elector has moved, or a notice of 4579
change of name, whichever is appropriate; 4580

(4) Completes and signs, under penalty of election 4581
falsification, a statement attesting that the registered elector 4582
has moved or had a change of name on or prior to the day before 4583
the election, has voted by absent voter's ballot because of 4584
personal illness, physical disability, or infirmity that prevented 4585
the registered elector from appearing at the board ~~or other~~ 4586
~~location designated by the board~~ of elections, and will not vote 4587
or attempt to vote at any other location or by absent voter's 4588
ballot mailed to any other location or address for that particular 4589
election. 4590

Sec. 3503.19. (A) Persons qualified to register or to change 4591
their registration because of a change of address or change of 4592
name may register or change their registration in person at any 4593
state or local office of a designated agency, at the office of the 4594
registrar or any deputy registrar of motor vehicles, at a public 4595
high school or vocational school, at a public library, at the 4596

office of a county treasurer, or at a branch office established by 4597
the board of elections, or in person, through another person, or 4598
by mail at the office of the secretary of state or at the office 4599
of a board of elections. A registered elector may also change the 4600
elector's registration on election day at any polling place where 4601
the elector is eligible to vote, ~~on election day~~ in the manner 4602
provided under section 3503.16 of the Revised Code. 4603

Any state or local office of a designated agency, the office 4604
of the registrar or any deputy registrar of motor vehicles, a 4605
public high school or vocational school, a public library, or the 4606
office of a county treasurer shall transmit any voter registration 4607
application or change of registration form that it receives to the 4608
board of elections of the county in which the state or local 4609
office is located, within five days after receiving the voter 4610
registration application or change of registration form. 4611

An otherwise valid voter registration application that is 4612
returned to the appropriate office other than by mail must be 4613
received by a state or local office of a designated agency, the 4614
office of the registrar or any deputy registrar of motor vehicles, 4615
a public high school or vocational school, a public library, the 4616
office of a county treasurer, the office of the secretary of 4617
state, or the office of a board of elections no later than the 4618
thirtieth day preceding a primary, special, or general election 4619
for the person to qualify as an elector eligible to vote at that 4620
election. An otherwise valid registration application received 4621
after that day entitles the elector to vote at all subsequent 4622
elections. 4623

Any state or local office of a designated agency, the office 4624
of the registrar or any deputy registrar of motor vehicles, a 4625
public high school or vocational school, a public library, or the 4626
office of a county treasurer shall date stamp a registration 4627
application or change of name or change of address form it 4628

receives using a date stamp that does not disclose the identity of 4629
the state or local office that receives the registration. 4630

Voter registration applications, if otherwise valid, that are 4631
returned by mail to the office of the secretary of state or to the 4632
office of a board of elections must be postmarked no later than 4633
the thirtieth day preceding a primary, special, or general 4634
election in order for the person to qualify as an elector eligible 4635
to vote at that election. If an otherwise valid voter registration 4636
application that is returned by mail does not bear a postmark or a 4637
legible postmark, the registration shall be valid for that 4638
election if received by the office of the secretary of state or 4639
the office of a board of elections no later than twenty-five days 4640
preceding any special, primary, or general election. 4641

(B)(1) Any person may apply in person, by telephone, by mail, 4642
or through another person for voter registration forms to the 4643
office of the secretary of state or the office of a board of 4644
elections. ~~Completed~~ 4645

(2)(a) An applicant may return the applicant's completed 4646
registration forms ~~may be returned form~~ in person ~~or through~~ 4647
~~another person or by mail~~ to any state or local office of a 4648
designated agency, to a public high school or vocational school, 4649
to a public library, ~~or~~ to the office of a county treasurer, ~~or in~~ 4650
~~person, through another person, or by mail~~ to the office of the 4651
secretary of state, or to the office of a board of elections. 4652

(b) Subject to division (B)(2)(c) of this section, an 4653
applicant may return the applicant's completed registration form 4654
through another person to any board of elections or the office of 4655
the secretary of state. 4656

(c) A person who receives compensation for registering a 4657
voter shall return any registration form entrusted to that person 4658
by an applicant to any board of elections or to the office of the 4659

secretary of state.

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(d) If a board of elections or the office of the secretary of state receives a registration form under division (B)(2)(b) or (c) of this section before the thirtieth day before an election, the board or the office of the secretary of state, as applicable, shall forward the registration to the board of elections of the county in which the applicant is seeking to register to vote within ten days after receiving the application. If a board of elections or the office of the secretary of state receives a registration form under division (B)(2)(b) or (c) of this section on or after the thirtieth day before an election, the board or the office of the secretary of state, as applicable, shall forward the registration to the board of elections of the county in which the applicant is seeking to register to vote within thirty days after that election.

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(C)(1) A board of elections that receives a voter registration application and is satisfied as to the truth of the statements made in the registration form shall register the applicant ~~and~~ not later than twenty business days after receiving the application, unless that application is received during the thirty days immediately preceding the day of an election. The board shall promptly notify the applicant in writing of each of the following:

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(a) The applicant's registration ~~and the;~~

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(b) The precinct in which the applicant is to vote. ~~The;~~

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(c) In bold type as follows:

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"Voters must bring identification to the polls in order to verify identity. Identification may include a current and valid photo identification, a military identification that shows the voter's name and current address, or a copy of a current utility bill, bank statement, government check, paycheck, or other

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government document, other than this notification or a 4691
notification of an election mailed by a board of elections, that 4692
shows the voter's name and current address. Voters who do not 4693
provide one of these documents will still be able to vote by 4694
providing the last four digits of the voter's social security 4695
number and by casting a provisional ballot. Voters who do not have 4696
any of the above forms of identification, including a social 4697
security number, will still be able to vote by signing an 4698
affirmation swearing to the voter's identity under penalty of 4699
election falsification and by casting a provisional ballot." 4700

~~The notification shall be by nonforwardable mail, and if. If~~ 4701
~~the mail is returned to the board, it shall investigate and cause~~ 4702
~~the notification to be delivered to the correct address; or if it~~ 4703
~~determines that the voter is not eligible to vote for residency~~ 4704
~~reasons it shall cancel the registration and notify the~~ 4705
~~registrant, at the last known address, of a need to reregister. If~~ 4706
~~the board does not accept the application for registration, it~~ 4707
~~shall immediately notify the applicant of the reasons for~~ 4708
~~rejecting the application and request the applicant to provide~~ 4709
~~whatever information or verification is necessary to complete the~~ 4710
~~application.~~ 4711

(2) If, after investigating as required under division (C)(1) 4712
of this section, the board is unable to verify the voter's correct 4713
address, it shall cause the voter's name in the official 4714
registration list and in the poll list or signature pollbook to be 4715
marked to indicate that the voter's notification was returned to 4716
the board. 4717

At the first election at which a voter whose name has been so 4718
marked appears to vote, the voter shall be required to provide 4719
identification to the election officials and to vote by 4720
provisional ballot under section 3505.181 of the Revised Code. If 4721
the provisional ballot is counted pursuant to division (B)(3) of 4722

section 3505.183 of the Revised Code, the board shall correct that 4723
voter's registration, if needed, and shall remove the indication 4724
that the voter's notification was returned from that voter's name 4725
on the official registration list and on the poll list or 4726
signature pollbook. If the provisional ballot is not counted 4727
pursuant to division (B)(4)(a)(i), (v), or (vi) of section 4728
3505.183 of the Revised Code, the voter's registration shall be 4729
canceled. The board shall notify the voter by United States mail 4730
of the cancellation. 4731

(3) If a notice of the disposition of an otherwise valid mail 4732
registration application is sent by nonforwardable mail and is 4733
returned undelivered, the person shall be registered as provided 4734
in division (C)(2) of this section and sent a confirmation notice 4735
by forwardable mail. If the person fails to respond to the 4736
confirmation notice, update the person's registration, or vote by 4737
provisional ballot as provided in division (C)(2) of this section 4738
in any election during the period of two federal elections 4739
subsequent to the mailing of the confirmation notice, the person's 4740
registration shall be canceled. 4741

Sec. 3503.21. (A) The registration of a registered elector 4742
shall be canceled upon the occurrence of any of the following: 4743

(1) The filing by a registered elector of a written request 4744
with a board of elections, on a form prescribed by the secretary 4745
of state and signed by the elector, that ~~his~~ the registration be 4746
canceled. The filing of such a request does not prohibit an 4747
otherwise qualified elector from reregistering to vote at any 4748
time. 4749

(2) The filing of a notice of the death of the registered 4750
elector as provided in section 3503.18 of the Revised Code; 4751

(3) The conviction of the registered elector of a felony 4752

under the laws of this state, any other state, or the United States as provided in section 2961.01 of the Revised Code; 4753
4754

(4) The adjudication of incompetency of the registered elector for the purpose of voting as provided in section 5122.301 of the Revised Code; 4755
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(5) The change of residence of the registered elector to a location outside the county of registration in accordance with division (B) of this section; 4758
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(6) The failure of the registered elector, after ~~he has~~ having been mailed a confirmation notice, to do either of the following: 4761
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(a) Respond to such a notice and vote at least once during a period of four consecutive years, which period shall include two general federal elections; 4764
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4766

(b) Update ~~his~~ the elector's registration and vote at least once during a period of four consecutive years, which period shall include two general federal elections. 4767
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(B)(1) The secretary of state shall prescribe procedures to identify and cancel the registration in a prior county of residence of any registrant who changes ~~his~~ the registrant's voting residence to a location outside ~~his~~ the registrant's current county of registration. Any procedures prescribed in this division shall be uniform and nondiscriminatory, and shall comply with the Voting Rights Act of 1965. The secretary of state may prescribe procedures under this division that include the use of the national change of address service provided by the United States postal system through its licensees. Any program so prescribed shall be completed not later than ninety days prior to the date of any primary or general election for federal office. 4770
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(2) The registration of any elector identified as having 4782

changed ~~his~~ the elector's voting residence to a location outside 4783
~~his~~ the elector's current county of registration shall not be 4784
canceled unless the registrant is sent a confirmation notice on a 4785
form prescribed by the secretary of state and the registrant fails 4786
to respond to the confirmation notice or otherwise update ~~his~~ the 4787
registration and fails to vote in any election during the period 4788
of two federal elections subsequent to the mailing of the 4789
confirmation notice. 4790

(C) The registration of a registered elector shall not be 4791
canceled except as provided in this section, division (O) of 4792
section 3501.05 of the Revised Code, division (C)(2) of section 4793
3503.19 of the Revised Code, or division (C) of section 3503.24 of 4794
the Revised Code. 4795

(D) Boards of elections shall send their voter registration 4796
~~lists~~ information to the secretary of state ~~semiannually~~ as 4797
required under section 3503.15 of the Revised Code. In the first 4798
quarter of each odd-numbered year, the secretary of state shall 4799
send the information ~~contained in these lists~~ to the national 4800
change of address service described in division (B) of this 4801
section and request that service to provide the secretary of state 4802
with a list of any voters ~~on the lists~~ sent by the secretary of 4803
state who have moved within the last thirty-six months. The 4804
secretary of state shall transmit to each appropriate board of 4805
elections whatever lists ~~he~~ the secretary of state receives from 4806
that service. The board shall send a notice to each person on the 4807
list transmitted by the secretary of state requesting confirmation 4808
of the person's change of address, together with a postage 4809
prepaid, preaddressed return envelope containing a form on which 4810
the voter may verify or correct the change of address information. 4811

(E) The registration of a registered elector described in 4812
division (A)(6) or (B)(2) of this section shall be canceled not 4813
later than one hundred twenty days after the date of the second 4814

general federal election in which the elector fails to vote or not 4815
later than one hundred twenty days after the expiration of the 4816
four-year period in which the elector fails to vote or respond to 4817
a confirmation notice, whichever is later. 4818

Sec. 3503.23. (A) ~~At least fifteen~~ Fourteen days before an 4819
election, the board of elections shall cause to be prepared from 4820
the ~~registration cards~~ statewide voter registration database 4821
established under section 3503.15 of the Revised Code a complete 4822
and official registration list for each precinct, containing the 4823
names, addresses, and political party whose ballot the elector 4824
voted in the most recent primary election within the current year 4825
and the immediately preceding two calendar years, of all qualified 4826
registered voters in the precinct. All the names, insofar as 4827
practicable, shall be arranged ~~either~~ in alphabetical order, ~~or in~~ 4828
~~geographical order according to streets in the precincts.~~ All the 4829
The lists shall may be prepared either in sheet form ~~and~~ on one 4830
side of the paper or in electronic form, at the discretion of the 4831
board. Each precinct list shall be headed "Register of Voters," 4832
and under the heading shall be indicated the district or ward and 4833
precinct ~~followed by the statement:~~ 4834

~~"Any voter of the county on or before the seventh day prior~~ 4835
~~to the election may file with the board of elections at the~~ 4836
~~board's offices located at objections to the~~ 4837
~~registration of any person on this list who, he has reason to~~ 4838
~~believe, is not eligible to vote, or a request for the addition to~~ 4839
~~the list of registered voters whose names have been omitted or who~~ 4840
~~have been erroneously dropped from the registration list of the~~ 4841
~~precinct.".~~ 4842

Appended to each precinct list shall be attached the names of 4843
the members of the board and the name of the director. A 4844
sufficient number of such lists ~~may~~ shall be provided for 4845

distribution to the candidates, political parties, or organized 4846
groups that apply for them. The board shall have each precinct 4847
list available at the board for viewing by the public during 4848
normal business hours. The board shall ensure that, by the opening 4849
of the polls on the day of a general or primary election, each 4850
precinct has a paper copy of the registration list of voters in 4851
that precinct. 4852

(B) On the day of a general or primary election, precinct 4853
election officials shall do both of the following: 4854

(1) By the time the polls open, conspicuously post and 4855
display at the polling place one copy of the registration list of 4856
voters in that precinct in an area of the polling place that is 4857
easily accessible; 4858

(2) At 11 a.m. and 4 p.m. place a mark, on the official 4859
registration list posted at the polling place, before the name of 4860
those registered voters who have voted. 4861

(C) Notwithstanding division (B) of section 3501.35 of the 4862
Revised Code, any person may enter the polling place for the sole 4863
purpose of reviewing the official registration list posted in 4864
accordance with division (B) of this section, provided that the 4865
person does not engage in conduct that would constitute harassment 4866
in violation of the election law, as defined in section 3501.90 of 4867
the Revised Code. 4868

Sec. 3503.24. (A) Application for the correction of any 4869
precinct registration list or a challenge of the right to vote of 4870
any registered elector may be made by any qualified elector of the 4871
county at the office of the board of elections not later than 4872
~~eleven~~ twenty days prior to the election. The applications or 4873
challenges, with the reasons for the application or challenge, 4874
shall be filed with the board on a form prescribed by the 4875
secretary of state and shall be signed under penalty of election 4876

falsification. 4877

(B) On receiving an application or challenge filed under this 4878
section, the board of elections promptly shall review the board's 4879
records. If the board is able to determine that an application or 4880
challenge should be granted or denied solely on the basis of the 4881
records maintained by the board, the board immediately shall vote 4882
to grant or deny that application or challenge. 4883

If the board is not able to determine whether an application 4884
or challenge should be granted or denied solely on the basis of 4885
the records maintained by the board, the director shall promptly 4886
set a time and date for a hearing before the board. The Except as 4887
otherwise provided in division (D) of this section, the hearing 4888
shall be held, and the application or challenge shall be decided, 4889
no later than ~~two~~ ten days ~~prior to any election~~ after the board 4890
receives the application or challenge. The director shall send 4891
written notice to any elector whose right to vote is challenged 4892
and to any person whose name is alleged to have been omitted from 4893
a registration list. The notice shall inform the person of the 4894
time and date of the hearing, and of the person's right to appear 4895
and testify, call witnesses, and be represented by counsel. The 4896
notice shall be sent by first class mail no later than three days 4897
before the day of any scheduled hearing. The director shall also 4898
provide the person who filed the application or challenge with 4899
such written notice of the date and time of the hearing. 4900

At the request of either party or any member of the board, 4901
the board shall issue subpoenas to witnesses to appear and testify 4902
before the board at a hearing held under this section. All 4903
witnesses shall testify under oath. The board shall reach a 4904
decision on all applications and challenges immediately after 4905
hearing. 4906

(C) If the board decides that any such person is not entitled 4907
to have the person's name on the registration list, the person's 4908

name shall be removed from the list and the person's registration 4909
forms canceled. If the board decides that the name of any such 4910
person should appear on ~~such the~~ registration list, it shall be 4911
added ~~thereto~~ to the list, and the person's registration forms 4912
placed in the proper registration files. All such corrections and 4913
additions shall be made on a copy of the precinct lists, which 4914
shall constitute the poll lists, to be furnished to the respective 4915
precincts with other election supplies on the day preceding the 4916
election, to be used by the ~~clerks~~ election officials in receiving 4917
the signatures of voters and in checking against the registration 4918
forms. 4919

(D)(1) If an application or challenge for which a hearing is 4920
required to be conducted under division (B) of this section is 4921
filed after the thirtieth day before the day of an election, the 4922
board of elections, in its discretion, may postpone that hearing 4923
and any notifications of that hearing until after the day of the 4924
election. Any hearing postponed under this division shall be 4925
conducted not later than ten days after the day of the election. 4926

(2) The board of elections shall cause the name of any 4927
registered elector whose registration is challenged and whose 4928
challenge hearing is postponed under division (D)(1) of this 4929
section to be marked in the official registration list and in the 4930
poll list or signature pollbook for that elector's precinct to 4931
indicate that the elector's registration is subject to challenge. 4932

(3) Any elector who is the subject of an application or 4933
challenge hearing that is postponed under division (D)(1) of this 4934
section shall be permitted to vote a provisional ballot under 4935
section 3505.181 of the Revised Code. The validity of a 4936
provisional ballot cast pursuant to this section shall be 4937
determined in accordance with section 3505.183 of the Revised 4938
Code, except that no such provisional ballot shall be counted 4939
unless the hearing conducted under division (B) of this section 4940

after the day of the election results in the elector's inclusion 4941
in the official registration list. 4942

Sec. 3503.28. (A) The secretary of state shall develop an 4943
information brochure regarding voter registration. The brochure 4944
shall include, but is not limited to, all of the following 4945
information: 4946

(1) The applicable deadlines for registering to vote or for 4947
returning an applicant's completed registration form; 4948

(2) The applicable deadline for returning an applicant's 4949
completed registration form if the person returning the form is 4950
being compensated for registering voters; 4951

(3) The locations to which a person may return an applicant's 4952
completed registration form; 4953

(4) The location to which a person who is compensated for 4954
registering voters may return an applicant's completed 4955
registration form; 4956

(5) The registration and affirmation requirements applicable 4957
to persons who are compensated for registering voters under 4958
section 3503.29 of the Revised Code; 4959

(6) A notice, which shall be written in bold type, stating as 4960
follows: 4961

"Voters must bring identification to the polls in order to 4962
verify identity. Identification may include a current and valid 4963
photo identification, a military identification that shows the 4964
voter's name and current address, or a copy of a current utility 4965
bill, bank statement, government check, paycheck, or other 4966
government document, other than a notice of an election or a voter 4967
registration notification sent by a board of elections, that shows 4968
the voter's name and current address. Voters who do not provide 4969
one of these documents will still be able to vote by providing the 4970

last four digits of the voter's social security number and by 4971
casting a provisional ballot. Voters who do not have any of the 4972
above forms of identification, including a social security number, 4973
will still be able to vote by signing an affirmation swearing to 4974
the voter's identity under penalty of election falsification and 4975
by casting a provisional ballot." 4976

(B) Except as otherwise provided in division (D) of this 4977
section, a board of elections, designated agency, public high 4978
school, public vocational school, public library, office of a 4979
county treasurer, or deputy registrar of motor vehicles shall 4980
distribute a copy of the brochure developed under division (A) of 4981
this section to any person who requests more than two voter 4982
registration forms at one time. 4983

(C)(1) The secretary of state shall provide the information 4984
required to be included in the brochure developed under division 4985
(A) of this section to any person who prints a voter registration 4986
form that is made available on a web site of the office of the 4987
secretary of state. 4988

(2) If a board of elections operates and maintains a web 4989
site, the board shall provide the information required to be 4990
included in the brochure developed under division (A) of this 4991
section to any person who prints a voter registration form that is 4992
made available on that web site. 4993

(D) A board of elections shall not be required to distribute 4994
a copy of a brochure under division (B) of this section to any of 4995
the following officials or employees who are requesting more than 4996
two voter registration forms at one time in the course of the 4997
official's or employee's normal duties: 4998

(1) An election official; 4999

(2) A county treasurer; 5000

<u>(3) A deputy registrar of motor vehicles;</u>	5001
<u>(4) An employee of a designated agency;</u>	5002
<u>(5) An employee of a public high school;</u>	5003
<u>(6) An employee of a public vocational school;</u>	5004
<u>(7) An employee of a public library;</u>	5005
<u>(8) An employee of the office of a county treasurer;</u>	5006
<u>(9) An employee of the bureau of motor vehicles;</u>	5007
<u>(10) An employee of a deputy registrar of motor vehicles;</u>	5008
<u>(11) An employee of an election official.</u>	5009
<u>(E) As used in this section, "registering voters" includes</u>	5010
<u>any effort, for compensation, to provide voter registration forms</u>	5011
<u>or to assist persons in completing or returning those forms.</u>	5012
<u>Sec. 3503.29. (A) The secretary of state shall develop and</u>	5013
<u>make available through a web site of the office of the secretary</u>	5014
<u>of state a training program for any person who receives or expects</u>	5015
<u>to receive compensation for registering a voter. The secretary of</u>	5016
<u>state shall specify, by rule adopted pursuant to Chapter 119. of</u>	5017
<u>the Revised Code, the information to be included in the online</u>	5018
<u>training program developed under this division.</u>	5019
<u>(B) Except as otherwise provided in division (E) of this</u>	5020
<u>section, the secretary of state, by rules adopted pursuant to</u>	5021
<u>Chapter 119. of the Revised Code, shall prescribe a program under</u>	5022
<u>which the secretary of state shall register any person who</u>	5023
<u>receives or expects to receive compensation for registering a</u>	5024
<u>voter in this state.</u>	5025
<u>(C) Except as otherwise provided in division (E) of this</u>	5026
<u>section, in each year in which a person receives or expects to</u>	5027
<u>receive compensation for registering a voter, that person, prior</u>	5028

to registering a voter, shall do all of the following: 5029

(1) Register with the secretary of state in accordance with 5030
the program prescribed under division (B) of this section; 5031

(2) Complete the training program established by the 5032
secretary of state under division (A) of this section. 5033

(3) Sign an affirmation that includes all of the following: 5034

(a) The person's name; 5035

(b) The person's date of birth; 5036

(c) The person's permanent address; 5037

(d) The name of each county in which the person expects to 5038
register voters; 5039

(e) A statement that the person has registered, as required 5040
under division (C)(1) of this section, with the secretary of 5041
state; 5042

(f) A statement that the person has completed the training 5043
program required under division (C)(2) of this section; 5044

(g) A statement that the person will follow all applicable 5045
laws of this state while registering voters. 5046

(D) Except as otherwise provided in division (E) of this 5047
section, each time a person who receives or expects to receive 5048
compensation for registering a voter submits a completed 5049
registration form that has been entrusted to that person to a 5050
board of elections, the person also shall submit, with the voter 5051
registration form, a copy of the affirmation signed by the person 5052
under division (C)(3) of this section. A single copy of the signed 5053
affirmation may be submitted with all voter registration forms 5054
that are returned by that person at one time. 5055

(E) None of the following officials or employees who are 5056
registering voters in the course of the official's or employee's 5057

<u>normal duties shall be required to comply with divisions (C) and</u>	5058
<u>(D) of this section:</u>	5059
<u>(1) An election official;</u>	5060
<u>(2) A county treasurer;</u>	5061
<u>(3) A deputy registrar of motor vehicles;</u>	5062
<u>(4) An employee of a designated agency;</u>	5063
<u>(5) An employee of a public high school;</u>	5064
<u>(6) An employee of a public vocational school;</u>	5065
<u>(7) An employee of a public library;</u>	5066
<u>(8) An employee of the office of a county treasurer;</u>	5067
<u>(9) An employee of the bureau of motor vehicles;</u>	5068
<u>(10) An employee of a deputy registrar of motor vehicles;</u>	5069
<u>(11) An employee of an election official.</u>	5070
<u>(F) As used in this section, "registering a voter" and</u>	5071
<u>"registering voters" includes any effort, for compensation, to</u>	5072
<u>provide voter registration forms or to assist persons in</u>	5073
<u>completing or returning those forms.</u>	5074
Sec. 3505.062. The Ohio ballot board shall do all of the	5075
following:	5076
(A) <u>Examine, within ten days after its receipt, each written</u>	5077
<u>initiative petition received from the attorney general under</u>	5078
<u>section 3519.01 of the Revised Code to determine whether it</u>	5079
<u>contains only one proposed law or constitutional amendment so as</u>	5080
<u>to enable the voters to vote on a proposal separately. If the</u>	5081
<u>board so determines, it shall certify its approval to the attorney</u>	5082
<u>general, who then shall file with the secretary of state in</u>	5083
<u>accordance with division (A) of section 3519.01 of the Revised</u>	5084
<u>Code a verified copy of the proposed law or constitutional</u>	5085

amendment together with its summary and the attorney general's 5086
certification of it. 5087

If the board determines that the initiative petition contains 5088
more than one proposed law or constitutional amendment, the board 5089
shall divide the initiative petition into individual petitions 5090
containing only one proposed law or constitutional amendment so as 5091
to enable the voters to vote on each proposal separately and 5092
certify its approval to the attorney general. If the board so 5093
divides an initiative petition and so certifies its approval to 5094
the attorney general, the petitioners shall resubmit to the 5095
attorney general appropriate summaries for each of the individual 5096
petitions arising from the board's division of the initiative 5097
petition, and the attorney general then shall review the 5098
resubmissions as provided in division (A) of section 3519.01 of 5099
the Revised Code. 5100

(B) Prescribe the ballot language for constitutional 5101
amendments proposed by the general assembly to be printed on the 5102
questions and issues ballot, which language shall properly 5103
identify the substance of the proposal to be voted upon; 5104

~~(B)~~(C) Prepare an explanation of each constitutional 5105
amendment proposed by the general assembly, which explanation may 5106
include the purpose and effects of the proposed amendment; 5107

~~(C)~~(D) Certify the ballot language and explanation, if any, 5108
to the secretary of state no later than ~~eighty~~ seventy-five days 5109
before the election at which the proposed question or issue is to 5110
be submitted to the voters; 5111

~~(D)~~(E) Prepare, or designate a group of persons to prepare, 5112
arguments in support of or in opposition to a constitutional 5113
amendment proposed by a resolution of the general assembly, a 5114
constitutional amendment or state law proposed by initiative 5115
petition, or a state law, or section or item of state law, subject 5116

to a referendum petition, if the persons otherwise responsible for 5117
the preparation of those arguments fail to timely prepare and file 5118
them; 5119

~~(E)~~(F) Direct the means by which the secretary of state shall 5120
disseminate information concerning proposed constitutional 5121
amendments to the voters; 5122

~~(F)~~(G) Direct the chairperson to reimburse county boards of 5123
elections for public notice costs associated with statewide ballot 5124
issues, to the extent that the general assembly appropriates money 5125
for that purpose. 5126

Sec. 3505.063. (A) When the general assembly adopts a 5127
resolution proposing a constitutional amendment, it may, by 5128
resolution, designate a group of members who voted in support of 5129
the resolution to prepare arguments for the proposed amendment, 5130
and a group of members who voted in opposition to the resolution 5131
to prepare arguments against the proposed amendment. If no members 5132
voted in opposition to the resolution, or if the general assembly 5133
chooses not to designate a group of members to prepare arguments 5134
for the proposed amendment or chooses not to designate a group of 5135
members to prepare arguments against the proposed amendment, the 5136
Ohio ballot board shall prepare or designate a group of persons to 5137
prepare the relevant arguments. All arguments prepared under this 5138
division shall be filed with the secretary of state ~~no~~ not later 5139
than ~~seventy-five~~ eighty days before the date of the election. No 5140
argument shall exceed three hundred words. 5141

(B)(1) If the group of members of the general assembly or 5142
other group of persons designated under division (A) of this 5143
section fail to prepare and file their arguments in support of or 5144
in opposition to the proposed amendment by the ~~seventy-fifth~~ 5145
eightieth day before the date of the election, the secretary of 5146
state shall notify the Ohio ballot board that those arguments have 5147

not been so prepared and filed. The board then shall prepare the 5148
missing arguments or designate a group of persons to prepare those 5149
arguments. All arguments prepared under this division shall be 5150
filed with the secretary of state ~~no not~~ later than ~~seventy~~ 5151
seventy-five days before the date of the election. No argument 5152
shall exceed three hundred words. 5153

(2) If the Ohio ballot board fails to provide for the 5154
preparation of missing arguments under division (B)(1) of this 5155
section after being notified by the secretary of state that one or 5156
more arguments have not been timely prepared and filed, the 5157
positions of the four appointed members of the board shall be 5158
considered vacant, and new members shall be appointed in the 5159
manner provided for original appointments. 5160

(C) The secretary of state shall disseminate information, 5161
which may include part or all of the official explanation and 5162
arguments concerning proposed amendments, by means of direct mail 5163
or other written publication, broadcast, or other means or 5164
combination of means, as the Ohio ballot board may direct, in 5165
order to inform the voters as fully as possible concerning 5166
proposed amendments. 5167

Sec. 3505.16. Before the opening of the polls, the package of 5168
supplies and the ballot boxes shall be opened in the presence of 5169
the precinct officials. The ballot boxes, the package of ballots, 5170
registration forms, and other supplies shall at all times be in 5171
full sight of the ~~challenger or witnesses~~ observers, and no ballot 5172
box or unused ballots during the balloting or counting shall be 5173
removed or screened from their full sight until the counting has 5174
been closed and the final returns completed and the certificate 5175
signed by the judges ~~and clerks~~. 5176

Sec. 3505.18. (A)(1) When an elector appears in a polling 5177

place to vote ~~he~~, the elector shall announce ~~his~~ to the precinct 5178
election officials the elector's full name and current address to 5179
the precinct election officials. He and provide proof of the 5180
elector's identity in the form of a current and valid photo 5181
identification, a military identification that shows the voter's 5182
name and current address, or a copy of a current utility bill, 5183
bank statement, government check, paycheck, or other government 5184
document, other than a notice of an election mailed by a board of 5185
elections under section 3501.19 of the Revised Code or a notice of 5186
voter registration mailed by a board of elections under section 5187
3503.19 of the Revised Code, that shows the name and current 5188
address of the elector. If the elector provides either a driver's 5189
license or a state identification card issued under section 5190
4507.50 of the Revised Code that does not contain the elector's 5191
current residence address, the elector shall provide the last four 5192
digits of the elector's driver's license number or state 5193
identification card number, and the precinct election official 5194
shall mark the poll list or signature pollbook to indicate that 5195
the elector has provided a driver's license or state 5196
identification card number with a former address and record the 5197
last four digits of the elector's driver's license number or state 5198
identification card number. 5199

(2) If an elector has but is unable to provide to the 5200
precinct election officials any of the forms of identification 5201
required under division (A)(1) of this section, but has a social 5202
security number, the elector may provide the last four digits of 5203
the elector's social security number. Upon providing the social 5204
security number information, the elector may cast a provisional 5205
ballot under section 3505.181 of the Revised Code, the envelope of 5206
which ballot shall include that social security number 5207
information. 5208

(3) If an elector has but is unable to provide to the 5209

precinct election officials any of the forms of identification 5210
required under division (A)(1) of this section and if the elector 5211
has a social security number but is unable to provide the last 5212
four digits of the elector's social security number, the elector 5213
may cast a provisional ballot under section 3505.181 of the 5214
Revised Code. 5215

(4) If an elector does not have any of the forms of 5216
identification required under division (A)(1) of this section and 5217
cannot provide the last four digits of the elector's social 5218
security number because the elector does not have a social 5219
security number, the elector may execute an affirmation under 5220
penalty of election falsification that the elector cannot provide 5221
the identification required under that division or the last four 5222
digits of the elector's social security number for those reasons. 5223
Upon signing the affirmation, the elector may cast a provisional 5224
ballot under section 3505.181 of the Revised Code. The secretary 5225
of state shall prescribe the form of the affirmation, which shall 5226
include spaces for all of the following: 5227

(a) The elector's name; 5228

(b) The elector's address; 5229

(c) The current date; 5230

(d) The elector's date of birth; 5231

(e) The elector's signature. 5232

(5) If an elector does not have any of the forms of 5233
identification required under division (A)(1) of this section and 5234
cannot provide the last four digits of the elector's social 5235
security number because the elector does not have a social 5236
security number, and if the elector declines to execute an 5237
affirmation under division (A)(4) of this section, the elector may 5238
cast a provisional ballot under section 3505.181 of the Revised 5239
Code, the envelope of which ballot shall include the elector's 5240

name. 5241

(6) If an elector has but declines to provide to the precinct 5242
election officials any of the forms of identification required 5243
under division (A)(1) of this section or the elector has a social 5244
security number but declines to provide to the precinct election 5245
officials the last four digits of the elector's social security 5246
number, the elector may cast a provisional ballot under section 5247
3505.181 of the Revised Code. 5248

(B) After the elector has announced the elector's full name 5249
and current address and provided any of the forms of 5250
identification required under division (A)(1) of this section, the 5251
elector shall then write his the elector's name and address at the 5252
proper place in the poll lists list or signature pollbooks 5253
pollbook provided therefor for the purpose, except that if, for 5254
any reason, an elector shall be is unable to write his the 5255
elector's name and current address in the poll list or signature 5256
pollbook, the elector may make his the elector's mark at the place 5257
intended for his the elector's name, and a precinct election 5258
official shall write the name of the elector at the proper place 5259
on the poll list or signature pollbook following the elector's 5260
mark, upon the presentation of proper identification. The making 5261
of such a mark shall be attested by the precinct election 5262
official, who shall evidence the same by signing his the precinct 5263
election official's name on the poll list or signature pollbook as 5264
a witness to such the mark. Alternatively, if applicable, an 5265
attorney in fact acting pursuant to section 3501.382 of the 5266
Revised Code may sign the elector's signature in the poll list or 5267
signature pollbook in accordance with that section. 5268

The elector's signature in the poll ~~lists~~ list or signature 5269
~~pollbooks shall~~ pollbook then shall be compared with ~~his~~ the 5270
elector's signature on ~~his~~ the elector's registration form or a 5271
digitized signature list as provided for in section 3503.13 of the 5272

Revised Code, and if, in the opinion of a majority of the precinct 5273
election officials, the signatures are the signatures of the same 5274
person, the ~~clerk~~ election officials shall enter the date of the 5275
election on the registration form or shall record the date by ~~such~~ 5276
other means ~~as may be~~ prescribed by the secretary of state. ~~If~~ The 5277
validity of an attorney in fact's signature on behalf of an 5278
elector shall be determined in accordance with section 3501.382 of 5279
the Revised Code. 5280

If the right of the elector to vote is not then challenged, 5281
or, if being challenged, ~~he~~ the elector establishes ~~his~~ the 5282
elector's right to vote, ~~he~~ the elector shall be allowed to 5283
proceed ~~into~~ to use the voting machine. If voting machines are not 5284
being used in that precinct, the judge in charge of ballots shall 5285
then detach the next ballots to be issued to the elector from Stub 5286
B attached to each ballot, leaving Stub A attached to each ballot, 5287
hand the ballots to the elector, and call ~~his~~ the elector's name 5288
and the stub number on each of the ballots. The ~~clerk~~ judge shall 5289
enter the stub numbers opposite the signature of the elector in 5290
the pollbook. The elector shall then retire to one of the voting 5291
compartments to mark ~~his~~ the elector's ballots. No mark shall be 5292
made on any ballot which would in any way enable any person to 5293
identify the person who voted the ballot. 5294

Sec. 3505.181. (A) All of the following individuals shall be 5295
permitted to cast a provisional ballot at an election: 5296

(1) An individual who declares that the individual is a 5297
registered voter in the jurisdiction in which the individual 5298
desires to vote and that the individual is eligible to vote in an 5299
election, but the name of the individual does not appear on the 5300
official list of eligible voters for the polling place or an 5301
election official asserts that the individual is not eligible to 5302
vote; 5303

(2) An individual who has a social security number and provides to the election officials the last four digits of the individual's social security number as permitted by division (A)(2) of section 3505.18 of the Revised Code; 5304
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(3) An individual who has but is unable to provide to the election officials any of the forms of identification required under division (A)(1) of section 3505.18 of the Revised Code and who has a social security number but is unable to provide the last four digits of the individual's social security number as permitted under division (A)(2) of that section; 5308
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(4) An individual who does not have any of the forms of identification required under division (A)(1) of section 3505.18 of the Revised Code, who cannot provide the last four digits of the individual's social security number under division (A)(2) of that section because the individual does not have a social security number, and who has executed an affirmation as permitted under division (A)(4) of that section; 5314
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(5) An individual whose name in the poll list or signature pollbook has been marked under section 3509.09 or 3511.13 of the Revised Code as having requested an absent voter's ballot or an armed service absent voter's ballot for that election and who appears to vote at the polling place; 5321
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(6) An individual whose notification of registration has been returned undelivered to the board of elections and whose name in the official registration list and in the poll list or signature pollbook has been marked under division (C)(2) of section 3503.19 of the Revised Code; 5326
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(7) An individual who is challenged under section 3505.20 of the Revised Code and the election officials determine that the person is ineligible to vote or are unable to determine the person's eligibility to vote; 5331
5332
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(8) An individual whose application or challenge hearing has 5335
been postponed until after the day of the election under division 5336
(D)(1) of section 3503.24 of the Revised Code; 5337

(9) An individual who changes the individual's name and 5338
remains within the precinct, moves from one precinct to another 5339
within a county, moves from one precinct to another and changes 5340
the individual's name, or moves from one county to another within 5341
the state, and completes and signs the required forms and 5342
statements under division (B) or (C) of section 3503.16 of the 5343
Revised Code; 5344

(10) An individual whose signature, in the opinion of the 5345
precinct officers under section 3505.22 of the Revised Code, is 5346
not that of the person who signed that name in the registration 5347
forms; 5348

(11) An individual who is challenged under section 3513.20 of 5349
the Revised Code who refuses to make the statement required under 5350
that section, who a majority of the precinct officials find lacks 5351
any of the qualifications to make the individual a qualified 5352
elector, or who a majority of the precinct officials find is not 5353
affiliated with or a member of the political party whose ballot 5354
the individual desires to vote; 5355

(12) An individual who does not have any of the forms of 5356
identification required under division (A)(1) of section 3505.18 5357
of the Revised Code, who cannot provide the last four digits of 5358
the individual's social security number under division (A)(2) of 5359
that section because the person does not have a social security 5360
number, and who declines to execute an affirmation as permitted 5361
under division (A)(4) of that section; 5362

(13) An individual who has but declines to provide to the 5363
precinct election officials any of the forms of identification 5364
required under division (A)(1) of section 3501.18 of the Revised 5365

Code or who has a social security number but declines to provide 5366
to the precinct election officials the last four digits of the 5367
individual's social security number. 5368

(B) An individual who is eligible to cast a provisional 5369
ballot under division (A) of this section shall be permitted to 5370
cast a provisional ballot as follows: 5371

(1) An election official at the polling place shall notify 5372
the individual that the individual may cast a provisional ballot 5373
in that election. 5374

(2) The individual shall be permitted to cast a provisional 5375
ballot at that polling place upon the execution of a written 5376
affirmation by the individual before an election official at the 5377
polling place stating that the individual is both of the 5378
following: 5379

(a) A registered voter in the jurisdiction in which the 5380
individual desires to vote; 5381

(b) Eligible to vote in that election. 5382

(3) An election official at the polling place shall transmit 5383
the ballot cast by the individual, the voter information contained 5384
in the written affirmation executed by the individual under 5385
division (B)(2) of this section, or the individual's name if the 5386
individual declines to execute such an affirmation to an 5387
appropriate local election official for verification under 5388
division (B)(4) of this section. 5389

(4) If the appropriate local election official to whom the 5390
ballot or voter or address information is transmitted under 5391
division (B)(3) of this section determines that the individual is 5392
eligible to vote, the individual's provisional ballot shall be 5393
counted as a vote in that election. 5394

(5)(a) At the time that an individual casts a provisional 5395

ballot, the appropriate local election official shall give the 5396
individual written information that states that any individual who 5397
casts a provisional ballot will be able to ascertain under the 5398
system established under division (B)(5)(b) of this section 5399
whether the vote was counted, and, if the vote was not counted, 5400
the reason that the vote was not counted. 5401

(b) The appropriate state or local election official shall 5402
establish a free access system, in the form of a toll-free 5403
telephone number, that any individual who casts a provisional 5404
ballot may access to discover whether the vote of that individual 5405
was counted, and, if the vote was not counted, the reason that the 5406
vote was not counted. The free access system established under 5407
this division also shall provide to an individual whose 5408
provisional ballot was not counted information explaining how that 5409
individual may contact the board of elections to register to vote 5410
or to resolve problems with the individual's voter registration. 5411

The appropriate state or local election official shall 5412
establish and maintain reasonable procedures necessary to protect 5413
the security, confidentiality, and integrity of personal 5414
information collected, stored, or otherwise used by the free 5415
access system established under this division. Access to 5416
information about an individual ballot shall be restricted to the 5417
individual who cast the ballot. 5418

(6) If, at the time that an individual casts a provisional 5419
ballot, the individual provides identification in the form of a 5420
current and valid photo identification, a military identification 5421
that shows the voter's name and current address, or a copy of a 5422
current utility bill, bank statement, government check, paycheck, 5423
or other government document, other than a notice of an election 5424
mailed by a board of elections under section 3501.19 of the 5425
Revised Code or a notice of voter registration mailed by a board 5426
of elections under section 3503.19 of the Revised Code, that shows 5427

the individual's name and current address, or provides the last 5428
four digits of the individual's social security number, or 5429
executes an affirmation that the elector does not have any of 5430
those forms of identification or the last four digits of the 5431
individual's social security number because the individual does 5432
not have a social security number, or declines to execute such an 5433
affirmation, the appropriate local election official shall record 5434
the type of identification provided, the social security number 5435
information, the fact that the affirmation was executed, or the 5436
fact that the individual declined to execute such an affirmation 5437
and include that information with the transmission of the ballot 5438
or voter or address information under division (B)(3) of this 5439
section. If the individual declines to execute such an 5440
affirmation, the appropriate local election official shall record 5441
the individual's name and include that information with the 5442
transmission of the ballot under division (B)(3) of this section. 5443

(7) If an individual casts a provisional ballot pursuant to 5444
division (A)(3), (7), (8), (12), or (13) of this section, the 5445
election official shall indicate, on the provisional ballot 5446
verification statement required under section 3505.182 of the 5447
Revised Code, that the individual is required to provide 5448
additional information to the board of elections or that an 5449
application or challenge hearing has been postponed with respect 5450
to the individual, such that additional information is required 5451
for the board of elections to determine the eligibility of the 5452
individual who cast the provisional ballot. 5453

(8) During the ten days after the day of an election, an 5454
individual who casts a provisional ballot pursuant to division 5455
(A)(3), (7), (12), or (13) of this section shall appear at the 5456
office of the board of elections and provide to the board any 5457
additional information necessary to determine the eligibility of 5458
the individual who cast the provisional ballot. 5459

(a) For a provisional ballot cast pursuant to division (A)(3), (12), or (13) of this section to be eligible to be counted, the individual who cast that ballot, within ten days after the day of the election, shall do any of the following: 5460
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(i) Provide to the board of elections proof of the individual's identity in the form of a current and valid photo identification, a military identification that shows the voter's name and current address, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the individual's name and current address; 5464
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(ii) Provide to the board of elections the last four digits of the individual's social security number; 5474
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(iii) In the case of a provisional ballot executed pursuant to division (A)(12) of this section, execute an affirmation as permitted under division (A)(4) of section 3505.18 of the Revised Code. 5476
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(b) For a provisional ballot cast pursuant to division (A)(7) of this section to be eligible to be counted, the individual who cast that ballot, within ten days after the day of that election, shall provide to the board of elections any identification or other documentation required to be provided by the applicable challenge questions asked of that individual under section 3505.20 of the Revised Code. 5480
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(C)(1) If an individual declares that the individual is eligible to vote in a jurisdiction other than the jurisdiction in which the individual desires to vote, or if, upon review of the precinct voting location guide using the residential street 5487
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address provided by the individual, an election official at the 5491
polling place at which the individual desires to vote determines 5492
that the individual is not eligible to vote in that jurisdiction, 5493
the election official shall direct the individual to the polling 5494
place for the jurisdiction in which the individual appears to be 5495
eligible to vote, explain that the individual may cast a 5496
provisional ballot at the current location but the ballot will not 5497
be counted if it is cast in the wrong precinct, and provide the 5498
telephone number of the board of elections in case the individual 5499
has additional questions. 5500

(2) If the individual refuses to travel to the polling place 5501
for the correct jurisdiction or to the office of the board of 5502
elections to cast a ballot, the individual shall be permitted to 5503
vote a provisional ballot at that jurisdiction in accordance with 5504
division (B) of this section. If any of the following apply, the 5505
provisional ballot cast by that individual shall not be opened or 5506
counted: 5507

(a) The individual is not properly registered in that 5508
jurisdiction. 5509

(b) The individual is not eligible to vote in that election 5510
in that jurisdiction. 5511

(c) The individual's eligibility to vote in that jurisdiction 5512
in that election cannot be established upon examination of the 5513
records on file with the board of elections. 5514

(D) The appropriate local election official shall cause 5515
voting information to be publicly posted at each polling place on 5516
the day of each election. 5517

(E) As used in this section and sections 3505.182 and 5518
3505.183 of the Revised Code: 5519

(1) "Jurisdiction" means the precinct in which a person is a 5520

<u>legally qualified elector.</u>	5521
<u>(2) "Precinct voting location guide" means either of the following:</u>	5522
	5523
<u>(a) An electronic or paper record that lists the correct jurisdiction and polling place for either each specific residential street address in the county or the range of residential street addresses located in each neighborhood block in the county;</u>	5524
	5525
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<u>(b) Any other method that a board of elections creates that allows a precinct election official or any elector who is at a polling place in that county to determine the correct jurisdiction and polling place of any qualified elector who resides in the county.</u>	5529
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<u>(3) "Voting information" means all of the following:</u>	5534
<u>(a) A sample version of the ballot that will be used for that election;</u>	5535
	5536
<u>(b) Information regarding the date of the election and the hours during which polling places will be open;</u>	5537
	5538
<u>(c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;</u>	5539
	5540
<u>(d) Instructions for mail-in registrants and first-time voters under applicable federal and state laws;</u>	5541
	5542
<u>(e) General information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated;</u>	5543
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	5547
<u>(f) General information on federal and state laws regarding prohibitions against acts of fraud and misrepresentation.</u>	5548
	5549

Sec. 3505.182. Each individual who casts a provisional ballot 5550
under section 3505.181 of the Revised Code shall execute a written 5551
affirmation. The form of the written affirmation shall be printed 5552
upon the face of the provisional ballot envelope and shall be 5553
substantially as follows: 5554

"Provisional Ballot Affirmation 5555

STATE OF OHIO 5556

I, (Name of provisional voter), solemnly 5557
swear or affirm that I am a registered voter in the jurisdiction 5558
in which I am voting this provisional ballot and that I am 5559
eligible to vote in the election in which I am voting this 5560
provisional ballot. 5561

I understand that, if the above-provided information is not 5562
fully completed and correct, if the board of elections determines 5563
that I am not registered to vote, a resident of this precinct, or 5564
eligible to vote in this election, or if the board of elections 5565
determines that I have already voted in this election, my 5566
provisional ballot will not be counted. I further understand that 5567
knowingly providing false information is a violation of law and 5568
subjects me to possible criminal prosecution. 5569

I hereby declare, under penalty of election falsification, 5570
that the above statements are true and correct to the best of my 5571
knowledge and belief. 5572

..... 5573

(Signature of Voter) 5574

..... 5575

(Voter's date of birth) 5576

The last four digits of the 5577

voter's social security number

..... 5578

(To be provided if the voter is 5579

unable to provide a current and
valid photo identification, a
military identification that
shows the voter's name and
current address, or a current
utility bill, bank statement,
government check, paycheck, or
other government document, other
than a notice of an election
mailed by a board of elections
under section 3501.19 of the
Revised Code or a notice of voter
registration mailed by a board of
elections under section 3503.19
of the Revised Code, that shows
the voter's name and current
address but is able to provide
these last four digits)

<u>WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY</u>	5580
<u>OF THE FIFTH DEGREE.</u>	5581
<u>Additional Information For Determining Ballot Validity</u>	5582
<u>(May be completed at voter's discretion)</u>	5583
<u>Voter's current address:</u>	5584
<u>Voter's former address if</u>	5585
<u>photo identification does not contain voter's current address</u>	
<u>Voter's driver's license number or, if not provided above, the last four digits of voter's social security number</u>	5586
<u>(Please circle number type)</u>	5587

(Voter may attach a copy of any of the following for 5588
identification purposes: a current and valid photo identification,
a military identification that shows the voter's name and current
address, or a current utility bill, bank statement, government
check, paycheck, or other government document, other than a notice
of an election mailed by a board of elections under section
3501.19 of the Revised Code or a notice of voter registration
mailed by a board of elections under section 3503.19 of the
Revised Code, that shows the voter's name and current address.)

Reason for voting provisional ballot (Check one): 5589

..... Requested, but did not receive, absent voter's ballot 5590

..... Other 5591

Verification Statement 5592

(To be completed by election official) 5593

The Provisional Ballot Affirmation printed above was 5594
subscribed and affirmed before me this day of 5595
..... (Month), (Year). 5596

(If applicable, the election official must check the 5597
following true statement concerning additional information needed 5598
to determine the eligibility of the provisional voter.) 5599

..... The provisional voter is required to provide 5600
additional information to the board of elections. 5601

..... An application or challenge hearing regarding this 5602
voter has been postponed until after the election. 5603

(The election official must check the following true 5604
statement concerning identification provided by the provisional 5605
voter, if any.) 5606

..... The provisional voter provided a current and valid 5607
photo identification. 5608

..... The provisional voter provided a current valid photo 5609
identification, other than a driver's license or a state 5610

identification card, with the voter's former address instead of 5611
current address and has provided the election official both the 5612
current and former addresses. 5613

..... The provisional voter provided a military 5614
identification that shows the voter's name and current address or 5615
a copy of a current utility bill, bank statement, government 5616
check, paycheck, or other government document, other than a notice 5617
of an election mailed by a board of elections under section 5618
3501.19 of the Revised Code or a notice of voter registration 5619
mailed by a board of elections under section 3503.19 of the 5620
Revised Code, with the voter's name and current address. 5621

..... The provisional voter provided the last four digits of 5622
the voter's social security number. 5623

..... The provisional voter is not able to provide a current 5624
and valid photo identification, a military identification that 5625
shows the voter's name and current address, or a copy of a current 5626
utility bill, bank statement, government check, paycheck, or other 5627
government document, other than a notice of an election mailed by 5628
a board of elections under section 3501.19 of the Revised Code or 5629
a notice of voter registration mailed by a board of elections 5630
under section 3503.19 of the Revised Code, with the voter's name 5631
and current address but does have one of these forms of 5632
identification. The provisional voter must provide one of the 5633
foregoing items of identification to the board of elections within 5634
ten days after the election. 5635

..... The provisional voter is not able to provide a current 5636
and valid photo identification, a military identification that 5637
shows the voter's name and current address, or a copy of a current 5638
utility bill, bank statement, government check, paycheck, or other 5639
government document, other than a notice of an election mailed by 5640
a board of elections under section 3501.19 of the Revised Code or 5641

a notice of voter registration mailed by a board of elections 5642
under section 3503.19 of the Revised Code, with the voter's name 5643
and current address but does have one of these forms of 5644
identification. Additionally, the provisional voter does have a 5645
social security number but is not able to provide the last four 5646
digits of the voter's social security number before voting. The 5647
provisional voter must provide one of the foregoing items of 5648
identification or the last four digits of the voter's social 5649
security number to the board of elections within ten days after 5650
the election. 5651

..... The provisional voter does not have a current and valid 5652
photo identification, a military identification that shows the 5653
voter's name and current address, a copy of a current utility 5654
bill, bank statement, government check, paycheck, or other 5655
government document with the voter's name and current address, or 5656
a social security number, but has executed an affirmation. 5657

..... The provisional voter does not have a current and valid 5658
photo identification, a military identification that shows the 5659
voter's name and current address, a copy of a current utility 5660
bill, bank statement, government check, paycheck, or other 5661
government document with the voter's name and current address, or 5662
a social security number, and has declined to execute an 5663
affirmation. 5664

..... The provisional voter declined to provide a current and 5665
valid photo identification, a military identification that shows 5666
the voter's name and current address, a copy of a current utility 5667
bill, bank statement, government check, paycheck, or other 5668
government document with the voter's name and current address, or 5669
the last four digits of the voter's social security number but 5670
does have one of these forms of identification or a social 5671
security number. The provisional voter must provide one of the 5672
foregoing items of identification or the last four digits of the 5673

voter's social security number to the board of elections within 5674
ten days after the election. 5675

..... 5676
(Signature of Election Official)" 5677

In addition to any information required to be included on the 5678
written affirmation, an individual casting a provisional ballot 5679
may provide additional information to the election official to 5680
assist the board of elections in determining the individual's 5681
eligibility to vote in that election, including the date and 5682
location at which the individual registered to vote, if known. 5683

If the individual declines to execute the affirmation, an 5684
appropriate local election official shall comply with division 5685
(B)(6) of section 3505.181 of the Revised Code. 5686

Sec. 3505.183. (A) When the ballot boxes are delivered to the 5687
board of elections from the precincts, the board shall separate 5688
the provisional ballot envelopes from the rest of the ballots. 5689
Teams of employees of the board consisting of one member of each 5690
major political party shall place the sealed provisional ballot 5691
envelopes in a secure location within the office of the board. The 5692
sealed provisional ballot envelopes shall remain in that secure 5693
location until the validity of those ballots is determined under 5694
division (B) of this section. While the provisional ballot is 5695
stored in that secure location, and prior to the counting of the 5696
provisional ballots, if the board receives information regarding 5697
the validity of a specific provisional ballot under division (B) 5698
of this section, the board may note, on the sealed provisional 5699
ballot envelope for that ballot, whether the ballot is valid and 5700
entitled to be counted. 5701

(B)(1) To determine whether a provisional ballot is valid and 5702
entitled to be counted, the board shall examine its records and 5703
determine whether the individual who cast the provisional ballot 5704

is registered and eligible to vote in the applicable election. The 5705
board shall examine the information contained in the written 5706
affirmation executed by the individual who cast the provisional 5707
ballot under division (B)(2) of section 3505.181 of the Revised 5708
Code. If the individual declines to execute such an affirmation, 5709
the individual's name, written by either the individual or the 5710
election official at the direction of the individual, shall be 5711
included in a written affirmation in order for the provisional 5712
ballot to be eligible to be counted; otherwise, the following 5713
information shall be included in the written affirmation in order 5714
for the provisional ballot to be eligible to be counted: 5715

(a) The individual's name and signature; 5716

(b) A statement that the individual is a registered voter in 5717
the jurisdiction in which the provisional ballot is being voted; 5718

(c) A statement that the individual is eligible to vote in 5719
the election in which the provisional ballot is being voted. 5720

(2) In addition to the information required to be included in 5721
an affirmation under division (B)(1) of this section, in 5722
determining whether a provisional ballot is valid and entitled to 5723
be counted, the board also shall examine any additional 5724
information for determining ballot validity provided by the 5725
provisional voter on the affirmation, provided by the provisional 5726
voter to an election official under section 3505.182 of the 5727
Revised Code, or provided to the board of elections during the ten 5728
days after the day of the election under division (B)(8) of 5729
section 3505.181 of the Revised Code, to assist the board in 5730
determining the individual's eligibility to vote. 5731

(3) If, in examining a provisional ballot affirmation and 5732
additional information under divisions (B)(1) and (2) of this 5733
section, the board determines that all of the following apply, the 5734
provisional ballot envelope shall be opened, and the ballot shall 5735

<u>be placed in a ballot box to be counted:</u>	5736
<u>(a) The individual named on the affirmation is properly registered to vote.</u>	5737
	5738
<u>(b) The individual named on the affirmation is eligible to cast a ballot in the precinct and for the election in which the individual cast the provisional ballot.</u>	5739
	5740
	5741
<u>(c) The individual provided all of the information required under division (B)(1) of this section in the affirmation that the individual executed at the time the individual cast the provisional ballot.</u>	5742
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	5745
<u>(d) If applicable, the individual provided any additional information required under division (B)(8) of section 3505.181 of the Revised Code within ten days after the day of the election.</u>	5746
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	5748
<u>(e) If applicable, the hearing conducted under division (B) of section 3503.24 of the Revised Code after the day of the election resulted in the individual's inclusion in the official registration list.</u>	5749
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	5751
	5752
<u>(4)(a) If, in examining a provisional ballot affirmation and additional information under divisions (B)(1) and (2) of this section, the board determines that any of the following applies, the provisional ballot envelope shall not be opened, and the ballot shall not be counted:</u>	5753
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<u>(i) The individual named on the affirmation is not qualified or is not properly registered to vote.</u>	5758
	5759
<u>(ii) The individual named on the affirmation is not eligible to cast a ballot in the precinct or for the election in which the individual cast the provisional ballot.</u>	5760
	5761
	5762
<u>(iii) The individual did not provide all of the information required under division (B)(1) of this section in the affirmation that the individual executed at the time the individual cast the</u>	5763
	5764
	5765

provisional ballot. 5766

(iv) The individual has already cast a ballot for the election in which the individual cast the provisional ballot. 5767
5768

(v) If applicable, the individual did not provide any additional information required under division (B)(8) of section 3505.181 of the Revised Code within ten days after the day of the election. 5769
5770
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(vi) If applicable, the hearing conducted under division (B) of section 3503.24 of the Revised Code after the day of the election did not result in the individual's inclusion in the official registration list. 5773
5774
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(vii) The individual failed to provide a current and valid photo identification, a military identification that shows the voter's name and current address, a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, with the voter's name and current address, or the last four digits of the individual's social security number or to execute an affirmation under division (A) of section 3505.18 or division (B) of section 3505.181 of the Revised Code. 5777
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(b) If, in examining a provisional ballot affirmation and additional information under divisions (B)(1) and (2) of this section, the board is unable to determine either of the following, the provisional ballot envelope shall not be opened, and the ballot shall not be counted: 5789
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5793

(i) Whether the individual named on the affirmation is qualified or properly registered to vote; 5794
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(ii) Whether the individual named on the affirmation is 5796
eligible to cast a ballot in the precinct or for the election in 5797
which the individual cast the provisional ballot. 5798

(C)(1) For each provisional ballot rejected under division 5799
(B)(4) of this section, the board shall record the name of the 5800
provisional voter who cast the ballot, the identification number 5801
of the provisional ballot envelope, the names of the election 5802
officials who determined the validity of that ballot, the date and 5803
time that the determination was made, and the reason that the 5804
ballot was not counted. 5805

(2) Provisional ballots that are rejected under division 5806
(B)(4) of this section shall not be counted but shall be preserved 5807
in their provisional ballot envelopes unopened until the time 5808
provided by section 3505.31 of the Revised Code for the 5809
destruction of all other ballots used at the election for which 5810
ballots were provided, at which time they shall be destroyed. 5811

(D) Provisional ballots that the board determines are 5812
eligible to be counted under division (B)(3) of this section shall 5813
be counted in the same manner as provided for other ballots under 5814
section 3505.27 of the Revised Code. No provisional ballots shall 5815
be counted in a particular county until the board determines the 5816
eligibility to be counted of all provisional ballots cast in that 5817
county under division (B) of this section for that election. 5818
Observers, as provided in section 3505.21 of the Revised Code, may 5819
be present at all times that the board is determining the 5820
eligibility of provisional ballots to be counted and counting 5821
those provisional ballots determined to be eligible. No person 5822
shall recklessly disclose the count or any portion of the count of 5823
provisional ballots in such a manner as to jeopardize the secrecy 5824
of any individual ballot. 5825

(E)(1) Except as otherwise provided in division (E)(2) of 5826

this section, nothing in this section shall prevent a board of elections from examining provisional ballot affirmations and additional information under divisions (B)(1) and (2) of this section to determine the eligibility of provisional ballots to be counted during the ten days after the day of an election.

(2) A board of elections shall not examine the provisional ballot affirmation and additional information under divisions (B)(1) and (2) of this section of any provisional ballot for which an election official has indicated under division (B)(7) of section 3505.181 of the Revised Code that additional information is required for the board of elections to determine the eligibility of the individual who cast that provisional ballot until the individual provides any information required under division (B)(8) of section 3505.181 of the Revised Code, until any hearing required to be conducted under section 3503.24 of the Revised Code with regard to the provisional voter is held, or until the eleventh day after the day of the election, whichever is earlier.

Sec. 3505.19. Any person registered as an elector may be challenged by any qualified elector as to ~~his~~ the registered elector's right to vote ~~at any~~ prior to the nineteenth day before the day of an election. Such qualified elector may, ~~at any time during the year,~~ either by appearing in person at the office of the board of elections, or by letter addressed to the board, challenge the right of such registered elector to vote. Any such challenge must state the ground upon which the challenge is made, and must be signed by the challenger giving ~~his~~ the challenger's address and voting precinct. ~~If, after public hearing, of which both the challenger and challenged shall be notified,~~ the board is satisfied, in accordance with division (B) of section 3503.24 of the Revised Code, that the challenge is well taken, the director

shall so indicate on the registration cards and ~~he~~ shall so notify 5858
in writing the judges ~~and clerks~~ of the precinct. If such 5859
challenged person offers to vote at such election ~~he,~~ the 5860
challenged person shall be examined as in the case of an original 5861
challenge. If such person establishes, to the satisfaction of the 5862
judges ~~and clerks~~, that ~~his~~ the person's disabilities have been 5863
removed and that ~~he~~ the person has a right to vote, ~~he~~ the person 5864
shall be permitted to vote. 5865

Sec. 3505.20. Any person offering to vote may be challenged 5866
at the polling place ~~by any challenger, any elector then lawfully~~ 5867
~~in the polling place, or~~ by any judge ~~or clerk~~ of elections. If 5868
the board of elections has ruled on the question presented by a 5869
challenge prior to election day, its finding and decision shall be 5870
final, and the presiding judge shall be notified in writing. If 5871
the board has not ruled, the question shall be determined as set 5872
forth in this section. If any person is so challenged as 5873
unqualified to vote, the presiding judge shall tender the person 5874
the following oath: "You do swear or affirm under penalty of 5875
election falsification that you will fully and truly answer all of 5876
the following questions put to you, ~~touching your place of~~ 5877
~~residence and~~ concerning your qualifications as an elector at this 5878
election." 5879

(A) If the person is challenged as unqualified on the ground 5880
that the person is not a citizen, the judges shall put the 5881
following questions: 5882

(1) Are you a citizen of the United States? 5883

(2) Are you a native or naturalized citizen? 5884

(3) Where were you born? 5885

(4) What official documentation do you possess to prove your 5886
citizenship? Please provide that documentation. 5887

If the person offering to vote claims to be a naturalized 5888
citizen of the United States, the person shall, before the vote is 5889
received, ~~either~~ produce for inspection of the judges a 5890
certificate of naturalization and declare under oath that the 5891
person is the identical person named ~~therein, or state under oath~~ 5892
~~when and where the person was naturalized, that the person has had~~ 5893
~~a certificate of the person's naturalization, and that it is lost,~~ 5894
~~destroyed, or beyond the person's power to produce to the judges~~ 5895
in the certificate. If the person states under oath that, by 5896
reason of the naturalization of the person's parents or one of 5897
them, the person has become a citizen of the United States, and 5898
when or where the person's parents were naturalized, the 5899
certificate of naturalization need not be produced. If the person 5900
is unable to provide a certificate of naturalization on the day of 5901
the election, the judges shall provide to the person, and the 5902
person may vote, a provisional ballot under section 3505.181 of 5903
the Revised Code. The provisional ballot shall not be counted 5904
unless it is properly completed and the board of elections 5905
determines that the voter is properly registered and eligible to 5906
vote in the election. 5907

(B) If the person is challenged as unqualified on the ground 5908
that the person has not resided in this state for thirty days 5909
immediately preceding the election, the judges shall put the 5910
following questions: 5911

(1) Have you resided in this state for thirty days 5912
immediately preceding this election? If so, where have you 5913
resided? ~~Name two persons who know of your place of residence.~~ 5914

(2) ~~Have you been absent from this state within the thirty~~ 5915
~~days immediately preceding this election? If yes, then the~~ 5916
~~following questions:~~ 5917

~~(a) Have you continuously resided outside this state for a~~ 5918

period of four years or more?	5919
(b) Did you, while absent, look upon and regard this state as your home?	5920
(c) Did you, while absent, vote in any other state? Did you properly register to vote?	5921
(3) Can you provide some form of identification containing your current mailing address in this precinct? Please provide that identification.	5922
(4) Have you voted or attempted to vote at any other location in this or in any other state at this election?	5923
(5) Have you applied for an absent voter's ballot in any state for this election?	5924
If the judges are unable to verify the person's eligibility to cast a ballot in the election, the judges shall provide to the person, and the person may vote, a provisional ballot under section 3505.181 of the Revised Code. The provisional ballot shall not be counted unless it is properly completed and the board of elections determines that the voter is properly registered and eligible to vote in the election.	5925
(C) If the person is challenged as unqualified on the ground that the person is not a resident of the county or precinct where he <u>the person</u> offers to vote, the judges shall put the following questions:	5926
(1) Do you now reside in this county?	5927
(2) Do you now reside in this precinct?	5928
(2) When did you move into this precinct?	5929
(3) When you came into this precinct, did you come for a temporary purpose merely or for the purpose of making it your home?	5930
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<u>(4) What is your current mailing address?</u>	5948
<u>(5) Do you have some official identification containing your current address in this precinct? Please provide that identification.</u>	5949 5950 5951
<u>(6) Have you voted or attempted to vote at any other location in this or in any other state at this election?</u>	5952 5953
<u>(7) Have you applied for any absent voter's ballot in any state for this election?</u>	5954 5955
<u>The judges shall direct an individual who is not in the appropriate polling place to the appropriate polling place. If the individual refuses to go to the appropriate polling place, or if the judges are unable to verify the person's eligibility to cast a ballot in the election, the judges shall provide to the person, and the person may vote, a provisional ballot under section 3505.181 of the Revised Code. The provisional ballot shall not be counted unless it is properly completed and the board of elections determines that the voter is properly registered and eligible to vote in the election.</u>	5956 5957 5958 5959 5960 5961 5962 5963 5964 5965
(D) If the person is challenged as unqualified on the ground that the person is not of legal voting age, the judges shall put the following question <u>questions</u> :	5966 5967 5968
<u>(1) Are you eighteen years of age or more to the best of your knowledge and belief?</u>	5969 5970
<u>(2) What is your date of birth?</u>	5971
<u>(3) Do you have some official identification verifying your age? Please provide that identification.</u>	5972 5973
<u>If the judges are unable to verify the person's age and eligibility to cast a ballot in the election, the judges shall provide to the person, and the person may vote, a provisional ballot under section 3505.181 of the Revised Code. The provisional</u>	5974 5975 5976 5977

ballot shall not be counted unless it is properly completed and 5978
the board of elections determines that the voter is properly 5979
registered and eligible to vote in the election. 5980

The presiding judge shall put such other questions to the 5981
person challenged ~~under respective heads designated by this~~ 5982
~~section,~~ as are necessary to ~~test~~ determine the person's 5983
qualifications as an elector at the election. If a person 5984
challenged refuses to answer fully any question put to the person, 5985
is unable to answer the questions as they were answered on the 5986
registration form by the person under whose name the person offers 5987
to vote, or refuses to sign the person's name or make the person's 5988
mark, or if for any other reason a majority of the judges believes 5989
the person is not entitled to vote, the judges shall ~~refuse the~~ 5990
~~person a ballot. If a person is disqualified under division (C) of~~ 5991
~~this section because the person does not now reside in the county~~ 5992
~~or precinct, the presiding judge shall inform the person of the~~ 5993
~~person's right to vote in the person's proper county or precinct~~ 5994
~~of residence and instruct the person to contact the appropriate~~ 5995
~~board of elections for information concerning the location of the~~ 5996
~~person's voting precinct~~ provide to the person, and the person may 5997
vote, a provisional ballot under section 3505.181 of the Revised 5998
Code. The provisional ballot shall not be counted unless it is 5999
properly completed and the board of elections determines that the 6000
voter is properly registered and eligible to vote in the election. 6001

A qualified citizen who has certified the citizen's intention 6002
to vote for president and vice-president as provided by Chapter 6003
3504. of the Revised Code shall be eligible to receive only the 6004
ballot containing presidential and vice-presidential candidates. 6005

~~The decision of said judges shall be final as to the right of~~ 6006
~~the person challenged to vote at such election.~~ 6007

However, prior to the nineteenth day before the day of an 6008

election and in accordance with section 3503.24 of the Revised Code, any person qualified to vote may challenge the right of any other person to be registered as a voter, or the right to cast an absent voter's ballot, or to make application for such ballot. Such challenge shall be made in accordance with section 3503.24 of the Revised Code, and the board of elections of the county in which the voting residence of the challenged voter is situated shall make a final determination relative to the legality of such registration or application.

Sec. 3505.21. At any primary, special, or general election, any political party supporting candidates to be voted upon at such election and any group of five or more candidates may appoint to the board of elections or to any of the polling places precincts in the county or city one person, a qualified elector, who shall serve as ~~challenger~~ observer for such party or such candidates during the casting ~~of the ballots,~~ and ~~one person, a qualified elector, who shall serve as witness during the~~ counting of the ballots; provided that ~~one such person~~ separate observers may be appointed to serve as ~~both challenger and witness~~ during the casting and during the counting of the ballots. No candidate, no uniformed peace officer as defined by section 2935.01 of the Revised Code, no uniformed state highway patrol trooper, no uniformed member of any fire department, no uniformed member of the armed services, no uniformed member of the organized militia, no person wearing any other uniform, and no person carrying a firearm or other deadly weapon shall serve as ~~a witness or challenger~~ an observer, nor shall any candidate be represented by more than one ~~challenger and one witness~~ observer at any one ~~polling place precinct~~ except that a candidate who is a member of a party controlling committee, as defined in section 3517.03 of the Revised Code, may serve as ~~a witness or challenger~~ an observer. Any political party or group of candidates appointing

~~witnesses or challengers~~ observers shall notify the board of 6041
elections of the names and addresses of its appointees and the 6042
~~polling places~~ precincts at which they shall serve. Notification 6043
shall take place not less than eleven days before the election on 6044
forms prescribed by the secretary of state and may be amended by 6045
filing an amendment with the board of elections at any time until 6046
four p.m. of the day before the election. The ~~challenger and~~ 6047
~~witness~~ observer serving on behalf of a political party shall be 6048
appointed in writing by the ~~chairman~~ chairperson and secretary of 6049
the respective controlling party ~~committees~~ committee. ~~Challengers~~ 6050
~~and witnesses~~ Observers serving for any five or more candidates 6051
shall have their certificates signed by ~~such~~ those candidates. 6052
~~Challengers and witnesses so~~ Observers appointed to a precinct may 6053
file their certificates of appointment with the presiding judge of 6054
the precinct at the meeting on the evening prior to the election, 6055
or with the presiding judge of the precinct on the day of the 6056
election. ~~Witnesses shall not be admitted to the booths before the~~ 6057
~~closing of the polls except for the purpose of filing their~~ 6058
~~certificates.~~ Upon the filing of a certificate, the person named 6059
as ~~challenger therein~~ observer in the certificate shall be 6060
permitted to be in and about the polling place for the precinct 6061
during the casting of the ballots and shall be permitted to watch 6062
every proceeding of the judges ~~and clerks~~ of elections from the 6063
time of the opening until the closing of the polls. ~~Any such~~ 6064
~~witnesses so appointed~~ The observer also may inspect the counting 6065
of ~~the all~~ all ballots in the ~~precinct~~ polling place or board of 6066
elections from the time of the closing of the polls until the 6067
counting is completed and the final returns are certified and 6068
signed. Observers appointed to the board of elections under this 6069
section may observe at the board of elections and may observe at 6070
any precinct in the county. The judges of elections shall protect 6071
such ~~challengers and witnesses~~ observers in all of the rights and 6072
privileges granted to them by Title XXXV of the Revised Code. 6073

No persons other than the judges ~~and clerks~~ of elections, the 6074
~~witnesses~~ observers, a police officer, other persons who are 6075
detailed to any precinct on request of the board of elections, or 6076
the secretary of state or ~~his~~ the secretary of state's legal 6077
representative shall be admitted to the polling place, or any room 6078
in which a board of elections is counting ballots, after the 6079
closing of the polls until the counting, certifying, and signing 6080
of the final returns of each election have been completed. 6081

Not later than ~~eleven days~~ four p.m. of the twentieth day 6082
prior to an election at which questions are to be submitted to a 6083
vote of the people, any committee ~~which~~ that in good faith 6084
advocates or opposes a measure may file a petition with the board 6085
of any county asking that ~~such~~ the petitioners be recognized as 6086
the committee entitled to appoint ~~witnesses~~ observers to the count 6087
at ~~such~~ the election. If more than one committee alleging 6088
themselves to advocate or oppose the same measure file such 6089
~~petitions~~ a petition, the board shall decide and announce by 6090
registered mail to each committee not less than ~~three~~ twelve days 6091
immediately preceding the election which committee is recognized 6092
as being entitled to appoint ~~such witnesses~~ observers. ~~Such~~ The 6093
decision shall not be final, but any aggrieved party may institute 6094
mandamus proceedings in the court of common pleas of the county 6095
~~wherein such~~ in which the board has jurisdiction to compel the 6096
judges of elections to accept the appointees of such aggrieved 6097
party. Any such recognized committee may appoint ~~a challenger and~~ 6098
~~a witness~~ an observer to the count in each precinct. Committees 6099
appointing ~~witnesses or challengers~~ observers shall notify the 6100
board of elections of the names and addresses of its appointees 6101
and the ~~polling places~~ precincts at which they shall serve. 6102
Notification shall take place not less than eleven days before the 6103
election on forms prescribed by the secretary of state and may be 6104
amended by filing an amendment with the board of elections at any 6105

time until four p.m. on the day before the election. A person so 6106
appointed shall file ~~his~~ the person's certificate of appointment 6107
with the presiding judge in the precinct in which ~~he~~ the person 6108
has been appointed to serve. ~~Witnesses~~ Observers shall file their 6109
certificates before the polls are closed. In no case shall more 6110
than six ~~such challengers and six witnesses~~ observers be appointed 6111
for any one election in any one precinct. If more than three 6112
questions are to be voted on, the committees which have appointed 6113
~~challengers and witnesses~~ observers may agree upon not to exceed 6114
six ~~challengers and six witnesses~~ observers, and the judges of 6115
elections shall appoint such ~~challengers and witnesses~~ observers. 6116
If such committees fail to agree, the judges of elections shall 6117
appoint six ~~challengers and six witnesses~~ observers from the 6118
appointees so certified, in such manner that each side of the 6119
several questions shall be represented. 6120

No person shall serve as ~~a witness or challenger~~ an observer 6121
at any ~~polling place~~ precinct unless the board of elections of the 6122
county in which such ~~witness or challenger~~ observer is to serve 6123
has first been notified of the name, address, and ~~polling place~~ 6124
precinct at which such ~~witness or challenger~~ observer is to serve. 6125
Notification to the board of elections shall be given by the 6126
political party, group of candidates, or committee appointing such 6127
~~witness or challenger~~ observer as prescribed in this section. No 6128
such ~~challengers and witnesses~~ observers shall receive any 6129
compensation from the county, municipal corporation, or township, 6130
and they shall take the following oath, to be administered by one 6131
of the judges of elections: 6132

"You do solemnly swear that you will faithfully and 6133
impartially discharge the duties as an official ~~challenger and~~ 6134
~~witness~~ observer, assigned by law; that you will not cause any 6135
delay to persons offering to vote, ~~further than is necessary to~~ 6136
~~procure satisfactory information of their qualification as~~ 6137

~~electors~~; and that you will not disclose or communicate to any 6138
person how any elector has voted at such election." 6139

Sec. 3505.22. If any precinct officer, ~~challenger, or other~~ 6140
~~elector~~ has reason to believe that a person is impersonating an 6141
elector, ~~then such that~~ that person, before ~~he is~~ being given a ballot, 6142
shall be questioned as to ~~his~~ the person's right to vote, and 6143
shall be required to sign ~~his~~ the person's name or make ~~his the~~ 6144
person's mark in ink on a card to be provided ~~therefor~~. If, in the 6145
opinion of a majority of the precinct officers, the signature is 6146
not that of the person who signed ~~such the~~ name in the 6147
registration forms, ~~then such that~~ person ~~may~~ shall be ~~refused~~ 6148
permitted to cast a provisional ballot under section 3505.181 of 6149
the Revised Code. ~~Such person may appeal to the board of elections~~ 6150
~~and if the board finds that he is eligible to vote, an order~~ 6151
~~instructing the precinct officer to permit him to vote shall be~~ 6152
~~given to such person. Such order shall be recognized by such~~ 6153
~~precinct officers when presented and signed and such person shall~~ 6154
~~be permitted to vote.~~ 6155

Sec. 3505.25. No judge ~~or clerk~~ of elections, ~~challenger~~ 6156
observer, or police officer admitted into the polling rooms at the 6157
election, at any time while the polls are open, shall have in ~~his~~ 6158
the individual's possession, distribute, or give out any ballot or 6159
ticket to any person on any pretense during the receiving, 6160
counting, or certifying of the votes, or have any ballot or ticket 6161
in ~~his~~ the individual's possession or control, except in the 6162
proper discharge of ~~his~~ the individual's official duty in 6163
receiving, counting, or canvassing the votes. This section does 6164
not prevent the lawful exercise by a judge ~~or clerk~~ of elections, 6165
~~witness~~, or ~~challenger~~ observer of ~~his~~ the individual right to 6166
vote at such election. 6167

Sec. 3505.26. At the time for closing the polls, the 6168
presiding judge shall by proclamation announce that the polls are 6169
closed. 6170

The judges ~~and clerks~~ shall then in the presence of ~~witnesses~~ 6171
observers proceed as follows: 6172

(A) Count the number of electors who voted, as shown on the 6173
pollbooks~~;~~i 6174

(B) Count the unused ballots without removing stubs~~;~~i 6175

(C) Count the soiled and defaced ballots~~;~~i 6176

(D) Insert the totals of (A), (B), and (C) on the report 6177
forms provided therefor in the pollbook~~;~~i 6178

(E) Count the voted ballots. If the number of voted ballots 6179
exceeds the number of voters whose names appear upon the 6180
pollbooks, the presiding judge shall enter on the pollbooks an 6181
explanation of ~~such~~ that discrepancy, and ~~such~~ that explanation, 6182
if agreed to, shall be subscribed to by all of the judges ~~and~~ 6183
~~clerks~~. Any judge ~~or clerk~~ having a different explanation shall 6184
enter it in the pollbooks and subscribe to it. 6185

(F) Put the unused ballots with stubs attached, and soiled 6186
and defaced ballots with stubs attached, in the envelopes or 6187
containers provided therefor, certify the number, and then proceed 6188
to count and tally the votes in the manner prescribed by section 6189
3505.27 of the Revised Code and certify the result of the election 6190
to the board of elections. 6191

Sec. 3505.27. Unless otherwise ordered by the secretary of 6192
state or the board of elections, the counting and tallying of 6193
ballots shall be conducted according to procedures prescribed by 6194
the board of elections that assure an accurate count of all votes 6195
cast and that include all of the following: 6196

(A) The counting and tallying of ballots at the appropriate office, as designated by the board, in the full view of members of the board and ~~witnesses~~ observers;

(B) The recording on a worksheet or other appropriate document of the number of votes cast for each candidate and the number of votes cast for and against each question or issue;

(C) The periodic reporting to the public and the office of the secretary of state of the number of votes cast for each candidate and the number of votes cast for and against each question or issue as tallied at the time of the report;

(D) An examination and verification by the appropriate authority, as designated by the board, of the votes so tallied and recorded in the pollbook under section 3505.26 of the Revised Code.

The board shall prescribe additional procedures as necessary to assure an accurate count of all votes cast. These procedures shall be followed until all of the ballots that are required to be counted on the day of the election after the close of the polls have been counted.

All work sheets that are prepared at the polling locations shall be preserved and placed inside the pollbook and returned to the board.

If there is any disagreement as to how a ballot should be counted, it shall be submitted to the members of the board for a decision on whether or to what extent the ballot should be counted. If three of the members do not agree as to how any part of the ballot shall be counted, only that part of ~~such~~ the ballot on which three of the members do agree shall be counted. A notation shall be made upon the ballot indicating what part has not been counted, and the ballot shall be placed in an envelope marked "Disputed Ballots."

Sec. 3505.32. (A) Except as otherwise provided in division 6228
(D) of this section, not earlier than the eleventh day or later 6229
than the fifteenth day after a general or special election or, if 6230
a special election was held on the day of a presidential primary 6231
election, not earlier than the twenty-first day or later than the 6232
twenty-fifth day after the special election, the board of 6233
elections shall begin to canvass the election returns from the 6234
precincts in which electors were entitled to vote at that 6235
election. It shall continue the canvass daily until it is 6236
completed and the results of the voting in that election in each 6237
of the precincts are determined. 6238

The board shall complete the canvass not later than the date 6239
~~set by the secretary of state under division (U) of section~~ 6240
~~3501.05 of the Revised Code~~ twenty-first day after the day of the 6241
election, or if a special election was held on the day of a 6242
presidential primary election, not later than the thirty-first day 6243
after the day of the special election. Sixty Eighty-one days after 6244
the ~~date set by~~ day of the ~~secretary of state for the completion~~ 6245
~~of the canvass~~ election, or ninety-one days after the day of a 6246
special election held on the day of the presidential primary 6247
election, the canvass of election returns shall be deemed final, 6248
and no amendments to the canvass may be made after that date. The 6249
secretary of state may specify an earlier date upon which the 6250
canvass of election returns shall be deemed final, and after which 6251
amendments to the final canvass may not be made, if so required by 6252
federal law. 6253

(B) The county executive committee of each political party, 6254
each committee designated in a petition nominating an independent 6255
or nonpartisan candidate for election at an election, each 6256
committee designated in a petition to represent the petitioners 6257
pursuant to which a question or issue was submitted at an 6258

election, and any committee opposing a question or issue submitted 6259
at an election that was permitted by section 3505.21 of the 6260
Revised Code to have a qualified elector serve as a ~~witness~~ an 6261
observer during the counting of the ballots at each polling place 6262
at an election may designate a qualified elector who may be 6263
present and may ~~witness~~ observe the making of the official 6264
canvass. 6265

(C) The board shall first open all envelopes containing 6266
uncounted ballots and shall count and tally them. 6267

In connection with its investigation of any apparent or 6268
suspected error or defect in the election returns from a polling 6269
place, the board may cause subpoenas to be issued and served 6270
requiring the attendance before it of the election officials of 6271
that polling place, and it may examine them under oath regarding 6272
the manner in which the votes were cast and counted in that 6273
polling place, or the manner in which the returns were prepared 6274
and certified, or as to any other matters bearing upon the voting 6275
and the counting of the votes in that polling place at that 6276
election. 6277

Finally, the board shall open the sealed container containing 6278
the ballots that were counted in the polling place at the election 6279
and count those ballots, during the official canvass, in the 6280
presence of all of the members of the board and any other persons 6281
who are entitled to witness the official canvass. 6282

(D) Prior to the tenth day after a primary, general, or 6283
special election, the board may examine the pollbooks, poll lists, 6284
and tally sheets received from each polling place for its files 6285
and may compare the results of the voting in any polling place 6286
with the summary statement received from the polling place. If the 6287
board finds that any of these records or any portion of them is 6288
missing, or that they are incomplete, not properly certified, or 6289

ambiguous, or that the results of the voting in the polling place 6290
as shown on the summary statement from the polling place are 6291
different from the results of the voting in the polling place as 6292
shown by the pollbook, poll list, or tally sheet from the polling 6293
place, or that there is any other defect in the records, the board 6294
may make whatever changes to the pollbook, poll list, or tally 6295
sheet it determines to be proper in order to correct the errors or 6296
defects. 6297

Sec. 3506.01. As used in this chapter and Chapters 3501., 6298
3503., 3505., 3509., 3511., 3513., 3515., 3517., 3519., 3521., 6299
3523., and 3599. of the Revised Code: 6300

(A) "Marking device" means an apparatus operated by a voter 6301
to record the voter's choices through the piercing or marking of 6302
ballots enabling them to be examined and counted by automatic 6303
tabulating equipment. 6304

(B) "Ballot" means the official election presentation of 6305
offices and candidates, including write-in candidates, and of 6306
questions and issues, and the means by which votes are recorded. 6307

(C) "Automatic tabulating equipment" means a machine or 6308
electronic device, or interconnected or interrelated machines or 6309
electronic devices, that will automatically examine and count 6310
votes recorded on ballots. 6311

(D) "Central counting station" means a location, or one of a 6312
number of locations, designated by the board of elections for the 6313
automatic examining, sorting, or counting of ballots. 6314

(E) "Voting machines" means mechanical or electronic 6315
equipment for the direct recording and tabulation of votes. 6316

(F) "Direct recording electronic voting machine" means a 6317
voting machine that records votes by means of a ballot display 6318
provided with mechanical or electro-optical components that can be 6319

actuated by the voter, that processes the data by means of a 6320
computer program, and that records voting data and ballot images 6321
in internal or external memory components. A "direct recording 6322
electronic voting machine" produces a tabulation of the voting 6323
data stored in a removable memory component and in printed copy. 6324

(G) "Help America Vote Act of 2002" means the "Help America 6325
Vote Act of 2002," ~~Public Law~~ Pub. L. No. 107-252, 116 Stat. 1666. 6326

(H) "Voter verified paper audit trail" means a physical paper 6327
printout on which the voter's ballot choices, as registered by a 6328
direct recording electronic voting machine, are recorded. The 6329
voter shall be permitted to visually or audibly inspect the 6330
contents of the physical paper printout. The physical paper 6331
printout shall be securely retained at the polling place until the 6332
close of the polls on the day of the election; the secretary of 6333
state shall adopt rules under Chapter 119. of the Revised Code 6334
specifying the manner of storing the physical paper printout at 6335
the polling place. After the physical paper printout is produced, 6336
but before the voter's ballot is recorded, the voter shall have an 6337
opportunity to accept or reject the contents of the printout as 6338
matching the voter's ballot choices. If a voter rejects the 6339
contents of the physical paper printout, the system that produces 6340
the voter verified paper audit trail shall invalidate the printout 6341
and permit the voter to recast the voter's ballot. On and after 6342
the first federal election that occurs after January 1, 2006, 6343
unless required sooner by the Help America Vote Act of 2002, any 6344
system that produces a voter verified paper audit trail shall be 6345
accessible to disabled voters, including visually impaired voters, 6346
in the same manner as the direct recording electronic voting 6347
machine that produces it. 6348

Sec. 3506.05. (A) As used in this section, except when used 6349
as part of the phrase "tabulating equipment" or "automatic 6350

tabulating equipment": 6351

(1) "Equipment" means a voting machine, marking device, 6352
automatic tabulating equipment, or software. 6353

(2) "Vendor" means the person that owns, manufactures, 6354
distributes, or has the legal right to control the use of 6355
equipment, or the person's agent. 6356

(B) No voting machine, marking device, automatic tabulating 6357
equipment, or software for the purpose of casting or tabulating 6358
votes or for communications among systems involved in the 6359
tabulation, storage, or casting of votes shall be purchased, 6360
leased, put in use, or continued to be used, except for 6361
experimental use as provided in division (B) of section 3506.04 of 6362
the Revised Code, unless it, a manual of procedures governing its 6363
use, and training materials, service, and other support 6364
arrangements have been certified by the secretary of state and 6365
unless the board of elections of each county where the equipment 6366
will be used has assured that a demonstration of the use of the 6367
equipment has been made available to all interested electors. The 6368
secretary of state shall appoint a board of voting machine 6369
examiners to examine and approve equipment and its related manuals 6370
and support arrangements. The board shall consist of one competent 6371
and experienced election officer and two persons who are 6372
knowledgeable about the operation of such equipment, who shall 6373
serve during the secretary of state's term. 6374

For the member's service, each member of the board shall 6375
receive three hundred dollars per day for each combination of 6376
marking device, tabulating equipment, and voting machine examined 6377
and reported, but in no event shall a member receive more than six 6378
hundred dollars to examine and report on any one marking device, 6379
item of tabulating equipment, or voting machine. Each member of 6380
the board shall be reimbursed for expenses the member incurs 6381
during an examination or during the performance of any related 6382

duties that may be required by the secretary of state. 6383
Reimbursement of these expenses shall be made in accordance with, 6384
and shall not exceed, the rates provided for under section 126.31 6385
of the Revised Code. 6386

Neither the secretary of state nor the board, nor any public 6387
officer who participates in the authorization, examination, 6388
testing, or purchase of equipment, shall have any pecuniary 6389
interest in the equipment or any affiliation with the vendor. 6390

(C)(1) A vendor who desires to have the secretary of state 6391
certify equipment shall first submit the equipment, all current 6392
related procedural manuals, and a current description of all 6393
related support arrangements to the board of voting machine 6394
examiners for examination, testing, and approval. The submission 6395
shall be accompanied by a fee of eighteen hundred dollars and a 6396
detailed explanation of the construction and method of operation 6397
of the equipment, a full statement of its advantages, and a list 6398
of the patents and copyrights used in operations essential to the 6399
processes of vote recording and tabulating, vote storage, system 6400
security, and other crucial operations of the equipment as may be 6401
determined by the board. An additional fee, in an amount to be set 6402
by rules promulgated by the board, may be imposed to pay for the 6403
costs of alternative testing or testing by persons other than 6404
board members, record-keeping, and other extraordinary costs 6405
incurred in the examination process. Moneys not used shall be 6406
returned to the person or entity submitting the equipment for 6407
examination. 6408

(2) Fees collected by the secretary of state under this 6409
section shall be deposited into the state treasury to the credit 6410
of the board of voting machine examiners fund, which is hereby 6411
created. All moneys credited to this fund shall be used solely for 6412
the purpose of paying for the services and expenses of each member 6413
of the board or for other expenses incurred relating to the 6414

examination, testing, reporting, or certification of voting 6415
machine devices, the performance of any related duties as required 6416
by the secretary of state, or the reimbursement of any person 6417
submitting an examination fee as provided in this chapter. 6418

(D) Within sixty days after the submission of the equipment 6419
and payment of the fee, or as soon thereafter as is reasonably 6420
practicable, but in any event within not more than ninety days 6421
after the submission and payment, the board of voting machine 6422
examiners shall examine the equipment and file with the secretary 6423
of state a written report on the equipment with its 6424
recommendations and its determination or condition of approval 6425
regarding whether the equipment, manual, and other related 6426
materials or arrangements meet the criteria set forth in sections 6427
3506.07 and 3506.10 of the Revised Code and can be safely used by 6428
the voters at elections under the conditions prescribed in Title 6429
XXXV of the Revised Code, or a written statement of reasons for 6430
which testing requires a longer period. The board may grant 6431
temporary approval for the purpose of allowing experimental use of 6432
equipment. If the board finds that the equipment meets the 6433
criteria set forth in sections 3506.06, 3506.07, and 3506.10 of 6434
the Revised Code, can be used safely and can be depended upon to 6435
record and count accurately and continuously the votes of 6436
electors, and has the capacity to be warranted, maintained, and 6437
serviced, it shall approve the equipment and recommend that the 6438
secretary of state certify the equipment. The secretary of state 6439
shall notify all boards of elections of any such certification. 6440
Equipment of the same model and make, if it provides for recording 6441
of voter intent, system security, voter privacy, retention of 6442
vote, and communication of voting records in an identical manner, 6443
may then be adopted for use at elections. 6444

(E) The vendor shall notify the secretary of state, who shall 6445
then notify the board of voting machine examiners, of any 6446

enhancement and any significant adjustment to the hardware or
software that could result in a patent or copyright change or that
significantly alters the methods of recording voter intent, system
security, voter privacy, retention of the vote, communication of
voting records, and connections between the system and other
systems. The vendor shall provide the secretary of state with an
updated operations manual for the equipment, and the secretary of
state shall forward the manual to the board. Upon receiving such a
notification and manual, the board may require the vendor to
submit the equipment to an examination and test in order for the
equipment to remain certified. The board or the secretary of state
shall periodically examine, test, and inspect certified equipment
to determine continued compliance with the requirements of this
chapter and the initial certification. Any examination, test, or
inspection conducted for the purpose of continuing certification
of any equipment in which a significant problem has been uncovered
or in which a record of continuing problems exists shall be
performed pursuant to divisions (C) and (D) of this section, in
the same manner as the examination, test, or inspection is
performed for initial approval and certification.

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

(G)(1) The notice given by the secretary of state under 6479
division (F) of this section shall be in writing and shall specify 6480
both of the following: 6481

(a) The reasons why the certification may be withdrawn; 6482

(b) The date on which certification will be withdrawn unless 6483
the vendor takes satisfactory corrective measures or explains why 6484
there are no problems with the equipment or why the enhancements 6485
or adjustments to the equipment are not significant. 6486

(2) A vendor who receives a notice under division (F) of this 6487
section shall, within thirty days after receiving it, submit to 6488
the board of voting machine examiners in writing a description of 6489
the corrective measures taken and the date on which they were 6490
taken, or the explanation required under division (G)(1)(b) of 6491
this section. 6492

(3) Not later than fifteen days after receiving a written 6493
description or explanation under division (G)(2) of this section 6494
from a vendor, the board shall determine whether the corrective 6495
measures taken or the explanation is satisfactory to allow 6496
continued certification of the equipment, and the secretary of 6497
state shall send the vendor a written notice of the board's 6498
determination, specifying the reasons for it. If the board has 6499
determined that the measures taken or the explanation given is 6500
unsatisfactory, the notice shall include the effective date of 6501
withdrawal of the certification. This date may be different from 6502
the date originally specified in division (G)(1)(b) of this 6503
section. 6504

(4) A vendor who receives a notice under division (G)(3) of 6505
this section indicating a decision to withdraw certification may, 6506
within thirty days after receiving it, request in writing that the 6507
board hold a hearing to reconsider its decision. Any interested 6508
party shall be given the opportunity to submit testimony or 6509

documentation in support of or in opposition to the board's 6510
recommendation to withdraw certification. Failure of the vendor to 6511
take appropriate steps as described in division (G)(1)(b) or to 6512
comply with division (G)(2) of this section results in a waiver of 6513
the vendor's rights under division (G)(4) of this section. 6514

(H)(1) The secretary of state, in consultation with the board 6515
of voting machine examiners, shall establish, by rule, guidelines 6516
for the approval, certification, and continued certification of 6517
the voting machines, marking devices, and tabulating equipment to 6518
be used under Title XXXV of the Revised Code. The guidelines shall 6519
establish procedures requiring vendors or computer software 6520
developers to place in escrow with an independent escrow agent 6521
approved by the secretary of state a copy of all source code and 6522
related documentation, together with periodic updates as they 6523
become known or available. The secretary of state shall require 6524
that the documentation include a system configuration and that the 6525
source code include all relevant program statements in low- or 6526
high-level languages. As used in this division, "source code" does 6527
not include variable codes created for specific elections. 6528

(2) Nothing in any rule adopted under division (H) of this 6529
section shall be construed to limit the ability of the secretary 6530
of state to follow or adopt, or to preclude the secretary of state 6531
from following or adopting, any guidelines proposed by the federal 6532
election commission, any entity authorized by the federal election 6533
commission to propose guidelines, the election assistance 6534
commission, or any entity authorized by the election assistance 6535
commission to propose guidelines. 6536

(3)(a) Before the initial certification of any direct 6537
recording electronic voting machine with a voter verified paper 6538
audit trail, and as a condition for the continued certification 6539
and use of those machines, the secretary of state shall establish, 6540
by rule, standards for the certification of those machines. Those 6541

standards shall include, but are not limited to, all of the 6542
following: 6543

(i) A definition of a voter verified paper audit trail as a 6544
paper record of the voter's choices that is verified by the voter 6545
prior to the casting of the voter's ballot and that is securely 6546
retained by the board of elections; 6547

(ii) Requirements that the voter verified paper audit trail 6548
shall not be retained by any voter and shall not contain 6549
individual voter information; 6550

(iii) A prohibition against the production by any direct 6551
recording electronic voting machine of anything that legally could 6552
be removed by the voter from the polling place, such as a receipt 6553
or voter confirmation; 6554

(iv) A requirement that paper used in producing a voter 6555
verified paper audit trail be sturdy, clean, and resistant to 6556
degradation; 6557

(v) A requirement that the voter verified paper audit trail 6558
shall be capable of being optically scanned for the purpose of 6559
conducting a recount or other audit of the voting machine and 6560
shall be readable in a manner that makes the voter's ballot 6561
choices obvious to the voter without the use of computer or 6562
electronic codes; 6563

(vi) A requirement, for office-type ballots, that the voter 6564
verified paper audit trail include the name of each candidate 6565
selected by the voter; 6566

(vii) A requirement, for questions and issues ballots, that 6567
the voter verified paper audit trail include the title of the 6568
question or issue, the name of the entity that placed the question 6569
or issue on the ballot, and the voter's ballot selection on that 6570
question or issue, but not the entire text of the question or 6571

issue. 6572

(b) The secretary of state, by rule adopted under Chapter 6573
119. of the Revised Code, may waive the requirement under division 6574
(H)(3)(a)(v) of this section, if the secretary of state determines 6575
that the requirement is cost prohibitive. 6576

Sec. 3506.12. In counties where marking devices, automatic 6577
tabulating equipment, voting machines, or any combination of these 6578
are in use or are to be used, the board of elections: 6579

(A) May combine, rearrange, and enlarge precincts; but the 6580
board shall arrange for a sufficient number of these devices to 6581
accommodate the number of electors in each precinct as determined 6582
by the number of votes cast in that precinct at the most recent 6583
election for the office of governor, taking into consideration the 6584
size and location of each selected polling place, available 6585
parking, handicap accessibility and other accessibility to the 6586
polling place, and the number of candidates and issues to be voted 6587
on. Notwithstanding section 3501.22 of the Revised Code, the board 6588
may appoint more than four precinct officers to each precinct if 6589
this is made necessary by the number of voting machines to be used 6590
in that precinct. 6591

(B) Except as otherwise provided in this division, shall 6592
establish one or more counting stations to receive voted ballots 6593
and other precinct election supplies after the polling precincts 6594
are closed. Those stations shall be under the supervision and 6595
direction of the board of elections. Processing and counting of 6596
voted ballots, and the preparation of summary sheets, shall be 6597
done in the presence of ~~witnesses~~ observers approved by the board. 6598
A certified copy of the summary sheet for the precinct shall be 6599
posted at each counting station immediately after completion of 6600
the summary sheet. 6601

In counties where punch card ballots are used, one or more counting stations, located at the board of elections, shall be established, at which location all punch card ballots shall be counted.

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

Sec. 3506.13. In precincts where marking devices, automatic tabulating equipment, voting machines, or any combination of these are used, ~~challengers and witnesses~~ observers may be appointed as prescribed in section 3505.21 of the Revised Code. The duties and privileges of ~~challengers~~ observers in such precincts during the hours the polls are open, shall be as provided in section 3505.21 of the Revised Code.

~~Challengers~~ Observers shall be allowed to remain in the polling place after the polls close and may observe the processing of the ballots and the sealing and signing of the envelopes or containers or both containing the voted ballots.

~~Witnesses shall not be allowed in the polling place, but shall file their certificates of appointment at the proper counting station after the polls close, and may observe all functions there.~~

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

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

(C) A voter verified paper audit trail shall be treated as 6631
are other ballots for purposes of section 149.43 of the Revised 6632
Code and shall be retained in accordance with the county records 6633
retention schedule established under section 149.38 of the Revised 6634
Code after the relevant time period prescribed for its 6635
preservation in section 3505.31 of the Revised Code, or as ordered 6636
by the secretary of state or a court of competent jurisdiction. 6637

(D) If a voter verified paper audit trail is made available 6638
to the public, any information on that voter verified paper audit 6639
trail that identifies the particular direct recording electronic 6640
voting machine that produced it shall be redacted. 6641

Sec. 3506.20. (A) As used in this section, "ballots on demand 6642
voting system" means a system that utilizes ballots printed as 6643
needed by election officials at the board of elections for 6644
distribution to electors, either in person or by mail. 6645

(B) No board of elections shall use a ballots on demand 6646
voting system unless each ballot printed by the system includes a 6647
tracking number. 6648

Sec. 3506.21. (A) As used in this section, "optical scan 6649
ballot" means a ballot that is marked by using a specified writing 6650
instrument to fill in a designated position to record a voter's 6651
candidate, question, or issue choice and that can be scanned and 6652
electronically read in order to tabulate the vote. 6653

(B)(1) In addition to marks that can be scanned and 6654
electronically read by automatic tabulating equipment, any of the 6655
following marks, if a majority of those marks are made in a 6656
consistent manner throughout an optical scan ballot, shall be 6657
counted as a valid vote: 6658

(a) A candidate, question, or issue choice that has been 6659
circled by the voter; 6660

(b) An oval beside the candidate, question, or issue choice 6661
that has been circled by the voter; 6662

(c) An oval beside the candidate, question, or issue choice 6663
that has been marked by the voter with an "x," a check mark, or 6664
other recognizable mark; 6665

(d) A candidate, question, or issue choice that has been 6666
marked with a writing instrument that cannot be recognized by 6667
automatic tabulating equipment. 6668

(2) Marks made on an optical scan ballot in accordance with 6669
division (B)(1) of this section shall be counted as valid votes 6670
only if that optical scan ballot contains no marks that can be 6671
scanned and electronically read by automatic tabulating equipment. 6672

(C) The secretary of state may adopt rules under Chapter 119. 6673
of the Revised Code to authorize additional types of optical scan 6674
ballots and to specify the types of marks on those ballots that 6675
shall be counted as a valid vote to ensure consistency in the 6676
counting of ballots throughout the state. 6677

Sec. 3506.22. (A) Beginning in the year 2013 and thereafter, 6678
a county that selects direct recording electronic voting machines 6679
as the primary voting system to be used in the county and not only 6680
for accessibility for individuals with disabilities as required 6681
under the Help America Vote Act of 2002 and section 3506.19 of the 6682
Revised Code shall acquire, if needed, sufficient direct recording 6683
electronic voting machines to meet the minimum number of direct 6684
recording electronic voting machines required to be established by 6685
the secretary of state under division (B) of this section. 6686

(B) Beginning in the year 2013 and every eight years 6687
thereafter, the secretary of state shall establish, for each 6688
county, a minimum number of direct recording electronic voting 6689
machines that the county shall be required to have if it elects to 6690

use direct recording electronic voting machines as the primary 6691
voting system in the county. The minimum number for each county 6692
shall be calculated as follows: 6693

(1) The total number of registered voters in the county as of 6694
the October deadline for voter registration for the last 6695
presidential election or the average of the total number of 6696
registered voters in the county as of the October deadline for 6697
voter registration for the last two presidential elections, 6698
whichever number is higher, shall be determined. 6699

(2) The number resulting from the determination under 6700
division (B)(1) of this section shall be divided by one hundred 6701
seventy-five. 6702

(3) Any fraction resulting from the calculation under 6703
division (B)(2) of this section shall be rounded up to the next 6704
whole number. 6705

(C) A county that selects direct recording electronic voting 6706
machines as the primary voting system to be used in the county and 6707
not only for accessibility for individuals with disabilities as 6708
required under the Help America Vote Act of 2002 and section 6709
3506.19 of the Revised Code after the effective date of this 6710
section but before the year 2013 shall do so in accordance with 6711
the formula set forth in Section 514.03 of Am. Sub. H.B. 66 of the 6712
126th general assembly. 6713

Sec. 3506.23. A voting machine shall not be connected to the 6714
internet. 6715

Sec. 3509.02. (A) Any qualified elector may vote by absent 6716
voter's ballots at an election. 6717

(B) Any qualified elector who is unable to appear at the 6718
office of the board of elections ~~or other location designated by~~ 6719

the board or, if pursuant to division (C) of section 3501.10 of 6720
the Revised Code the board has designated another location in the 6721
county at which registered electors may vote, at that other 6722
location on account of personal illness, physical disability, or 6723
infirmity, and who moves from one precinct to another within a 6724
county, changes the elector's name and moves from one precinct to 6725
another within a county, or moves from one county to another 6726
county within the state, on or prior to the day of a general, 6727
primary, or special election and has not filed a notice of change 6728
of residence or change of name may vote by absent voter's ballots 6729
in that election as specified in division (G) of section 3503.16 6730
of the Revised Code. 6731

"**Sec. 3509.03.** Except as provided in section 3509.031 or 6732
division (B) of section 3509.08 of the Revised Code, any qualified 6733
elector desiring to vote absent voter's ballots at an election 6734
shall make written application for those ballots to the director 6735
of elections of the county in which the elector's voting residence 6736
is located. The application need not be in any particular form but 6737
shall contain all of the following: 6738

(A) The elector's name; 6739

(B) The elector's signature; 6740

(C) The address at which the elector is registered to vote; 6741

(D) The elector's date of birth; 6742

(E) One of the following: 6743

(1) The elector's driver's license number; 6744

(2) The last four digits of the elector's social security 6745
number; 6746

(3) A copy of the elector's current and valid photo 6747
identification, a copy of a military identification that shows the 6748
elector's name and current address, or a copy of a current utility 6749

bill, bank statement, government check, paycheck, or other 6750
government document, other than a notice of an election mailed by 6751
a board of elections under section 3501.19 of the Revised Code or 6752
a notice of voter registration mailed by a board of elections 6753
under section 3503.19 of the Revised Code, that shows the name and 6754
address of the elector. 6755

(F) A statement identifying the election for which absent 6756
voter's ballots are requested; 6757

(G) A statement that the person requesting the ballots is a 6758
qualified elector; 6759

(H) If the request is for primary election ballots, the 6760
elector's party affiliation; 6761

(I) If the elector desires ballots to be mailed to the 6762
elector, the address to which those ballots shall be mailed. 6763

A voter who will be outside the United States on the day of 6764
any election during a calendar year may use a single federal post 6765
card application to apply for absent voter's ballots. Those 6766
ballots shall be sent to the voter for use at the primary and 6767
general elections in that year and any special election to be held 6768
on the day in that year specified by division (E) of section 6769
3501.01 of the Revised Code for the holding of a primary election, 6770
designated by the general assembly for the purpose of submitting 6771
constitutional amendments proposed by the general assembly to the 6772
voters of the state unless the voter reports a change in the 6773
voter's voting status to the board of elections or the voter's 6774
intent to vote in any such election in the precinct in this state 6775
where the voter is registered to vote. A single federal postcard 6776
application shall be processed by the board of elections pursuant 6777
to section 3509.04 of the Revised Code the same as if the voter 6778
had applied separately for absent voter's ballots for each 6779
election. When mailing absent voter's ballots to a voter who 6780

applied for them by single federal post card application, the
board shall enclose notification to the voter that the voter must
report to the board subsequent changes in the voter's voting
status or the voter's subsequent intent to vote in any such
election in the precinct in this state where the voter is
registered to vote. Such notification shall be in a form
prescribed by the secretary of state. As used in this section,
"voting status" means the voter's name at the time the voter
applied for absent voter's ballots by single federal post card
application and the voter's address outside the United States to
which the voter requested that those ballots be sent.

Each application for 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 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 before the day of the election at which the ballots are to be
voted, or not later than the close of regular business hours on
the day before the day of the election at which the ballots are to
be voted if the application is delivered in person to the office
of the board.

Sec. 3509.031. (A) Any qualified elector who is a member of
the organized militia called to active duty within the state and
who will be unable to vote on election day on account of that
active duty may make written application for absent voter's
ballots to the director of elections for the county in which the
elector's voting residence is located. The elector may personally
deliver the application to the director or may mail it, send it by
facsimile machine, or otherwise send it to the director. The
application need not be in any particular form but shall contain

all of the following:	6812
(1) The elector's name;	6813
(2) The elector's signature;	6814
(3) The address at which the elector is registered to vote;	6815
(4) The elector's date of birth;	6816
(5) One of the following:	6817
(a) The elector's driver's license number;	6818
(b) The last four digits of the elector's social security number;	6819 6820
(c) A copy of the elector's current and valid photo identification, <u>a copy of a military identification that shows the elector's name and current address</u> , or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, <u>other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code</u> , that shows the name and address of the elector.	6821 6822 6823 6824 6825 6826 6827 6828 6829
(6) A statement identifying the election for which absent voter's ballots are requested;	6830 6831
(7) A statement that the person requesting the ballots is a qualified elector;	6832 6833
(8) A statement that the elector is a member of the organized militia serving on active duty within the state;	6834 6835
(9) If the request is for primary election ballots, the elector's party affiliation;	6836 6837
(10) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;	6838 6839
(11) If the elector desires ballots to be sent to the elector	6840

by facsimile machine, the telephone number to which they shall be 6841
so sent. 6842

(B) Application to have absent voter's ballots mailed or sent 6843
by facsimile machine to a qualified elector who is a member of the 6844
organized militia called to active duty within the state and who 6845
will be unable to vote on election day on account of that active 6846
duty may be made by the spouse of the militia member or the 6847
father, mother, father-in-law, mother-in-law, grandfather, 6848
grandmother, brother or sister of the whole blood or half blood, 6849
son, daughter, adopting parent, adopted child, stepparent, 6850
stepchild, uncle, aunt, nephew, or niece of the militia member. 6851
The application shall be in writing upon a blank form furnished 6852
only by the director. The form of the application shall be 6853
prescribed by the secretary of state. The director shall furnish 6854
that blank form to any of the relatives specified in this division 6855
desiring to make the application, only upon the request of such a 6856
relative in person at the office of the board or upon the written 6857
request of such a relative mailed to the office of the board. The 6858
application, subscribed and sworn to by the applicant, shall 6859
contain all of the following: 6860

(1) The full name of the elector for whom ballots are 6861
requested; 6862

(2) A statement that such person is a qualified elector in 6863
the county; 6864

(3) The address at which the elector is registered to vote; 6865

(4) The elector's date of birth; 6866

(5) One of the following: 6867

(a) The elector's driver's license number; 6868

(b) The last four digits of the elector's social security 6869
number; 6870

(c) A copy of the elector's current and valid photo 6871
identification, a copy of a military identification that shows the 6872
elector's name and current address, or a copy of a current utility 6873
bill, bank statement, government check, paycheck, or other 6874
government document, other than a notice of an election mailed by 6875
a board of elections under section 3501.19 of the Revised Code or 6876
a notice of voter registration mailed by a board of elections 6877
under section 3503.19 of the Revised Code, that shows the name and 6878
address of the elector. 6879

(6) A statement identifying the election for which absent 6880
voter's ballots are requested; 6881

(7) A statement that the elector is a member of the organized 6882
militia serving on active duty within the state; 6883

(8) If the request is for primary election ballots, the 6884
elector's party affiliation; 6885

(9) A statement that the applicant bears a relationship to 6886
the elector as specified in division (B) of this section; 6887

(10) The address to which ballots shall be mailed or 6888
telephone number to which ballots shall be sent by facsimile 6889
machine; 6890

(11) The signature and address of the person making the 6891
application. 6892

(C) Applications to have absent voter's ballots mailed or 6893
sent by facsimile machine shall not be valid if dated, postmarked, 6894
or received by the director prior to the ninetieth day before the 6895
day of the election for which ballots are requested or if 6896
delivered to the director later than twelve noon of the third day 6897
preceding the day of such election. If, after the ninetieth day 6898
and before four p.m. of the day before the day of an election, a 6899
valid application for absent voter's ballots is delivered to the 6900

director of elections at the office of the board by a militia 6901
member making application in the militia member's own behalf, the 6902
director shall forthwith deliver to the militia member all absent 6903
voter's ballots then ready for use, together with an 6904
identification envelope. The militia member shall then vote the 6905
absent voter's ballots in the manner provided in section 3509.05 6906
of the Revised Code. 6907

Sec. 3509.04. (A) If a director of a board of elections 6908
receives an application for absent voter's ballots that does not 6909
contain all of the required information, the director promptly 6910
shall notify the applicant of the additional information required 6911
to be provided by the applicant to complete that application. 6912

(B) Upon receipt by the director of elections of an 6913
application for absent voter's ballots that contain all of the 6914
required information, as provided by sections 3509.03 and 3509.031 6915
and division (G) of section 3503.16 of the Revised Code, the 6916
director, if the director finds that the applicant is a qualified 6917
elector, shall deliver to the applicant in person or mail directly 6918
to the applicant by special delivery mail, air mail, or regular 6919
mail, postage prepaid, proper absent voter's ballots. The director 6920
shall deliver or mail with the ballots an unsealed identification 6921
envelope upon the face of which shall be printed a form 6922
substantially as follows: 6923

"Identification Envelope Statement of Voter 6924

I,(Name of voter), declare under 6925
penalty of election falsification that the within ballot or 6926
ballots contained no voting marks of any kind when I received 6927
them, and I caused the ballot or ballots to be marked, enclosed in 6928
the identification envelope, and sealed in that envelope. 6929

My voting residence in Ohio is 6930

..... 6931
 (Street and Number, if any, or Rural Route and Number) 6932
of (City, Village, or Township) 6933
Ohio, which is in Ward Precinct 6934
in that city, village, or township. 6935

 The primary election ballots, if any, within this envelope 6936
are primary election ballots of the Party. 6937

 Ballots contained within this envelope are to be voted at the 6938
..... (general, special, or primary) election to be held on 6939
the day of, 6940

 My date of birth is (Month and Day), 6941
..... (Year). 6942

 (Voter must provide one of the following:) 6943

 My driver's license number is (Driver's 6944
license number). 6945

 The last four digits of my Social Security Number are 6946
..... (Last four digits of Social Security Number). 6947

 In lieu of providing a driver's license number or the 6948
last four digits of my Social Security Number, I am enclosing a 6949
copy of one of the following in the return envelope in which this 6950
identification envelope will be mailed: a current and valid photo 6951
identification, a military identification that shows my name and 6952
current address, or a current utility bill, bank statement, 6953
government check, paycheck, or other government document, other 6954
than a notice of an election mailed by a board of elections under 6955
section 3501.19 of the Revised Code or a notice of voter 6956
registration mailed by a board of elections, that shows my name 6957
and address. 6958

 I hereby declare, under penalty of election falsification, 6959
that the statements above are true, as I verily believe. 6960

..... 6961
(Signature of Voter) 6962

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 6963
THE FIFTH DEGREE." 6964

The director shall mail with the ballots and the unsealed 6965
identification envelope an unsealed return envelope upon the face 6966
of which shall be printed the official title and post-office 6967
address of the director. In the upper left corner on the face of 6968
the return envelope, several blank lines shall be printed upon 6969
which the voter may write the voter's name and return address, and 6970
beneath these lines there shall be printed a box beside the words 6971
"check if out-of-country." The voter shall check this box if the 6972
voter will be outside the United States on the day of the 6973
election. The return envelope shall be of such size that the 6974
identification envelope can be conveniently placed within it for 6975
returning the identification envelope to the director. 6976

Sec. 3509.05. (A) When an elector receives an absent voter's 6977
ballot pursuant to the elector's application or request, the 6978
elector shall, before placing any marks on the ballot, note 6979
whether there are any voting marks on it. If there are any voting 6980
marks, the ballot shall be returned immediately to the board of 6981
elections; otherwise, the elector shall cause the ballot to be 6982
marked, folded in a manner that the stub on it and the 6983
indorsements and facsimile signatures of the members of the board 6984
of elections on the back of it are visible, and placed and sealed 6985
within the identification envelope received from the director of 6986
elections for that purpose. Then, the elector shall cause the 6987
statement of voter on the outside of the identification envelope 6988
to be completed and signed, under penalty of election 6989
falsification. 6990

If the elector does not provide the elector's driver's 6991

license number or the last four digits of the elector's social
security number on the statement of voter on the identification
envelope, the elector also shall include in the return envelope
with the identification envelope a copy of the elector's current
valid photo identification, a copy of a military identification
that shows the elector's name and current address, or a copy of a
current utility bill, bank statement, government check, paycheck,
or other government document, other than a notice of an election
mailed by a board of elections under section 3501.19 of the
Revised Code or a notice of voter registration mailed by a board
of elections under section 3503.19 of the Revised Code, that shows
the name and address of the elector.

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

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

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

board. 7024

Except as otherwise provided in divisions (B) and (C) of this 7025
section, all other envelopes containing marked absent voter's 7026
ballots shall be delivered to the director not later than the 7027
close of the polls on the day of an election. Absent voter's 7028
ballots delivered to the director later than the times specified 7029
shall not be counted, but shall be kept by the board in the sealed 7030
identification envelopes in which they are delivered to the 7031
director, until the time provided by section 3505.31 of the 7032
Revised Code for the destruction of all other ballots used at the 7033
election for which ballots were provided, at which time they shall 7034
be destroyed. 7035

(B) Except as otherwise provided in division (C) of this 7036
section, any return envelope that indicates that the voter will be 7037
outside the United States on the day of the election shall be 7038
delivered to the director prior to the eleventh day after the 7039
election. Ballots delivered in such envelopes that are received 7040
after the close of the polls on election day through the tenth day 7041
thereafter shall be counted on the eleventh day at the board of 7042
elections in the manner provided in divisions (C) and (D) of 7043
section 3509.06 of the Revised Code. Any such ballots that are 7044
signed or postmarked after the close of the polls on the day of 7045
the election or that are received by the director later than the 7046
tenth day following the election shall not be counted, but shall 7047
be kept by the board in the sealed identification envelopes as 7048
provided in division (A) of this section. 7049

(C) In any year in which a presidential primary election is 7050
held, any return envelope that indicates that the voter will be 7051
outside the United States on the day of the presidential primary 7052
election shall be delivered to the director prior to the 7053
twenty-first day after that election. Ballots delivered in such 7054
envelopes that are received after the close of the polls on 7055

election day through the twentieth day thereafter shall be counted 7056
on the twenty-first day at the board of elections in the manner 7057
provided in divisions (C) and (D) of section 3509.06 of the 7058
Revised Code. Any such ballots that are signed or postmarked after 7059
the close of the polls on the day of that election or that are 7060
received by the director later than the twentieth day following 7061
that election shall not be counted, but shall be kept by the board 7062
in the sealed identification envelopes as provided in division (A) 7063
of this section. 7064

Sec. 3509.06. (A) The board of elections shall determine 7065
whether absent voter's ballots shall be counted in each precinct, 7066
at the office of the board, or at some other location designated 7067
by the board, and shall proceed accordingly under division (B) or 7068
(C) of this section. 7069

(B) When the board of elections determines that absent 7070
voter's ballots shall be counted in each precinct, the director 7071
shall deliver to the presiding judge of each precinct on election 7072
day identification envelopes purporting to contain absent voter's 7073
ballots of electors whose voting residence appears from the 7074
statement of voter on the outside of each of those envelopes, to 7075
be located in such presiding judge's precinct, and which were 7076
received by the director not later than the close of the polls on 7077
election day. The director shall deliver to such presiding judge a 7078
list containing the name and voting residence of each person whose 7079
voting residence is in such precinct to whom absent voter's 7080
ballots were mailed. 7081

(C) When the board of elections determines that absent 7082
voter's ballots shall be counted at the office of the board of 7083
elections or at another location designated by the board, special 7084
election judges shall be appointed by the board for that purpose 7085
having the same authority as is exercised by precinct judges. The 7086

votes so cast shall be added to the vote totals by the board, and 7087
the absent voter's ballots shall be preserved separately by the 7088
board, in the same manner and for the same length of time as 7089
provided by section 3505.31 of the Revised Code. 7090

(D) Each of the identification envelopes purporting to 7091
contain absent voter's ballots delivered to the presiding judge of 7092
the precinct or the special judge appointed by the board of 7093
elections shall be handled as follows: The election officials 7094
shall compare the signature of the elector on the outside of the 7095
identification envelope with the signature of that elector on the 7096
elector's registration form and verify that the absent voter's 7097
ballot is eligible to be counted under section 3509.07 of the 7098
Revised Code. Any of the precinct officials may challenge the 7099
right of the elector named on the identification envelope to vote 7100
the absent voter's ballots upon the ground that the signature on 7101
the envelope is not the same as the signature on the registration 7102
form, or upon any other of the grounds upon which the right of 7103
persons to vote may be lawfully challenged. If no such challenge 7104
is made, or if such a challenge is made and not sustained, the 7105
presiding judge shall open the envelope without defacing the 7106
statement of voter and without mutilating the ballots in it, and 7107
shall remove the ballots contained in it and proceed to count 7108
them. 7109

The name of each person voting who is entitled to vote only 7110
an absent voter's presidential ballot shall be entered in a 7111
pollbook or poll list or signature pollbook followed by the words 7112
"Absentee Presidential Ballot." The name of each person voting an 7113
absent voter's ballot, other than such persons entitled to vote 7114
only a presidential ballot, shall be entered in the pollbook or 7115
poll list or signature pollbook and the person's registration card 7116
marked to indicate that the person has voted. 7117

The date of such election shall also be entered on the 7118

elector's registration form. If any such challenge is made and
sustained, the identification envelope of such elector shall not
be opened, shall be endorsed "Not Counted" with the reasons 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, or observers 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.

(F) Observers may be appointed under section 3505.21 of the
Revised Code to witness the examination and opening of
identification envelopes and the counting of absent voters'
ballots under this section.

Sec. 3509.08. (A) Any qualified elector, who, on account of
the elector's own personal illness, physical disability, or
infirmity, or on account of the elector's confinement in a jail or
workhouse under sentence for a misdemeanor or awaiting trial on a
felony or misdemeanor, will be unable to travel from the elector's
home or place of confinement to the voting booth in the elector's
precinct on the day of any general, special, or primary election
may make application in writing for an absent voter's ballot to
the director of the board of elections of the elector's county.
The application shall include all of the information required
under section 3509.03 of the Revised Code and shall state the
nature of the elector's illness, physical disability, or
infirmity, or the fact that the elector is confined in a jail or
workhouse and the elector's resultant inability to travel to the
election booth in the elector's precinct on election day. The
application shall not be valid if it is delivered to the director

before the ninetieth day or after twelve noon of the third day 7150
before the day of the election at which the ballot is to be voted. 7151

The absent voter's ballot may be mailed directly to the 7152
applicant at the applicant's voting residence or place of 7153
confinement as stated in the applicant's application, or the board 7154
may designate two board employees belonging to the two major 7155
political parties for the purpose of delivering the ballot to the 7156
disabled or confined elector and returning it to the board, unless 7157
the applicant is confined to a public or private institution 7158
within the county, in which case the board shall designate two 7159
~~such~~ board employees belonging to the two major political parties 7160
for the purpose of delivering the ballot to the disabled or 7161
confined elector and returning it to the board. In all other 7162
instances, the ballot shall be returned to the office of the board 7163
in the manner prescribed in section 3509.05 of the Revised Code. 7164

Any disabled or confined elector who declares to the two 7165
board employees belonging to the two major political parties that 7166
the elector is unable to mark the elector's ballot by reason of 7167
physical infirmity that is apparent to the employees to be 7168
sufficient to incapacitate the voter from marking the elector's 7169
ballot properly, may receive, upon request, the assistance of the 7170
~~two~~ employees in marking the elector's ballot, and they shall 7171
thereafter give no information in regard to this matter. Such 7172
assistance shall not be rendered for any other cause. 7173

When two board employees belonging to the two major political 7174
parties deliver a ballot to a disabled or confined elector, each 7175
of the employees shall be present when the ballot is delivered, 7176
when assistance is given, and when the ballot is returned to the 7177
office of the board, and shall subscribe to the declaration on the 7178
identification envelope. 7179

The secretary of state shall prescribe the form of 7180

application for absent voter's ballots under this division. 7181

This chapter applies to disabled and confined absent voter's 7182
ballots except as otherwise provided in this section. 7183

(B)(1) Any qualified elector who is unable to travel to the 7184
voting booth in the elector's precinct on the day of any general, 7185
special, or primary election because of being confined in a 7186
hospital as a result of an accident or unforeseeable medical 7187
emergency occurring before the election, may apply to the director 7188
of the board of elections of the county where the elector is a 7189
qualified elector to vote in the election by absent voter's 7190
ballot. This application shall be made in writing, shall include 7191
all of the information required under section 3509.03 of the 7192
Revised Code, and shall be delivered to the director not later 7193
than three p.m. on the day of the election. The application shall 7194
indicate the hospital where the applicant is confined, the date of 7195
the applicant's admission to the hospital, and the offices for 7196
which the applicant is qualified to vote. The applicant may also 7197
request that a member of the applicant's family, as listed in 7198
section 3509.05 of the Revised Code, deliver the absent voter's 7199
ballot to the applicant. The director, after establishing to the 7200
director's satisfaction the validity of the circumstances claimed 7201
by the applicant, shall supply an absent voter's ballot to be 7202
delivered to the applicant. When the applicant is in a hospital in 7203
the county where the applicant is a qualified elector and no 7204
request is made for a member of the family to deliver the ballot, 7205
the director shall arrange for the delivery of an absent voter's 7206
ballot to the applicant, and for its return to the office of the 7207
board, by two board employees belonging to the two major political 7208
parties according to the procedures prescribed in division (A) of 7209
this section. When the applicant is in a hospital outside the 7210
county where the applicant is a qualified elector and no request 7211
is made for a member of the family to deliver the ballot, the 7212

director shall arrange for the delivery of an absent voter's 7213
ballot to the applicant by mail, and the ballot shall be returned 7214
to the office of the board in the manner prescribed in section 7215
3509.05 of the Revised Code. 7216

(2) Any qualified elector who is eligible to vote under 7217
division (B) or (C) of section 3503.16 of the Revised Code but is 7218
unable to do so because of the circumstances described in division 7219
(B)(1) of this section may vote in accordance with division (B)(1) 7220
of this section if that qualified elector states in the 7221
application for absent voter's ballots that that qualified elector 7222
moved or had a change of name under the circumstances described in 7223
division (B) or (C) of section 3503.16 of the Revised Code and if 7224
that qualified elector complies with divisions (G)(1) to (4) of 7225
section 3503.16 of the Revised Code. 7226

(C) Any qualified elector described in division (A) or (B)(1) 7227
of this section who needs no assistance to vote or to return 7228
absent voter's ballots to the board of elections may apply for 7229
absent voter's ballots under section 3509.03 of the Revised Code 7230
instead of applying for them under this section. 7231

Sec. 3509.09. (A) The poll list or signature pollbook for 7232
each precinct shall identify each registered elector in that 7233
precinct who has requested an absent voter's ballot for that 7234
election. 7235

(B)(1) If a registered elector appears to vote in that 7236
precinct and that elector has requested an absent voter's ballot 7237
for that election but the director has not received a sealed 7238
identification envelope purporting to contain that elector's voted 7239
absent voter's ballots for that election, the elector shall be 7240
permitted to cast a provisional ballot, ~~generally in the manner~~ 7241
~~prescribed in division (B) of~~ under section ~~3503.16~~ 3505.181 of 7242
the Revised Code, in that precinct on the day of that election. 7243

(2) If a registered elector appears to vote in that precinct 7244
and that elector has requested an absent voter's ballot for that 7245
election and the director has received a sealed identification 7246
envelope purporting to contain that elector's voted absent voter's 7247
ballots for that election, the elector shall be permitted to cast 7248
a provisional ballot, ~~generally in the manner prescribed in~~ 7249
~~division (B) of~~ under section ~~3503.16~~ 3505.181 of the Revised 7250
Code, in that precinct on the day of that election. 7251

(C)(1) In counting absent voter's ballots under section 7252
3509.06 of the Revised Code, the board of elections ~~or the~~ 7253
~~precinct election officials~~ shall compare ~~the poll list or the~~ 7254
~~signature pollbook for each precinct with the name of each elector~~ 7255
~~in that precinct~~ from whom the director has received a sealed 7256
identification envelope purporting to contain that elector's voted 7257
absent voter's ballots for that election to the signature on that 7258
elector's registration form. Except as otherwise provided in 7259
division (C)~~(2)~~(3) of this section, if the board of elections 7260
determines that ~~an elector who cast a ballot, generally in the~~ 7261
~~manner prescribed in division (B) of section 3503.16 of the~~ 7262
~~Revised Code, in the precinct on the day of the election also~~ 7263
~~returned a sealed identification envelope for that election, the~~ 7264
absent voter's ballot in the sealed identification envelope is 7265
valid, it shall be counted, and the ballot cast in the precinct on 7266
the day of the election shall not be counted. If the board of 7267
elections determines that the signature on the sealed 7268
identification envelope purporting to contain the elector's voted 7269
absent voter's ballot does not match the signature on the 7270
elector's registration form, the ballot shall be set aside and the 7271
board shall examine, during the time prior to the beginning of the 7272
official canvass, the poll list or signature pollbook from the 7273
precinct in which the elector is registered to vote to determine 7274
if the elector also cast a provisional ballot under section 7275

3505.181 of the Revised Code in that precinct on the day of the election. 7276
7277

(2) The board of elections shall count the provisional ballot 7278
~~east in the precinct on the day of the election,~~ instead of the 7279
absent voter's ballot ~~in the returned sealed identification~~ 7280
~~envelope of an elector,~~ if both of the following apply: 7281

(a) The board of elections determines that the signature of 7282
the elector on the outside of the identification envelope in which 7283
the absent voter's ballots are enclosed does not match the 7284
signature of the elector on the elector's registration form; 7285

(b) The elector cast a provisional ballot, ~~generally in the~~ 7286
~~manner prescribed in division (B) of section 3503.16 of the~~ 7287
~~Revised Code,~~ in the precinct on the day of the election. 7288

(3) If the board of elections does not receive the sealed 7289
identification envelope purporting to contain the elector's voted 7290
absent voter's ballot by the applicable deadline established under 7291
section 3509.05 of the Revised Code, the provisional ballot cast 7292
under section 3505.181 of the Revised Code in that precinct on the 7293
day of the election shall be counted as valid, if that provisional 7294
ballot is otherwise determined to be valid pursuant to section 7295
3505.183 of the Revised Code. 7296

(D) If the board of elections counts ~~the~~ a provisional ballot 7297
~~east in the precinct on the day of the election under this~~ 7298
~~division (C)(2) or (3) of this section,~~ the returned 7299
identification envelope of that elector shall not be opened, and 7300
the ballot within that envelope shall not be counted. The 7301
identification envelope shall be endorsed "Not Counted" with the 7302
reason the ballot was not counted. 7303

Sec. 3511.02. Notwithstanding any section of the Revised Code 7304
to the contrary, whenever any person applies for registration as a 7305

voter on a form adopted in accordance with federal regulations 7306
relating to the "Uniformed and Overseas Citizens Absentee Voting 7307
Act," 100 Stat. 924, 42 U.S.C.A. 1973ff (1986), this application 7308
shall be sufficient for voter registration and as a request for an 7309
absent voter's ballot. Armed service absent voter's ballots may be 7310
obtained by any person meeting the requirements of section 3511.01 7311
of the Revised Code by applying to the director of the board of 7312
elections of the county in which the person's voting residence is 7313
located, in one of the following ways: 7314
7315

(A) That person may make written application for those 7316
ballots. The person may personally deliver the application to the 7317
director or may mail it, send it by facsimile machine, or 7318
otherwise send it to the director. The application need not be in 7319
any particular form but shall contain all of the following 7320
information: 7321

(1) The elector's name; 7322

(2) The elector's signature; 7323

(3) The address at which the elector is registered to vote; 7324

(4) The elector's date of birth; 7325

(5) One of the following: 7326

(a) The elector's driver's license number; 7327

(b) The last four digits of the elector's social security 7328
number; 7329

(c) A copy of the elector's current and valid photo 7330
identification, a copy of a military identification that shows the 7331
elector's name and current address, or a copy of a current utility 7332
bill, bank statement, government check, paycheck, or other 7333
government document, other than a notice of an election mailed by 7334
a board of elections under section 3501.19 of the Revised Code or 7335

<u>a notice of voter registration mailed by a board of elections</u>	7336
<u>under section 3503.19 of the Revised Code,</u> that shows the name and	7337
address of the elector.	7338
(6) A statement identifying the election for which absent	7339
voter's ballots are requested;	7340
(7) A statement that the person requesting the ballots is a	7341
qualified elector;	7342
(8) A statement that the elector is an absent uniformed	7343
services voter as defined in 42 U.S.C. 1973ff-6;	7344
(9) A statement of the elector's length of residence in the	7345
state immediately preceding the commencement of service or	7346
immediately preceding the date of leaving to be with or near the	7347
service member, whichever is applicable;	7348
(10) If the request is for primary election ballots, the	7349
elector's party affiliation;	7350
(11) If the elector desires ballots to be mailed to the	7351
elector, the address to which those ballots shall be mailed;	7352
(12) If the elector desires ballots to be sent to the elector	7353
by facsimile machine, the telephone number to which they shall be	7354
so sent.	7355
(B) A voter or any relative of a voter listed in division (C)	7356
of this section may use a single federal post card application to	7357
apply for armed service absent voter's ballots for use at the	7358
primary and general elections in a given year and any special	7359
election to be held on the day in that year specified by division	7360
(E) of section 3501.01 of the Revised Code for the holding of a	7361
primary election, designated by the general assembly for the	7362
purpose of submitting constitutional amendments proposed by the	7363
general assembly to the voters of the state. A single federal	7364
postcard application shall be processed by the board of elections	7365

pursuant to section 3511.04 of the Revised Code the same as if the
voter had applied separately for armed service absent voter's
ballots for each election.

(C) Application to have armed service absent voter's ballots
mailed or sent by facsimile machine to such a person may be made
by the spouse when the person is a service member, or by the
father, mother, father-in-law, mother-in-law, grandfather,
grandmother, brother or sister of the whole blood or half blood,
son, daughter, adopting parent, adopted child, stepparent,
stepchild, uncle, aunt, nephew, or niece of such a person. The
application shall be in writing upon a blank form furnished only
by the director or on a single federal post card as provided in
division (B) of this section. The form of the application shall be
prescribed by the secretary of state. The director shall furnish
that blank form to any of the relatives specified in this division
desiring to make the application, only upon the request of such a
relative made in person at the office of the board or upon the
written request of such a relative mailed to the office of the
board. The application, subscribed and sworn to by the applicant,
shall contain all of the following:

(1) The full name of the elector for whom ballots are
requested;

(2) A statement that the elector is an absent uniformed
services voter as defined in 42 U.S.C. 1973ff-6;

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

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

(5) The elector's date of birth;

(6) One of the following:	7396
(a) The elector's driver's license number;	7397
(b) The last four digits of the elector's social security number;	7398 7399
(c) A copy of the elector's current and valid photo identification, <u>a copy of a military identification that shows the elector's name and current address</u> , or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, <u>other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code</u> , that shows the name and address of the elector.	7400 7401 7402 7403 7404 7405 7406 7407 7408
(7) A statement identifying the election for which absent voter's ballots are requested;	7409 7410
(8) A statement that the person requesting the ballots is a qualified elector;	7411 7412
(9) If the request is for primary election ballots, the elector's party affiliation;	7413 7414
(10) A statement that the applicant bears a relationship to the elector as specified in division (C) of this section;	7415 7416
(11) The address to which ballots shall be mailed or the telephone number to which ballots shall be sent by facsimile machine;	7417 7418 7419
(12) The signature and address of the person making the application.	7420 7421
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	7422 7423 7424 7425

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

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

Sec. 3511.09. Upon receiving armed service absent voter's
ballots, the elector shall cause the questions on the face of the
identification envelope to be answered, and, by writing the
elector's usual signature in the proper place on the
identification envelope, the elector shall declare under penalty
of election falsification that the answers to those questions are
true and correct to the best of the elector's knowledge and
belief. Then, the elector shall note whether there are any voting
marks on the ballot. If there are any voting marks, the ballot
shall be returned immediately to the board of elections;
otherwise, the elector shall cause the ballot to be marked, folded
separately so as to conceal the markings on it, deposited in the
identification envelope, and securely sealed in the identification
envelope. The elector then shall cause the identification envelope
to be placed within the return envelope, sealed in the return
envelope, and mailed to the director of the board of elections to
whom it is addressed. If the elector does not provide the
elector's driver's license number or the last four digits of the

elector's social security number on the statement of voter on the 7457
identification envelope, the elector also shall include in the 7458
return envelope with the identification envelope a copy of the 7459
elector's current valid photo identification, a copy of a military 7460
identification that shows the elector's name and current address, 7461
or a copy of a current utility bill, bank statement, government 7462
check, paycheck, or other government document, other than a notice 7463
of an election mailed by a board of elections under section 7464
3501.19 of the Revised Code or a notice of voter registration 7465
mailed by a board of elections under section 3503.19 of the 7466
Revised Code, that shows the name and address of the elector. Each 7467
elector who will be outside the United States on the day of the 7468
election shall check the box on the return envelope indicating 7469
this fact and shall mail the return envelope to the director prior 7470
to the close of the polls on election day. 7471

Every armed services absent voter's ballot identification 7472
envelope shall be accompanied by the following statement in 7473
boldface capital letters: WHOEVER COMMITS ELECTION FALSIFICATION 7474
IS GUILTY OF A FELONY OF THE FIFTH DEGREE. 7475

Sec. 3511.13. (A) The poll list or signature pollbook for 7476
each precinct shall identify each registered elector in that 7477
precinct who has requested an armed ~~services~~ service absent 7478
voter's ballot for that election. 7479

(B)(1) If a registered elector appears to vote in that 7480
precinct and that elector has requested an armed service absent 7481
voter's ballot for that election but the director has not received 7482
a sealed identification envelope purporting to contain that 7483
elector's voted armed service absent voter's ballots for that 7484
election, the elector shall be permitted to cast a provisional 7485
~~ballot, generally in the manner prescribed in division (B) of~~ 7486
under section 3503.16 3505.181 of the Revised Code, in that 7487

precinct on the day of that election. 7488

(2) If a registered elector appears to vote in that precinct 7489
and that elector has requested an armed service absent voter's 7490
ballot for that election and the director has received a sealed 7491
identification envelope purporting to contain that elector's voted 7492
armed service absent voter's ballots for that election, the 7493
elector shall be permitted to cast a provisional ballot, ~~generally~~ 7494
~~in the manner prescribed in division (B) of~~ under section ~~3503.16~~ 7495
~~3505.181~~ of the Revised Code, in that precinct on the day of that 7496
election. 7497

(C)(1) In counting armed service absent voter's ballots under 7498
section 3511.11 of the Revised Code, the board of elections ~~or the~~ 7499
~~precinct election officials~~ shall compare the ~~poll list or the~~ 7500
~~signature pollbook for each precinct with the name~~ of each elector 7501
~~in that precinct~~ from whom the director has received a sealed 7502
identification envelope purporting to contain that elector's voted 7503
armed service absent voter's ballots for that election to the 7504
signature on the elector's registration form. Except as otherwise 7505
provided in division (C)~~(2)~~(3) of this section, if the board of 7506
elections determines that ~~an elector who cast a ballot, generally~~ 7507
~~in the manner prescribed in division (B) of section 3503.16 of the~~ 7508
~~Revised Code, in the precinct on the day of the election also~~ 7509
~~returned a sealed identification envelope for that election, the~~ 7510
armed service absent voter's ballot in the sealed identification 7511
envelope is valid, it shall be counted, ~~and the ballot cast in the~~ 7512
~~precinct on the day of the election shall not be counted. If the~~ 7513
board of elections determines that the signature on the sealed 7514
identification envelope purporting to contain the elector's voted 7515
armed service absent voter's ballot does not match the signature 7516
on the elector's registration form, the ballot shall be set aside 7517
and the board shall examine, during the time prior to the 7518
beginning of the official canvass, the poll list or signature 7519

pollbook from the precinct in which the elector is registered to 7520
vote to determine if the elector also cast a provisional ballot 7521
under section 3505.181 of the Revised Code in that precinct on the 7522
day of the election. 7523

(2) The board of elections shall count the provisional ballot 7524
~~east in the precinct on the day of the election,~~ instead of the 7525
armed service absent voter's ballot, of an elector from whom the 7526
director has received an identification envelope purporting to 7527
contain that elector's voted armed service absent voter's ballots, 7528
if both of the following apply: 7529

(a) The board of elections determines that the signature of 7530
the elector on the outside of the identification envelope in which 7531
the armed service absent voter's ballots are enclosed does not 7532
match the signature of the elector on the elector's registration 7533
form; 7534

(b) The elector cast a provisional ballot, ~~generally in the~~ 7535
~~manner prescribed in division (B) of section 3503.16 of the~~ 7536
~~Revised Code,~~ in the precinct on the day of the election. 7537

(3) If the board of elections does not receive the sealed 7538
identification envelope purporting to contain the elector's voted 7539
armed service absent voter's ballot by the applicable deadline 7540
established under section 3511.11 of the Revised Code, the 7541
provisional ballot cast under section 3505.181 of the Revised Code 7542
in that precinct on the day of the election shall be counted as 7543
valid, if that provisional ballot is otherwise determined to be 7544
valid pursuant to section 3505.183 of the Revised Code. 7545

(D) If the board of elections counts the a provisional 7546
~~east in the precinct on the day of the election~~ under this 7547
division (C)(2) or (3) of this section, the returned 7548
identification envelope of that elector shall not be opened, and 7549
the ballot within that envelope shall not be counted. The 7550

identification envelope shall be endorsed "Not Counted" with the 7551
reason the ballot was not counted. 7552

Sec. 3513.04. Candidates for party nominations to state, 7553
district, county, and municipal offices or positions, for which 7554
party nominations are provided by law, and for election as members 7555
of party controlling committees shall have their names printed on 7556
the official primary ballot by filing a declaration of candidacy 7557
and paying the fees specified for the office under divisions (A) 7558
and (B) of section 3513.10 of the Revised Code, except that the 7559
joint candidates for party nomination to the offices of governor 7560
and lieutenant governor shall, for the two of them, file one 7561
declaration of candidacy. The joint candidates also shall pay the 7562
fees specified for the joint candidates under divisions (A) and 7563
(B) of section 3513.10 of the Revised Code. 7564

The secretary of state shall not accept for filing the 7565
declaration of candidacy of a candidate for party nomination to 7566
the office of governor unless the declaration of candidacy also 7567
shows a joint candidate for the same party's nomination to the 7568
office of lieutenant governor, shall not accept for filing the 7569
declaration of candidacy of a candidate for party nomination to 7570
the office of lieutenant governor unless the declaration of 7571
candidacy also shows a joint candidate for the same party's 7572
nomination to the office of governor, and shall not accept for 7573
filing a declaration of candidacy that shows a candidate for party 7574
nomination to the office of governor or lieutenant governor who, 7575
for the same election, has already filed a declaration of 7576
candidacy or a declaration of intent to be a write-in candidate, 7577
or has become a candidate by the filling of a vacancy under 7578
section 3513.30 of the Revised Code for any other state office or 7579
any ~~federal or~~ federal or county office. 7580

No person who seeks party nomination for an office or 7581

position at a primary election by declaration of candidacy or by
declaration of intent to be a write-in candidate and no person who
is a first choice for president of candidates seeking election as
delegates and alternates to the national conventions of the
different major political parties who are chosen by direct vote of
the electors as provided in this chapter shall be permitted to
become a candidate by nominating petition or by declaration of
intent to be a write-in candidate at the following general
election for any office other than the office of member of the
state board of education, office of member of a city, local, or
exempted village board of education, office of member of a
governing board of an educational service center, or office of
township trustee.

Sec. 3513.041. A write-in space shall be provided on the
ballot for every office, except in an election for which the board
of elections has received no valid declarations of intent to be a
write-in candidate under this section. Write-in votes shall not be
counted for any candidate who has not filed a declaration of
intent to be a write-in candidate pursuant to this section. A
qualified person who has filed a declaration of intent may receive
write-in votes at either a primary or general election. Any
candidate shall file a declaration of intent to be a write-in
candidate before four p.m. of the ~~fiftieth~~ sixty-second day
preceding the election at which such candidacy is to be
considered. If the election is to be determined by electors of a
county or a district or subdivision within the county, such
declaration shall be filed with the board of elections of that
county. If the election is to be determined by electors of a
subdivision located in more than one county, such declaration
shall be filed with the board of elections of the county in which
the major portion of the population of such subdivision is
located. If the election is to be determined by electors of a

district comprised of more than one county but less than all of 7614
the counties of the state, such declaration shall be filed with 7615
the board of elections of the most populous county in such 7616
district. Any candidate for an office to be voted upon by electors 7617
throughout the entire state shall file a declaration of intent to 7618
be a write-in candidate with the secretary of state before four 7619
p.m. of the ~~fiftieth~~ sixty-second day preceding the election at 7620
which such candidacy is to be considered. In addition, candidates 7621
for president and vice-president of the United States shall also 7622
file with the secretary of state by ~~said fiftieth~~ that 7623
sixty-second day a slate of presidential electors sufficient in 7624
number to satisfy the requirements of the United States 7625
constitution. 7626

A board of elections shall not accept for filing the 7627
declaration of intent to be a write-in candidate of a person 7628
seeking to become a candidate if that person, for the same 7629
election, has already filed a declaration of candidacy, a 7630
declaration of intent to be a write-in candidate, or a nominating 7631
petition, or has become a candidate through party nomination at a 7632
primary election or by the filling of a vacancy under section 7633
3513.30 or 3513.31 of the Revised Code, for any ~~federal,~~ federal, 7634
state ~~or~~ or county office, if the declaration of intent to be a 7635
write-in candidate is for a state or county office, or for any 7636
municipal or township office, for member of a city, local, or 7637
exempted village board of education, or for member of a governing 7638
board of an educational service center, if the declaration of 7639
intent to be a write-in candidate is for a municipal or township 7640
office, or for member of a city, local, or exempted village board 7641
of education, or for member of a governing board of an educational 7642
service center. 7643

No person shall file a declaration of intent to be a write-in 7644
candidate for the office of governor unless the declaration also 7645

shows the intent of another person to be a write-in candidate for 7646
the office of lieutenant governor. No person shall file a 7647
declaration of intent to be a write-in candidate for the office of 7648
lieutenant governor unless the declaration also shows the intent 7649
of another person to be a write-in candidate for the office of 7650
governor. No person shall file a declaration of intent to be a 7651
write-in candidate for the office of governor or lieutenant 7652
governor if the person has previously filed a declaration of 7653
intent to be a write-in candidate to the office of governor or 7654
lieutenant governor at the same primary or general election. A 7655
write-in vote for the two candidates who file such a declaration 7656
shall be counted as a vote for them as joint candidates for the 7657
offices of governor and lieutenant governor. 7658

The secretary of state shall not accept for filing the 7659
declaration of intent to be a write-in candidate of a person for 7660
the office of governor unless the declaration also shows the 7661
intent of another person to be a write-in candidate for the office 7662
of lieutenant governor, shall not accept for filing the 7663
declaration of intent to be a write-in candidate of a person for 7664
the office of lieutenant governor unless the declaration also 7665
shows the intent of another person to be a write-in candidate for 7666
the office of governor, and shall not accept for filing the 7667
declaration of intent to be a write-in candidate of a person to 7668
the office of governor or lieutenant governor if that person, for 7669
the same election, has already filed a declaration of candidacy, a 7670
declaration of intent to be a write-in candidate, or a nominating 7671
petition, or has become a candidate through party nomination at a 7672
primary election or by the filling of a vacancy under section 7673
3513.30 or 3513.31 of the Revised Code, for any other state office 7674
or any ~~federal~~ federal or county office. 7675

Protests against the candidacy of any person filing a 7676
declaration of intent to be a write-in candidate may be filed by 7677

any qualified elector who is eligible to vote in the election at 7678
which the candidacy is to be considered. The protest shall be in 7679
writing and shall be filed not later than four p.m. of the 7680
~~forty-fifth~~ fifty-seventh day before the day of the election. The 7681
protest shall be filed with the board of elections with which the 7682
declaration of intent to be a write-in candidate was filed. Upon 7683
the filing of the protest, the board with which it is filed shall 7684
promptly fix the time for hearing it and shall proceed in regard 7685
to the hearing in the same manner as for hearings set for protests 7686
filed under section 3513.05 of the Revised Code. At the time 7687
fixed, the board shall hear the protest and determine the validity 7688
or invalidity of the declaration of intent to be a write-in 7689
candidate. If the board finds that the candidate is not an elector 7690
of the state, district, county, or political subdivision in which 7691
the candidate seeks election to office or has not fully complied 7692
with the requirements of Title XXXV of the Revised Code in regard 7693
to the candidate's candidacy, the candidate's declaration of 7694
intent to be a write-in candidate shall be determined to be 7695
invalid and shall be rejected; otherwise, it shall be determined 7696
to be valid. The determination of the board is final. 7697

The secretary of state shall prescribe the form of the 7698
declaration of intent to be a write-in candidate. 7699

Sec. 3513.05. Each person desiring to become a candidate for 7700
a party nomination or for election to an office or position to be 7701
voted for at a primary election, except persons desiring to become 7702
joint candidates for the offices of governor and lieutenant 7703
governor and except as otherwise provided in section 3513.051 of 7704
the Revised Code, shall, not later than four p.m. of the 7705
seventy-fifth day before the day of the primary election, or if 7706
the primary election is a presidential primary election, not later 7707
than four p.m. of the sixtieth day before the day of the 7708

presidential primary election, file a declaration of candidacy and 7709
petition and pay the fees required under divisions (A) and (B) of 7710
section 3513.10 of the Revised Code. The declaration of candidacy 7711
and all separate petition papers shall be filed at the same time 7712
as one instrument. When the offices are to be voted for at a 7713
primary election, persons desiring to become joint candidates for 7714
the offices of governor and lieutenant governor shall, not later 7715
than four p.m. of the seventy-fifth day before the day of the 7716
primary election, comply with section 3513.04 of the Revised Code. 7717
The prospective joint candidates' declaration of candidacy and all 7718
separate petition papers of candidacies shall be filed at the same 7719
time as one instrument. The secretary of state or a board of 7720
elections shall not accept for filing a declaration of candidacy 7721
and petition of a person seeking to become a candidate if that 7722
person, for the same election, has already filed a declaration of 7723
candidacy or a declaration of intent to be a write-in candidate, 7724
or has become a candidate by the filling of a vacancy under 7725
section 3513.30 of the Revised Code for any ~~federal~~, federal, 7726
state⁷, or county office, if the declaration of candidacy is for a 7727
state or county office, or for any municipal or township office, 7728
if the declaration of candidacy is for a municipal or township 7729
office. 7730

If the declaration of candidacy declares a candidacy which is 7731
to be submitted to electors throughout the entire state, the 7732
petition, including a petition for joint candidates for the 7733
offices of governor and lieutenant governor, shall be signed by at 7734
least one thousand qualified electors who are members of the same 7735
political party as the candidate or joint candidates, and the 7736
declaration of candidacy and petition shall be filed with the 7737
secretary of state; provided that the secretary of state shall not 7738
accept or file any such petition appearing on its face to contain 7739
signatures of more than three thousand electors. 7740

Except as otherwise provided in this paragraph, if the 7741
declaration of candidacy is of one that is to be submitted only to 7742
electors within a district, political subdivision, or portion 7743
thereof, the petition shall be signed by not less than fifty 7744
qualified electors who are members of the same political party as 7745
the political party of which the candidate is a member. If the 7746
declaration of candidacy is for party nomination as a candidate 7747
for member of the legislative authority of a municipal corporation 7748
elected by ward, the petition shall be signed by not less than 7749
twenty-five qualified electors who are members of the political 7750
party of which the candidate is a member. 7751

No such petition, except the petition for a candidacy that is 7752
to be submitted to electors throughout the entire state, shall be 7753
accepted for filing if it appears to contain on its face 7754
signatures of more than three times the minimum number of 7755
signatures. When a petition of a candidate has been accepted for 7756
filing by a board of elections, the petition shall not be deemed 7757
invalid if, upon verification of signatures contained in the 7758
petition, the board of elections finds the number of signatures 7759
accepted exceeds three times the minimum number of signatures 7760
required. A board of elections may discontinue verifying 7761
signatures on petitions when the number of verified signatures 7762
equals the minimum required number of qualified signatures. 7763

If the declaration of candidacy declares a candidacy for 7764
party nomination or for election as a candidate of an intermediate 7765
or minor party, the minimum number of signatures on such petition 7766
is one-half the minimum number provided in this section, except 7767
that, when the candidacy is one for election as a member of the 7768
state central committee or the county central committee of a 7769
political party, the minimum number shall be the same for an 7770
intermediate or minor party as for a major party. 7771

If a declaration of candidacy is one for election as a member 7772

of the state central committee or the county central committee of 7773
a political party, the petition shall be signed by five qualified 7774
electors of the district, county, ward, township, or precinct 7775
within which electors may vote for such candidate. The electors 7776
signing such petition shall be members of the same political party 7777
as the political party of which the candidate is a member. 7778

For purposes of signing or circulating a petition of 7779
candidacy for party nomination or election, an elector is 7780
considered to be a member of a political party if the elector 7781
voted in that party's primary election within the preceding two 7782
calendar years, or if the elector did not vote in any other 7783
party's primary election within the preceding two calendar years. 7784

If the declaration of candidacy is of one that is to be 7785
submitted only to electors within a county, or within a district 7786
or subdivision or part thereof smaller than a county, the petition 7787
shall be filed with the board of elections of the county. If the 7788
declaration of candidacy is of one that is to be submitted only to 7789
electors of a district or subdivision or part thereof that is 7790
situated in more than one county, the petition shall be filed with 7791
the board of elections of the county within which the major 7792
portion of the population thereof, as ascertained by the next 7793
preceding federal census, is located. 7794

A petition shall consist of separate petition papers, each of 7795
which shall contain signatures of electors of only one county. 7796
Petitions or separate petition papers containing signatures of 7797
electors of more than one county shall not thereby be declared 7798
invalid. In case petitions or separate petition papers containing 7799
signatures of electors of more than one county are filed, the 7800
board shall determine the county from which the majority of 7801
signatures came, and only signatures from such county shall be 7802
counted. Signatures from any other county shall be invalid. 7803

Each separate petition paper shall be circulated by one 7804
person only, who shall be the candidate or a joint candidate or a 7805
member of the same political party as the ~~candidate or joint~~ 7806
candidate or joint candidates, and each separate petition paper 7807
shall be governed by the rules set forth in section 3501.38 of the 7808
Revised Code. 7809

The secretary of state shall promptly transmit to each board 7810
such separate petition papers of each petition accompanying a 7811
declaration of candidacy filed with the secretary of state as 7812
purport to contain signatures of electors of the county of such 7813
board. The board of the most populous county of a district shall 7814
promptly transmit to each board within such district such separate 7815
petition papers of each petition accompanying a declaration of 7816
candidacy filed with it as purport to contain signatures of 7817
electors of the county of each such board. The board of a county 7818
within which the major portion of the population of a subdivision, 7819
situated in more than one county, is located, shall promptly 7820
transmit to the board of each other county within which a portion 7821
of such subdivision is located such separate petition papers of 7822
each petition accompanying a declaration of candidacy filed with 7823
it as purport to contain signatures of electors of the portion of 7824
such subdivision in the county of each such board. 7825

All petition papers so transmitted to a board and all 7826
petitions accompanying declarations of candidacy filed with a a 7827
board shall, under proper regulations, be open to public 7828
inspection until four p.m. of the seventieth day before the day of 7829
the next primary election, or if that next primary election is a 7830
presidential primary election, the fifty-fifth day before that 7831
presidential primary election. Each board shall, not later than 7832
the sixty-eighth day before the day of ~~that~~ that primary election, 7833
or if the primary election is a presidential primary election, not 7834
later than the fifty-third day before such presidential primary 7835

election, examine and determine the validity or invalidity of the 7836
signatures on the petition papers so transmitted to or filed with 7837
it and shall return to the secretary of state all petition papers 7838
transmitted to it by the secretary of state, together with its 7839
certification of its determination as to the validity or 7840
invalidity of signatures thereon, and shall return to each other 7841
board all petition papers transmitted to it by such board, 7842
together with its certification of its determination as to the 7843
validity or invalidity of the signatures thereon. All other 7844
matters affecting the validity or invalidity of such petition 7845
papers shall be determined by the secretary of state or the board 7846
with whom such petition papers were filed. 7847

Protests against the candidacy of any person filing a 7848
declaration of candidacy for party nomination or for election to 7849
an office or position, as provided in this section, may be filed 7850
by any qualified elector who is a member of the same political 7851
party as the candidate and who is eligible to vote at the primary 7852
election for the candidate whose declaration of candidacy the 7853
elector objects to, or by the controlling committee of ~~that~~ 7854
~~political~~ that political party. ~~The~~ The protest ~~shall~~ shall be in 7855
writing, and ~~shall~~ shall be filed not later than four p.m. of the 7856
sixty-fourth day before the day of the primary election, or if the 7857
primary election is a presidential primary election, not later 7858
than four p.m. of the forty-ninth day before the day of the 7859
presidential primary election. ~~The~~ The protest shall be filed with 7860
the election officials with whom the declaration of candidacy and 7861
petition was filed. Upon the filing of ~~the~~ the protest, the 7862
election officials with whom it is filed shall promptly fix the 7863
time for hearing it, and shall forthwith mail notice of the filing 7864
of ~~the~~ the protest and the time fixed for hearing to the person 7865
whose candidacy is so protested. They shall also forthwith mail 7866
notice of the time fixed for such hearing to the person who filed 7867
the protest. At the time fixed, such election officials shall hear 7868

the protest and determine the validity or invalidity of the 7869
declaration of candidacy and petition. If they find that such 7870
candidate is not an elector of the state, district, county, or 7871
political subdivision in which the candidate seeks a party 7872
nomination or election to an office or position, or has not fully 7873
complied with this chapter, the candidate's declaration of 7874
candidacy and petition shall be determined to be invalid and shall 7875
be rejected; otherwise, it shall be determined to be valid. ~~That~~ 7876
That determination shall be final. 7877

A protest against the candidacy of any persons filing a 7878
declaration of candidacy for joint party nomination to the offices 7879
of governor and lieutenant governor shall be filed, heard, and 7880
determined in the same manner as a protest against the candidacy 7881
of any person filing a declaration of candidacy singly. 7882

The secretary of state shall, on the sixtieth day before the 7883
day of a primary election, or if the primary election is a 7884
presidential primary election, on the forty-fifth day before the 7885
day of the presidential primary election, certify to each board in 7886
the state the forms of the official ballots to be used at ~~the~~ the 7887
primary election, together with the names of the candidates to be 7888
printed ~~on the ballots~~ on the ballots whose nomination or election 7889
is to be determined by electors throughout the entire state and 7890
who filed valid declarations of candidacy and petitions. 7891

The board of the most populous county in a district comprised 7892
of more than one county but less than all of the counties of the 7893
state shall, on the sixtieth day before the day of a primary 7894
election, or if the primary election is a presidential primary 7895
election, on the forty-fifth day before the day of a presidential 7896
primary election, certify to the board of each county in the 7897
district the names of the candidates to be printed on the official 7898
ballots to be used at ~~the~~ the primary election, whose nomination 7899
or election is to be determined only by electors within ~~the~~ the 7900

district and who filed valid declarations of candidacy and 7901
petitions. 7902

The board of a county within which the major portion of the 7903
population of a subdivision smaller than the county and situated 7904
in more than one county is located shall, on the sixtieth day 7905
before the day of a primary election, or if the primary election 7906
is a presidential primary election, on the forty-fifth day before 7907
the day of a presidential primary election, certify to the board 7908
of each county in which a portion of ~~that~~ that subdivision is 7909
located the names of the candidates to be printed on the official 7910
ballots to be used at ~~the~~ the primary election, whose nomination 7911
or election is to be determined only by electors within ~~that~~ that 7912
subdivision and who filed valid declarations of candidacy and 7913
petitions. 7914

Sec. 3513.052. (A) No person shall seek nomination or 7915
election to any of the following offices or positions at the same 7916
election by filing a declaration of candidacy and petition, a 7917
declaration of intent to be a write-in candidate, or a nominating 7918
petition, or by becoming a candidate through party nomination in a 7919
primary election, or by the filling of a vacancy under section 7920
3513.30 or 3513.31 of the Revised Code: 7921

(1) Two or more state offices; 7922

(2) Two or more county offices; 7923

(3) A state office and a county office; 7924

(4) ~~A federal office and a state or county office;~~ 7925

~~(5) A federal office and a state or county office;~~ 7926

(5) Any combination of two or more municipal or township 7927
offices, positions as a member of a city, local, or exempted 7928
village board of education, or positions as a member of a 7929
governing board of an educational service center. 7930

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

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

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

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

(a) If each office or the district for each office for which the person is seeking nomination is wholly within a single county ~~and none of those offices is a federal office~~ and none of those offices is a federal office, the secretary of state shall notify the board of elections of that county. The board then shall determine the date on which the person first sought to become a

candidate for each of those offices by filing a declaration of 7962
candidacy or a declaration of intent to be a write-in candidate or 7963
by the filling of a vacancy under section 3513.30 of the Revised 7964
Code. The board shall vote promptly to disqualify that person as a 7965
candidate for each office for which the person sought to become a 7966
candidate after the date on which the person first sought to 7967
become a candidate for any of those offices. If the board 7968
determines that the person sought to become a candidate for more 7969
than one of those offices on the same date, the board shall vote 7970
promptly to disqualify that person as a candidate for each office 7971
that would be listed on the ballot below the highest office for 7972
which that person seeks nomination, according to the ballot order 7973
prescribed under section 3505.03 of the Revised Code. 7974

(b) If one or more of the offices for which the person is 7975
seeking nomination is a state office or an office with a district 7976
larger than a single county ~~and none of the offices for which the~~ 7977
~~person is seeking nomination is a federal office~~ and none of the 7978
offices for which the person is seeking nomination is a federal 7979
office, the secretary of state shall determine the date on which 7980
the person first sought to become a candidate for each of those 7981
offices by filing a declaration of candidacy or a declaration of 7982
intent to be a write-in candidate or by the filling of a vacancy 7983
under section 3513.30 of the Revised Code. The secretary of state 7984
shall order the board of elections of each county in which the 7985
person is seeking to appear on the ballot to disqualify that 7986
person as a candidate for each office for which the person sought 7987
to become a candidate after the date on which the person first 7988
sought to become a candidate for any of those offices. If the 7989
secretary of state determines that the person sought to become a 7990
candidate for more than one of those offices on the same date, the 7991
secretary of state shall order the board of elections of each 7992
county in which the person is seeking to appear on the ballot to 7993
disqualify that person as a candidate for each office that would 7994

be listed on the ballot below the highest office for which that 7995
person seeks nomination, according to the ballot order prescribed 7996
under section 3505.03 of the Revised Code. Each board of elections 7997
so notified shall vote promptly to disqualify the person as a 7998
candidate in accordance with the order of the secretary of state. 7999

~~(c) If each office or the district for each office for which 8000
the person is seeking nomination is wholly within a single county 8001
and any of those offices is a federal office, the secretary of 8002
state shall notify the board of elections of that county. The 8003
board then shall vote promptly to disqualify that person as a 8004
candidate for each office that is not a federal office. 8005~~

~~(d) If one or more of the offices for which the person is 8006
seeking nomination is a state office and any of the offices for 8007
which the person is seeking nomination is a federal office, the 8008
secretary of state shall order the board of elections of each 8009
county in which the person is seeking to appear on the ballot to 8010
disqualify that person as a candidate for each office that is not 8011
a federal office. Each board of elections so notified shall vote 8012
promptly to disqualify the person as a candidate in accordance 8013
with the order of the secretary of state. 8014~~

(c) If each office or the district for each office for which 8015
the person is seeking nomination is wholly within a single county 8016
and any of those offices is a federal office, the secretary of 8017
state shall notify the board of elections of that county. The 8018
board then shall vote promptly to disqualify that person as a 8019
candidate for each office that is not a federal office. 8020

(d) If one or more of the offices for which the person is 8021
seeking nomination is a state office and any of the offices for 8022
which the person is seeking nomination is a federal office, the 8023
secretary of state shall order the board of elections of each 8024
county in which the person is seeking to appear on the ballot to 8025
disqualify that person as a candidate for each office that is not 8026

a federal office. Each board of elections so notified shall vote 8027
promptly to disqualify the person as a candidate in accordance 8028
with the order of the secretary of state. 8029

(2) If a board of elections determines, before the day of the 8030
primary election, that a person is seeking nomination to more than 8031
one office at that election in violation of division (A) of this 8032
section, the board shall do one of the following: 8033

(a) If each office or the district for each office for which 8034
the person is seeking nomination is wholly within that county ~~and~~ 8035
~~none of those offices is a federal office~~ and none of those 8036
offices is a federal office, the board shall determine the date on 8037
which the person first sought to become a candidate for each of 8038
those offices by filing a declaration of candidacy or a 8039
declaration of intent to be a write-in candidate or by the filling 8040
of a vacancy under section 3513.30 of the Revised Code. The board 8041
shall vote promptly to disqualify that person as a candidate for 8042
each office for which the person sought to become a candidate 8043
after the date on which the person first sought to become a 8044
candidate for any of those offices. If the board determines that 8045
the person sought to become a candidate for more than one of those 8046
offices on the same date, the board shall vote promptly to 8047
disqualify that person as a candidate for each office that would 8048
be listed on the ballot below the highest office for which that 8049
person seeks nomination, according to the ballot order prescribed 8050
under section 3505.03 of the Revised Code. 8051

(b) If one or more of the offices for which the person is 8052
seeking nomination is a state office or an office with a district 8053
larger than a single county ~~and none of the offices for which the~~ 8054
~~person is seeking nomination is a federal office~~ and none of the 8055
offices for which the person is seeking nomination is a federal 8056
office, the board shall notify the secretary of state. The 8057
secretary of state then shall determine the date on which the 8058

person first sought to become a candidate for each of those 8059
offices by filing a declaration of candidacy or a declaration of 8060
intent to be a write-in candidate or by the filling of a vacancy 8061
under section 3513.30 of the Revised Code. The secretary of state 8062
shall order the board of elections of each county in which the 8063
person is seeking to appear on the ballot to disqualify that 8064
person as a candidate for each office for which the person sought 8065
to become a candidate after the date on which the person first 8066
sought to become a candidate for any of those offices. If the 8067
secretary of state determines that the person sought to become a 8068
candidate for more than one of those offices on the same date, the 8069
secretary of state shall order the board of elections of each 8070
county in which the person is seeking to appear on the ballot to 8071
disqualify that person as a candidate for each office that would 8072
be listed on the ballot below the highest office for which that 8073
person seeks nomination, according to the ballot order prescribed 8074
under section 3505.03 of the Revised Code. Each board of elections 8075
so notified shall vote promptly to disqualify the person as a 8076
candidate in accordance with the order of the secretary of state. 8077

~~(c) If each office or the district for each office for which 8078
the person is seeking nomination is wholly within a single county 8079
and any of those offices is a federal office, the board shall vote 8080
promptly to disqualify that person as a candidate for each office 8081
that is not a federal office. 8082~~

~~(d) If one or more of the offices for which the person is 8083
seeking nomination is a state office and any of the offices for 8084
which the person is seeking nomination is a federal office, the 8085
board shall notify the secretary of state. The secretary of state 8086
then shall order the board of elections of each county in which 8087
the person is seeking to appear on the ballot to disqualify that 8088
person as a candidate for each office that is not a federal 8089
office. Each board of elections so notified shall vote promptly to 8090~~

disqualify the person as a candidate in accordance with the order
of the secretary of state.

(c) If each office or the district for each office for which
the person is seeking nomination is wholly within a single county
and any of those offices is a federal office, the board shall vote
promptly to disqualify that person as a candidate for each office
that is not a federal office.

(d) If one or more of the offices for which the person is
seeking nomination is a state office and any of the offices for
which the person is seeking nomination is a federal office, the
board shall notify the secretary of state. The secretary of state
then shall order the board of elections of each county in which
the person is seeking to appear on the ballot to disqualify that
person as a candidate for each office that is not a federal
office. Each board of elections so notified shall vote promptly to
disqualify the person as a candidate in accordance with the order
of the secretary of state.

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

(a) If each office or the district for each office for which
the person is seeking election is wholly within a single county
~~and none of those offices is a federal office~~ and none of those
offices is a federal office, the secretary of state shall notify
the board of elections of that county. The board then shall
determine the offices for which the person seeks to appear as a
candidate on the ballot. The board shall vote promptly to
disqualify that person as a candidate for each office that would
be listed on the ballot below the highest office for which that

person seeks election, according to the ballot order prescribed 8122
under section 3505.03 of the Revised Code. If the person sought 8123
nomination at a primary election and has not yet been issued a 8124
certificate of nomination, the board shall not issue that 8125
certificate for that person for any office that would be listed on 8126
the ballot below the highest office for which that person seeks 8127
election, according to the ballot order prescribed under section 8128
3505.03 of the Revised Code. 8129

(b) If one or more of the offices for which the person is 8130
seeking election is a state office or an office with a district 8131
larger than a single county ~~and none of the offices for which the~~ 8132
~~person is seeking election is a federal office~~ and none of the 8133
offices for which the person is seeking election is a federal 8134
office, the secretary of state shall promptly investigate and 8135
determine the offices for which the person seeks to appear as a 8136
candidate on the ballot. The secretary of state shall order the 8137
board of elections of each county in which the person is seeking 8138
to appear on the ballot to disqualify that person as a candidate 8139
for each office that would be listed on the ballot below the 8140
highest office for which that person seeks election, according to 8141
the ballot order prescribed under section 3505.03 of the Revised 8142
Code. Each board of elections so notified shall vote promptly to 8143
disqualify the person as a candidate in accordance with the order 8144
of the secretary of state. If the person sought nomination at a 8145
primary election and has not yet been issued a certificate of 8146
nomination, the board shall not issue that certificate for that 8147
person for any office that would be listed on the ballot below the 8148
highest office for which that person seeks election, according to 8149
the ballot order prescribed under section 3505.03 of the Revised 8150
Code. 8151

~~(c) If each office or the district for each office for which~~ 8152
~~the person is seeking election is wholly within a single county~~ 8153

~~and any of those offices is a federal office, the secretary of
state shall notify the board of elections of that county. The
board then shall vote promptly to disqualify that person as a
candidate for each office that is not a federal office. If the
person sought nomination at a primary election and has not yet
been issued a certificate of nomination, the board shall not issue
that certificate for that person for any office that is not a
federal office.~~

~~(d) If one or more of the offices for which the person is
seeking election is a state office and any of the offices for
which the person is seeking election is a federal office, the
secretary of state shall order the board of elections of each
county in which the person is seeking to appear on the ballot to
disqualify that person as a candidate for each office that is not
a federal office. Each board of elections so notified shall vote
promptly to disqualify the person as a candidate in accordance
with the order of the secretary of state. If the person sought
nomination at a primary election and has not yet been issued a
certificate of nomination, the board shall not issue that
certificate for that person for any office that is not a federal
office.~~

(c) If each office or the district for each office for which
the person is seeking election is wholly within a single county
and any of those offices is a federal office, the secretary of
state shall notify the board of elections of that county. The
board then shall vote promptly to disqualify that person as a
candidate for each office that is not a federal office. If the
person sought nomination at a primary election and has not yet
been issued a certificate of nomination, the board shall not issue
that certificate for that person for any office that is not a
federal office.

(d) If one or more of the offices for which the person is

seeking election is a state office and any of the offices for 8186
which the person is seeking election is a federal office, the 8187
secretary of state shall order the board of elections of each 8188
county in which the person is seeking to appear on the ballot to 8189
disqualify that person as a candidate for each office that is not 8190
a federal office. Each board of elections so notified shall vote 8191
promptly to disqualify the person as a candidate in accordance 8192
with the order of the secretary of state. If the person sought 8193
nomination at a primary election and has not yet been issued a 8194
certificate of nomination, the board shall not issue that 8195
certificate for that person for any office that is not a federal 8196
office. 8197

(2) If a board of elections determines, after the day of the 8198
primary election and before the day of the general election, that 8199
a person is seeking election to more than one office at that 8200
election in violation of division (A) of this section, the board 8201
of elections shall do one of the following: 8202

(a) If each office or the district for each office for which 8203
the person is seeking election is wholly within that county ~~and~~ 8204
~~none of those offices is a federal office~~ and none of those 8205
offices is a federal office, the board shall determine the offices 8206
for which the person seeks to appear as a candidate on the ballot. 8207
The board shall vote promptly to disqualify that person as a 8208
candidate for each office that would be listed on the ballot below 8209
the highest office for which that person seeks election, according 8210
to the ballot order prescribed under section 3505.03 of the 8211
Revised Code. If the person sought nomination at a primary 8212
election and has not yet been issued a certificate of nomination, 8213
the board shall not issue that certificate for that person for any 8214
office that would be listed on the ballot below the highest office 8215
for which that person seeks election, according to the ballot 8216
order prescribed under section 3505.03 of the Revised Code. 8217

(b) If one or more of the offices for which the person is seeking election is a state office or an office with a district larger than a single county ~~and none of the offices for which the person is seeking election is a federal office~~ and none of the offices for which the person is seeking election is a federal office, the board shall notify the secretary of state. The secretary of state promptly shall investigate and determine the offices for which the person seeks to appear as a candidate on the ballot. The secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code.

~~(c) If each office or the district for each office for which the person is seeking election is wholly within that county and any of those offices is a federal office, the board shall vote promptly to disqualify that person as a candidate for each office that is not a federal office. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that is not a federal office.~~

~~(d) If one or more of the offices for which the person is seeking election is a state office and any of the offices for~~

which the person is seeking election is a federal office, the
board shall notify the secretary of state. The secretary of state
shall order the board of elections of each county in which the
person is seeking to appear on the ballot to disqualify that
person as a candidate for each office that is not a federal
office. Each board of elections so notified shall vote promptly to
disqualify the person as a candidate in accordance with the order
of the secretary of state. If the person sought nomination at a
primary election and has not yet been issued a certificate of
nomination, the board shall not issue that certificate for that
person for any office that is not a federal office.

(c) If each office or the district for each office for which
the person is seeking election is wholly within that county and
any of those offices is a federal office, the board shall vote
promptly to disqualify that person as a candidate for each office
that is not a federal office. If the person sought nomination at a
primary election and has not yet been issued a certificate of
nomination, the board shall not issue that certificate for that
person for any office that is not a federal office.

(d) If one or more of the offices for which the person is
seeking election is a state office and any of the offices for
which the person is seeking election is a federal office, the
board shall notify the secretary of state. The secretary of state
shall order the board of elections of each county in which the
person is seeking to appear on the ballot to disqualify that
person as a candidate for each office that is not a federal
office. Each board of elections so notified shall vote promptly to
disqualify the person as a candidate in accordance with the order
of the secretary of state. If the person sought nomination at a
primary election and has not yet been issued a certificate of
nomination, the board shall not issue that certificate for that
person for any office that is not a federal office.

(E) When a person is disqualified as a candidate under 8282
division (C) or (D) of this section, ~~that person's name shall not~~ 8283
~~appear on the ballots on or before the sixtieth day before the day~~ 8284
~~of the applicable election, or, if the election is a presidential~~ 8285
~~primary election, on or before the forty-fifth day before the day~~ 8286
~~of the presidential primary election, the board of elections shall~~ 8287
~~remove the person's name from the ballot for any office for which~~ 8288
that person has been disqualified as a candidate. ~~If the ballots~~ 8289
~~have already been prepared, the board of elections shall remove~~ 8290
~~the name of the disqualified candidate from the ballots to the~~ 8291
~~extent practicable in the time remaining before the election and~~ 8292
according to the directions of the secretary of state. When a 8293
person is disqualified as a candidate under division (C) or (D) of 8294
this section after the sixtieth day before the day of the 8295
applicable election, or, if the election is a presidential primary 8296
election, after the forty-fifth day before the day of the 8297
presidential primary election, the board of elections shall not 8298
remove the person's name from the ballot for any office for which 8299
that person has been disqualified as a candidate. The board of 8300
elections shall post a notice at each polling location on the day 8301
of the applicable election, and shall enclose with each absent 8302
voter's ballot given or mailed after the candidate is 8303
disqualified, a notice that votes for the person for the office 8304
for which the person has been disqualified as a candidate will be 8305
void and will not be counted. If the name is not removed from the 8306
ballots before the day of the election, the votes for the 8307
disqualified candidate are void and shall not be counted. 8308

(F) Any vacancy created by the disqualification of a person 8309
as a candidate under division (C) or (D) of this section may be 8310
filled in the manner provided for in sections 3513.30 and 3513.31 8311
of the Revised Code. 8312

(G) Nothing in this section or section 3513.04, 3513.041, 8313

3513.05, 3513.251, 3513.253, 3513.254, 3513.255, 3513.257,
3513.259, or 3513.261 of the Revised Code prohibits, and the
secretary of state or a board of elections shall not disqualify, a
person from being a candidate for an office, if that person timely
withdraws as a candidate for any offices specified in division (A)
of this section for which that person first sought to become a
candidate by filing a declaration of candidacy and petition, a
declaration of intent to be a write-in candidate, or a nominating
petition, by party nomination in a primary election, or by the
filling of a vacancy under section 3513.30 or 3513.31 of the
Revised Code.

(H) As used in this section:

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

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

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

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

Sec. 3513.07. The form of declaration of candidacy and
petition of a person desiring to be a candidate for a party

nomination or a candidate for election to an office or position to 8344
be voted for at a primary election shall be substantially as 8345
follows: 8346

"DECLARATION OF CANDIDACY PARTY PRIMARY ELECTION 8347

I, (Name of Candidate), the 8348
undersigned, hereby declare under penalty of election 8349
falsification that my voting residence is in 8350
precinct of the (Township) or (Ward 8351
and City or Village) in the county of, Ohio; that 8352
my voting residence is (Street and Number, if any, 8353
or Rural Route and Number) of the 8354
(City or Village) of, Ohio; and that I am a 8355
qualified elector in the precinct in which my voting residence is 8356
located. I am a member of the Party. I hereby declare 8357
that I desire to be (a candidate for 8358
nomination as a candidate of the Party for election to the office 8359
of) (a candidate for election to the office or 8360
position of) for the in the state, 8361
district, (Full term or unexpired term ending) 8362
county, city, or village of, at the primary 8363
election to be held on the day of,, 8364
and I hereby request that my name be printed upon the official 8365
primary election ballot of the said Party as a 8366
candidate for (such nomination) or (such election) as 8367
provided by law. 8368

I further declare that, if elected to said office or 8369
position, I will qualify therefor, and that I will support and 8370
abide by the principles enunciated by the Party. 8371

Dated this day of, 8372

..... 8373

(Signature of candidate) 8374

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 8375

OF THE FIFTH DEGREE.	8376
PETITION OF CANDIDATE	8377
We, the undersigned, qualified electors of the state of Ohio,	8378
whose voting residence is in the county, city, village, ward,	8379
township, or school district, and precinct set opposite our names,	8380
and members of the Party,	8381
hereby certify that (Name of	8382
candidate) whose declaration of candidacy is filed herewith, is a	8383
member of the Party, and is, in our opinion, well	8384
qualified to perform the duties of the office or position to which	8385
that candidate desires to be elected.	8386
Street City,	8387
and Village or	8388
Signature Number Township Ward Precinct County Date	8389
(Must use address on file with the board of elections)	8390
.....	8391
.....	8392
.....	8393
..... (Name of circulator	8394
of petition), declares under penalty of election falsification	8395
that the circulator of the petition is a qualified elector of the	8396
state of Ohio and resides at the address appearing below the	8397
signature of that circulator; that the circulator is a member of	8398
the Party; that the circulator is the circulator of	8399
the foregoing petition paper containing (Number)	8400
signatures; that the circulator witnessed the affixing of every	8401
signature; that all signers were to the best of the circulator's	8402
knowledge and belief qualified to sign; and that every signature	8403
is to the best of the circulator's knowledge and belief the	8404
signature of the person whose signature it purports to be <u>or of an</u>	8405
<u>attorney in fact acting pursuant to section 3501.382 of the</u>	8406

<u>Revised Code.</u>	8407
.....	8408
(Signature of circulator)	8409
.....	8410
(Address of <u>circulator's</u>	8411
<u>permanent residence</u>	8412
<u>in this state</u>)	8413
.....	8414
(If petition is for a statewide	8415
candidate, the name and address	8416
of person employing	8417
circulator to circulate	8418
petition, if any)	8419
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY	8420
OF THE FIFTH DEGREE."	8421
The secretary of state shall prescribe a form of declaration	8422
of candidacy and petition, and the form shall be substantially	8423
similar to the declaration of candidacy and petition set forth in	8424
this section, that will be suitable for joint candidates for the	8425
offices of governor and lieutenant governor.	8426
The petition provided for in this section shall be circulated	8427
only by a member of the same political party as the candidate.	8428
Sec. 3513.09. If the petition 7 required by section 3513.07 of	8429
the Revised Code to be filed with a declaration of candidacy 7	8430
consists of more than one separate petition paper, the declaration	8431
of candidacy of the candidate named need be signed by the	8432
candidate, <u>or of an attorney in fact acting pursuant to section</u>	8433
<u>3501.382 of the Revised Code,</u> on only one of such separate	8434
petition papers, but the declaration of candidacy so signed shall	8435
be copied on each other separate petition paper before the	8436
signature of electors are placed thereon <u>on it</u> .	8437

Sec. 3513.19. (A) It is the duty of ~~any witness or challenger~~ 8438
~~and~~ of any judge of elections ~~and the right of any elector,~~ 8439
whenever any ~~such person~~ judge of elections doubts that ~~another a~~ 8440
person attempting to vote at a primary election is legally 8441
entitled to vote at ~~such~~ that election, to challenge the right of 8442
that ~~other~~ person to vote. The right of a person to vote at a 8443
primary election may be challenged upon the following grounds: 8444

(1) That the person whose right to vote is challenged is not 8446
a legally qualified elector; 8447

(2) That the person has received or has been promised some 8448
valuable reward or consideration for the person's vote; 8449

(3) That the person is not affiliated with or is not a member 8450
of the political party whose ballot the person desires to vote. 8451
Such party affiliation shall be determined by examining the 8452
elector's voting record for the current year and the immediately 8453
preceding two calendar years as shown on the voter's registration 8454
card, using the standards of affiliation specified in the seventh 8455
paragraph of section 3513.05 of the Revised Code. Division (A)(3) 8456
of this section and the seventh paragraph of section 3513.05 of 8457
the Revised Code do not prohibit a person who holds an elective 8458
office for which candidates are nominated at a party primary 8459
election from doing any of the following: 8460

(a) If the person voted as a member of a different political 8461
party at any primary election within the current year and the 8462
immediately preceding two calendar years, being a candidate for 8463
nomination at a party primary held during the times specified in 8464
division (C)(2) of section 3513.191 of the Revised Code provided 8465
that the person complies with the requirements of that section; 8466

(b) Circulating the person's own petition of candidacy for 8467

party nomination in the primary election. 8468

(B) When the right of a person to vote is challenged upon the 8469
ground set forth in division (A)(3) of this section, membership in 8470
or political affiliation with a political party shall be 8471
determined by the person's statement, made under penalty of 8472
election falsification, that the person desires to be affiliated 8473
with and supports the principles of the political party whose 8474
primary ballot the person desires to vote. 8475

Sec. 3513.20. Before any challenged person shall be allowed 8476
to vote at a primary election ~~he, the person~~ shall make a 8477
statement, under penalty of election falsification, before one of 8478
the precinct officials, blanks for which shall be furnished by the 8479
board of elections, giving name, age, residence, length of 8480
residence in the precinct, county, and state; stating that the 8481
person desires to be affiliated with and supports the principles 8482
of the political party whose ballot the person desires to vote; 8483
and giving all other facts necessary to determine whether ~~he the~~ 8484
~~person~~ is entitled to vote in ~~such that~~ primary election. ~~Such The~~ 8485
statement shall be returned to the office of the board with the 8486
pollbooks and tally sheets. 8487

If a person challenged refuses to make ~~such that~~ statement 8488
under penalty of election falsification, ~~he the person~~ shall be 8489
~~refused~~ permitted to vote a provisional ballot under section 8490
3505.181 of the Revised Code. If a majority of the precinct 8491
officials finds that the statements of a person challenged or ~~his~~ 8492
the person's voting record or other evidence shows that ~~he the~~ 8493
person lacks any of the qualifications required to make ~~him the~~ 8494
person a qualified elector at ~~such the~~ primary election or that ~~he~~ 8495
the person is not affiliated with or is not a member of the 8496
political party whose ballot ~~he the person~~ desires to vote, ~~he the~~ 8497
person shall be ~~refused~~ permitted to vote a provisional ballot 8498

under section 3505.181 of the Revised Code. 8499

Sec. 3513.22. (A) Not earlier than the eleventh day or later 8500
than the fifteenth day after a primary election, the board of 8501
elections shall begin to canvass the election returns from the 8502
precincts in which electors were entitled to vote at that election 8503
and shall continue the canvass daily until it is completed. 8504

The board shall complete the canvass not later than the ~~date~~ 8505
~~set by the secretary of state under division (U) of section~~ 8506
~~3501.05 of the Revised Code~~ twenty-first day after the day of the 8507
election. ~~Sixty~~ Eighty-one days after the ~~date set by~~ day of the 8508
~~secretary of state for the completion of the canvass~~ election, the 8509
canvass of election returns shall be deemed final, and no 8510
amendments to the canvass may be made after that date. The 8511
secretary of state may specify an earlier date upon which the 8512
canvass of election returns shall be deemed final, and after which 8513
amendments to the final canvass may not be made, if so required by 8514
federal law. 8515

(B) The county executive committee of each political party 8516
that participated in the election, and each committee designated 8517
in a petition to represent the petitioners pursuant to which a 8518
question or issue was submitted at the election, may designate a 8519
qualified elector who may be present at and may ~~witness~~ observe 8520
the making of the canvass. Each person for whom votes were cast in 8521
the election may also be present at and ~~witness~~ observe the making 8522
of the canvass. 8523

(C) When the canvass of the election returns from all of the 8524
precincts in the county in which electors were entitled to vote at 8525
the election has been completed, the board shall determine and 8526
declare the results of the elections determined by the electors of 8527
the county or of a district or subdivision within the county. If 8528
more than the number of persons to be nominated for or elected to 8529

an office received the largest and an equal number of votes, the
tie shall be resolved by lot by the chairperson of the board in
the presence of a majority of the members of the board. The
declaration shall be in writing and shall be signed by at least a
majority of the members of the board. It shall bear the date of
the day upon which it is made, and a copy of it shall be posted by
the board in a conspicuous place in its office. The board shall
keep the copy posted for a period of at least five days.

The board shall promptly certify abstracts of the results of
the elections within its county upon forms the secretary of state
prescribes. One certified copy of each abstract shall be kept in
the office of the board, and one certified copy of each abstract
shall promptly be sent to the secretary of state. The board shall
also promptly send a certified copy of that part of an abstract
that pertains to an election in which only electors of a district
comprised of more than one county but less than all of the
counties of the state voted to the board of the most populous
county in the district. It shall also promptly send a certified
copy of that part of an abstract that pertains to an election in
which only electors of a subdivision located partly within the
county voted to the board of the county in which the major portion
of the population of the subdivision is located.

If, after certifying and sending abstracts and parts of
abstracts, a board finds that any abstract or part of any abstract
is incorrect, it shall promptly prepare, certify, and send a
corrected abstract or part of an abstract to take the place of
each incorrect abstract or part of an abstract previously
certified and sent.

(D)(1) When certified copies of abstracts are received by the
secretary of state, the secretary of state shall canvass those
abstracts and determine and declare the results of all elections
in which electors throughout the entire state voted. If more than

the number of persons to be nominated for or elected to an office 8562
received the largest and an equal number of votes, the tie shall 8563
be resolved by lot by the secretary of state in the presence of 8564
the governor, the auditor of state, and the attorney general, who 8565
at the request of the secretary of state shall assemble to witness 8566
the drawing of the lot. The declaration of results by the 8567
secretary of state shall be in writing and shall be signed by the 8568
secretary of state. It shall bear the date of the day upon which 8569
it is made, and a copy of it shall be posted by the secretary of 8570
state in a conspicuous place in the secretary of state's office. 8571
The secretary of state shall keep the copy posted for a period of 8572
at least five days. 8573

(2) When certified copies of parts of abstracts are received 8574
by the board of the most populous county in a district from the 8575
boards of all of the counties in the district, the board receiving 8576
those abstracts shall canvass them and determine and declare the 8577
results of the elections in which only electors of the district 8578
voted. If more than the number of persons to be nominated for or 8579
elected to an office received the largest and equal number of 8580
votes, the tie shall be resolved by lot by the chairperson of the 8581
board in the presence of a majority of the members of the board. 8582
The declaration of results by the board shall be in writing and 8583
shall be signed by at least a majority of the members of the 8584
board. It shall bear the date of the day upon which it is made, 8585
and a copy of it shall be posted by the board in a conspicuous 8586
place in its office. The board shall keep the copy posted for a 8587
period of at least five days. 8588

(3) When certified copies of parts of abstracts are received 8589
by the board of a county in which the major portion of the 8590
population of a subdivision located in more than one county is 8591
located from the boards of each county in which other portions of 8592
that subdivision are located, the board receiving those abstracts 8593

shall canvass them and determine and declare the results of the
elections in which only electors of that subdivision voted. If
more than the number of persons to be nominated for or elected to
an office received the largest and an equal number of votes, the
tie shall be resolved by lot by the chairperson of the board in
the presence of a majority of the members of the board. The
declaration of results by the board shall be in writing and shall
be signed by at least a majority of the members of the board. It
shall bear the date of the day upon which it is made, and a copy
of it shall be posted by the board in a conspicuous place in its
office. The board shall keep the copy posted for a period of at
least five days.

(E) Election officials, who are required to declare the
results of primary elections, shall issue to each person declared
nominated for or elected to an office, an appropriate certificate
of nomination or election, provided that the boards required to
determine and declare the results of the elections for candidates
for nomination to the office of representative to congress from a
congressional district shall, in lieu of issuing a certificate of
nomination, certify to the secretary of state the names of the
candidates nominated, and the secretary of state, upon receipt of
that certification, shall issue a certificate of nomination to
each person whose name is so certified. Certificates of nomination
or election issued by boards to candidates and certifications to
the secretary of state shall not be issued before the expiration
of the time within which applications for recounts of votes may be
filed or before recounts of votes, which have been applied for,
are completed.

Sec. 3513.257. Each person desiring to become an independent
candidate for an office for which candidates may be nominated at a
primary election, except persons desiring to become independent

joint candidates for the offices of governor and lieutenant 8625
governor and for the offices of president and vice-president of 8626
the United States, shall file no later than four p.m. of the day 8627
before the day of the primary election immediately preceding the 8628
general election at which such candidacy is to be voted for by the 8629
voters, a statement of candidacy and nominating petition as 8630
provided in section 3513.261 of the Revised Code. Persons desiring 8631
to become independent joint candidates for the offices of governor 8632
and lieutenant governor shall file, not later than four p.m. of 8633
the day before the day of the primary election, one statement of 8634
candidacy and one nominating petition for the two of them. Persons 8635
desiring to become independent joint candidates for the offices of 8636
president and vice-president of the United States shall file, not 8637
later than four p.m. of the seventy-fifth day before the day of 8638
the general election at which the president and vice-president are 8639
to be elected, one statement of candidacy and one nominating 8640
petition for the two of them. The prospective independent joint 8641
candidates' statement of candidacy shall be filed with the 8642
nominating petition as one instrument. 8643

The statement of candidacy and separate petition papers of 8644
each candidate or pair of joint candidates shall be filed at the 8645
same time as one instrument. 8646

The nominating petition shall contain signatures of qualified 8647
electors of the district, political subdivision, or portion of a 8648
political subdivision in which the candidacy is to be voted on in 8649
an amount to be determined as follows: 8650

(A) If the candidacy is to be voted on by electors throughout 8651
the entire state, the nominating petition, including the 8652
nominating petition of independent joint candidates for the 8653
offices of governor and lieutenant governor, shall be signed by no 8654
less than five thousand qualified electors, provided that no 8655
petition shall be accepted for filing if it purports to contain 8656

more than fifteen thousand signatures.

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(B) If the candidacy is to be voted on by electors in any district, political subdivision, or part thereof in which less than five thousand electors voted for the office of governor at the most recent election for that office, the nominating petition shall contain signatures of not less than twenty-five qualified electors of the district, political subdivision, or part thereof, or a number of qualified signatures equal to at least five per cent of that vote, if this number is less than twenty-five.

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(C) If the candidacy is to be voted on by electors in any district, political subdivision, or part thereof in which five thousand or more electors voted for the office of governor at the most recent election for that office, the nominating petition shall contain a number of signatures equal to at least one per cent of those electors.

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All nominating petitions of candidates for offices to be voted on by electors throughout the entire state shall be filed in the office of the secretary of state. No nominating petition for the offices of president and vice-president of the United States shall be accepted for filing unless there is submitted to the secretary of state, at the time of filing the petition, a slate of presidential electors sufficient in number to satisfy the requirement of the United States Constitution. The secretary of state shall not accept for filing the statement of candidacy of a person who desires to be an independent candidate for the office of governor unless it also shows the joint candidacy of a person who desires to be an independent candidate for the office of lieutenant governor, shall not accept for filing the statement of candidacy of a person who desires to be an independent candidate for the office of lieutenant governor unless it also shows the joint candidacy of a person who desires to be an independent candidate for the office of governor, and shall not accept for

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filing the statement of candidacy of a person who desires to be an independent candidate to the office of governor or lieutenant governor who, for the same election, has already filed a declaration of candidacy, a declaration of intent to be a write-in candidate, or a statement of candidacy, or has become a candidate by the filling of a vacancy under section 3513.30 of the Revised Code for any other state office or any ~~federal or~~ federal or county office.

Nominating petitions of candidates for offices to be voted on by electors within a district or political subdivision comprised of more than one county but less than all counties of the state shall be filed with the boards of elections of that county or part of a county within the district or political subdivision which had a population greater than that of any other county or part of a county within the district or political subdivision according to the last federal decennial census.

Nominating petitions for offices to be voted on by electors within a county or district smaller than a county shall be filed with the board of elections for such county.

No petition other than the petition of a candidate whose candidacy is to be considered by electors throughout the entire state shall be accepted for filing if it appears on its face to contain more than three times the minimum required number of signatures. A board of elections shall not accept for filing a nominating petition of a person seeking to become a candidate if that person, for the same election, has already filed a declaration of candidacy, a declaration of intent to be a write-in candidate, or a nominating petition, or has become a candidate by the filling of a vacancy under section 3513.30 of the Revised Code for any ~~federal,~~ federal, state, or county office, if the nominating petition is for a state or county office, or for any municipal or township office, for member of a city, local, or

exempted village board of education, or for member of a governing 8721
board of an educational service center, if the nominating petition 8722
is for a municipal or township office, or for member of a city, 8723
local, or exempted village board of education, or for member of a 8724
governing board of an educational service center. When a petition 8725
of a candidate has been accepted for filing by a board of 8726
elections, the petition shall not be deemed invalid if, upon 8727
verification of signatures contained in the petition, the board of 8728
elections finds the number of signatures accepted exceeds three 8729
times the minimum number of signatures required. A board of 8730
elections may discontinue verifying signatures when the number of 8731
verified signatures on a petition equals the minimum required 8732
number of qualified signatures. 8733

Any nonjudicial candidate who files a nominating petition may 8734
request, at the time of filing, that the candidate be designated 8735
on the ballot as a nonparty candidate or as an other-party 8736
candidate, or may request that the candidate's name be placed on 8737
the ballot without any designation. Any such candidate who fails 8738
to request a designation either as a nonparty candidate or as an 8739
other-party candidate shall have the candidate's name placed on 8740
the ballot without any designation. 8741

The purpose of establishing a filing deadline for independent 8742
candidates prior to the primary election immediately preceding the 8743
general election at which the candidacy is to be voted on by the 8744
voters is to recognize that the state has a substantial and 8745
compelling interest in protecting its electoral process by 8746
encouraging political stability, ensuring that the winner of the 8747
election will represent a majority of the community, providing the 8748
electorate with an understandable ballot, and enhancing voter 8749
education, thus fostering informed and educated expressions of the 8750
popular will in a general election. The filing deadline for 8751
independent candidates required in this section prevents 8752

splintered parties and unrestrained factionalism, avoids political 8753
fragmentation, and maintains the integrity of the ballot. The 8754
deadline, one day prior to the primary election, is the least 8755
drastic or restrictive means of protecting these state interests. 8756
The general assembly finds that the filing deadline for 8757
independent candidates in primary elections required in this 8758
section is reasonably related to the state's purpose of ensuring 8759
fair and honest elections while leaving unimpaired the political, 8760
voting, and associational rights secured by the first and 8761
fourteenth amendments to the United States Constitution. 8762

Sec. 3513.259. Nominations of candidates for the office of 8763
member of the state board of education shall be made only by 8764
nominating petition. The nominating petition of a candidate for 8765
the office of member of the state board of education shall be 8766
signed by not less than one hundred qualified electors. 8767

No such nominating petition shall be accepted for filing if 8768
it appears on its face to contain signatures aggregating in number 8769
more than three times the minimum number of signatures required by 8770
this section. A board of elections shall not accept for filing a 8771
nominating petition of a person if that person, for the same 8772
election, has already filed a declaration of candidacy, a 8773
declaration of intent to be a write-in candidate, or a nominating 8774
petition, or has become a candidate through party nomination at a 8775
primary election or by the filling of a vacancy under section 8776
3513.30 or 3513.31 of the Revised Code, to be a candidate for any 8777
other state office or any ~~federal~~ or federal or county office. 8778
When a petition of a candidate has been accepted for filing by a 8779
board of elections, the petition shall not be deemed invalid if, 8780
upon verification of signatures contained in the petition, the 8781
board of elections finds the number of signatures accepted exceeds 8782
three times the minimum number of signatures required. A board of 8783

elections may discontinue verifying signatures when the number of 8784
verified signatures equals the minimum required number of 8785
signatures. Such petition shall be filed with the board of 8786
elections of the most populous county in such district not later 8787
than four p.m. of the seventy-fifth day before the day of the 8788
general election at which state board of education members are 8789
elected. 8790

Each nominating petition shall be signed by qualified 8791
electors residing in the district in which the candidate 8792
designated therein would be a candidate for election to the office 8793
of member of the state board of education. Each candidate shall be 8794
a qualified elector residing in the district in which the 8795
candidate seeks election to such office. 8796

As the word "district" is used in this section, it refers to 8797
a district created under section 3301.01 of the Revised Code. 8798

Sec. 3513.261. A nominating petition may consist of one or 8799
more separate petition papers, each of which shall be 8800
substantially in the form prescribed in this section. If the 8801
petition consists of more than one separate petition paper, the 8802
statement of candidacy of the candidate or joint candidates named 8803
need be signed by the candidate or joint candidates on only one of 8804
such separate petition papers, but the statement of candidacy so 8805
signed shall be copied on each other separate petition paper 8806
before the signatures of electors are placed on it. Each 8807
nominating petition containing signatures of electors of more than 8808
one county shall consist of separate petition papers each of which 8809
shall contain signatures of electors of only one county; provided 8810
that petitions containing signatures of electors of more than one 8811
county shall not thereby be declared invalid. In case petitions 8812
containing signatures of electors of more than one county are 8813
filed, the board of elections shall determine the county from 8814

which the majority of the signatures came, and only signatures 8815
from this county shall be counted. Signatures from any other 8816
county shall be invalid. 8817

All signatures on nominating petitions shall be written in 8818
ink or indelible pencil. 8819

At the time of filing a nominating petition, the candidate 8820
designated in the nominating petition, and joint candidates for 8821
governor and lieutenant governor, shall pay to the election 8822
officials with whom it is filed the fees specified for the office 8823
under divisions (A) and (B) of section 3513.10 of the Revised 8824
Code. The fees shall be disposed of by those election officials in 8825
the manner that is provided in section 3513.10 of the Revised Code 8826
for the disposition of other fees, and in no case shall a fee 8827
required under that section be returned to a candidate. 8828

Candidates or joint candidates whose names are written on the 8829
ballot, and who are elected, shall pay the same fees under section 8830
3513.10 of the Revised Code that candidates who file nominating 8831
petitions pay. Payment of these fees shall be a condition 8832
precedent to the granting of their certificates of election. 8833

Each nominating petition shall contain a statement of 8834
candidacy that shall be signed by the candidate or joint 8835
candidates named in it or by an attorney in fact acting pursuant 8836
to section 3501.382 of the Revised Code. Such statement of 8837
candidacy shall contain a declaration made under penalty of 8838
election falsification that the candidate desires to be a 8839
candidate for the office named in it, and that the candidate is an 8840
elector qualified to vote for the office the candidate seeks. 8841

The form of the nominating petition and statement of 8842
candidacy shall be substantially as follows: 8843

"STATEMENT OF CANDIDACY 8844

I, (Name of candidate), 8845

the undersigned, hereby declare under penalty of election 8846
 falsification that my voting residence is in 8847
 Precinct of the (Township) or 8848
 (Ward and City, or Village) in the county of Ohio; 8849
 that my post-office address is 8850
 (Street and Number, if any, or Rural Route and Number) of the 8851
 (City, Village, or post office) of 8852
, Ohio; and that I am a qualified elector in 8853
 the precinct in which my voting residence is located. I hereby 8854
 declare that I desire to be a candidate for election to the office 8855
 of in the (State, 8856
 District, County, City, Village, Township, or School District) for 8857
 the (Full term or unexpired 8858
 term ending) at the General Election to be held 8859
 on the day of, 8860

I further declare that I am an elector qualified to vote for 8861
 the office I seek. Dated this day of, 8862
 8863
 (Signature of candidate) 8864

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 8865
 OF THE FIFTH DEGREE. 8866

I,, hereby constitute the 8867
 persons named below a committee to represent me: 8868

Name	Residence	
.....	8869
.....	8870
.....	8871
.....	8872
.....	8873
.....	8874

NOMINATING PETITION 8875

We, the undersigned, qualified electors of the state of Ohio, 8876

whose voting residence is in the County, City, Village, Ward, 8877
Township or Precinct set opposite our names, hereby nominate 8878
..... as a candidate for election to the office of 8879
..... in the 8880
(State, District, County, City, Village, Township, or School 8881
District) for the (Full term or unexpired term 8882
ending) to be voted for at the general 8883
election next hereafter to be held, and certify that this person 8884
is, in our opinion, well qualified to perform the duties of the 8885
office or position to which the person desires to be elected. 8886

8887
Street 8888
Address 8889
or R.F.D. 8890
(Must use 8891
address on City, 8892
file with Village 8893
the board of or Date of 8894
Signature elections) Township Ward Precinct County Signing 8895
..... 8896
..... 8897
..... 8898
..... 8899
....., declares under penalty of election 8900
falsification that such person is a qualified elector of the state 8901
of Ohio and resides at the address appearing below such person's 8902
signature hereto; that such person is the circulator of the 8903
foregoing petition paper containing signatures; 8904
that such person witnessed the affixing of every signature; that 8905
all signers were to the best of such person's knowledge and belief 8906
qualified to sign; and that every signature is to the best of such 8907
person's knowledge and belief the signature of the person whose 8908

signature it purports to be <u>or of an attorney in fact acting</u>	8909
<u>pursuant to section 3501.382 of the Revised Code.</u>	8910
.....	8911
(Signature of circulator)	8912
.....	8913
(Address <u>of circulator's</u>	8914
<u>permanent residence</u>	8915
<u>in this state)</u>	8916
.....	8917
(If petition is for a statewide	8918
candidate, the name and address	8919
of person employing circulator	8920
to circulate petition, if any)	8921
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY	8922
OF THE FIFTH DEGREE."	8923
The secretary of state shall prescribe a form of nominating	8924
petition for a group of candidates for the office of member of a	8925
board of education, township office, and offices of municipal	8926
corporations of under two thousand population.	8927
The secretary of state shall prescribe a form of statement of	8928
candidacy and nominating petition, which shall be substantially	8929
similar to the form of statement of candidacy and nominating	8930
petition set forth in this section, that will be suitable for	8931
joint candidates for the offices of governor and lieutenant	8932
governor.	8933
If such petition nominates a candidate whose election is to	8934
be determined by the electors of a county or a district or	8935
subdivision within the county, it shall be filed with the board of	8936
such county. If the petition nominates a candidate whose election	8937
is to be determined by the voters of a subdivision located in more	8938
than one county, it shall be filed with the board of the county in	8939

which the major portion of the population of such subdivision is 8940
located. 8941

If the petition nominates a candidate whose election is to be 8942
determined by the electors of a district comprised of more than 8943
one county but less than all of the counties of the state, it 8944
shall be filed with the board of elections of the most populous 8945
county in such district. If the petition nominates a candidate 8946
whose election is to be determined by the electors of the state at 8947
large, it shall be filed with the secretary of state. 8948

The secretary of state or a board of elections shall not 8949
accept for filing a nominating petition of a person seeking to 8950
become a candidate if that person, for the same election, has 8951
already filed a declaration of candidacy, a declaration of intent 8952
to be a write-in candidate, or a nominating petition, or has 8953
become a candidate through party nomination at a primary election 8954
or by the filling of a vacancy under section 3513.30 or 3513.31 of 8955
the Revised Code for any ~~federal~~, federal, state, or county 8956
office, if the nominating petition is for a state or county 8957
office, or for any municipal or township office, for member of a 8958
city, local, or exempted village board of education, or for member 8959
of a governing board of an educational service center, if the 8960
nominating petition is for a municipal or township office, or for 8961
member of a city, local, or exempted village board of education, 8962
or for member of a governing board of an educational service 8963
center. 8964

Sec. 3513.30. (A)(1) ~~where~~ If only one valid declaration of 8965
candidacy is filed for nomination as a candidate of a political 8966
party for an office and ~~such that~~ candidate dies prior to the 8967
tenth day before the primary election, both of the following may 8968
occur: 8969

(a) The political party whose candidate died may fill the 8970

vacancy so created as provided in division (A)(2) of this section. 8971

(b) Any major political party other than the one whose 8972
candidate died may select a candidate as provided in division 8973
(A)(2) of this section under either of the following 8974
circumstances: 8975

(i) No person has filed a valid declaration of candidacy for 8976
nomination as that party's candidate at the primary election. 8977

(ii) Only one person has filed a valid declaration of 8978
candidacy for nomination as that party's candidate at the primary 8979
election, that person has withdrawn, died, or been disqualified 8980
under section 3513.052 of the Revised Code, and the vacancy so 8981
created has not been filled. 8982

(2) A vacancy may be filled under division (A)(1)(a) and a 8983
selection may be made under division (A)(1)(b) of this section by 8984
the appropriate committee of the political party in the same 8985
manner as provided in divisions (A) to (E) of section 3513.31 of 8986
the Revised Code for the filling of similar vacancies created by 8987
withdrawals or disqualifications under section 3513.052 of the 8988
Revised Code after the primary election, except that the 8989
certification required under that section may not be filed with 8990
the secretary of state, or with a board of the most populous 8991
county of a district, or with the board of a county in which the 8992
major portion of the population of a subdivision is located, later 8993
than four p.m. of the tenth day before the day of such primary 8994
election, or with any other board later than four p.m. of the 8995
fifth day before the day of such primary election. 8996

(3) If only one valid declaration of candidacy is filed for 8997
nomination as a candidate of a political party for an office and 8998
that candidate dies on or after the tenth day before the day of 8999
the primary election, that candidate is considered to have 9000
received the nomination of that candidate's political party at 9001

that primary election, and, for purposes of filling the vacancy so
created, that candidate's death shall be treated as if that
candidate died on the day after the day of the primary election.

(B) Any person filing a declaration of candidacy may withdraw
as such candidate at any time prior to the primary election, or,
if the primary election is a presidential primary election, at any
time prior to the fiftieth day before the presidential primary
election. The withdrawal shall be effected and the statement of
withdrawal shall be filed in accordance with the procedures
prescribed in division (D) of this section for the withdrawal of
persons nominated in a primary election or by nominating petition.

(C) A person who is the first choice for president of the
United States by a candidate for delegate or alternate to a
national convention of a political party may withdraw consent for
the selection of the person as such first choice no later than
four p.m. of the thirtieth day before the day of the presidential
primary election. Withdrawal of consent shall be for the entire
slate of candidates for delegates and alternates who named such
person as their presidential first choice and shall constitute
withdrawal from the primary election by such delegates and
alternates. The withdrawal shall be made in writing and delivered
to the secretary of state. The If the withdrawal is delivered to
the secretary of state on or before the sixtieth day before the
day of the primary election, or, if the election is a presidential
primary election, on or before the forty-fifth day before the day
of the presidential primary election, the boards of elections
shall remove both the name of the withdrawn first choice and the
names of such withdrawn candidates from the ballots ~~to the extent~~
~~practicable in the time remaining before the election and~~
according to the directions of the secretary of state. If the
withdrawal is delivered to the secretary of state after the
sixtieth day before the day of the primary election, or, if the

election is a presidential primary election, after the forty-fifth 9034
day before the day of the presidential primary election, the board 9035
of elections shall not remove the name of the withdrawn first 9036
choice and the names of the withdrawn candidates from the ballots. 9037
The board of elections shall post a notice at each polling 9038
location on the day of the primary election, and shall enclose 9039
with each absent voter's ballot given or mailed after the 9040
candidate withdraws, a notice that votes for the withdrawn first 9041
choice or the withdrawn candidates will be void and will not be 9042
counted. If such names are not removed from all ballots before the 9043
day of the election, the votes for the withdrawn first choice or 9044
the withdrawn candidates are void and shall not be counted. 9045

(D) Any person nominated in a primary election or by 9046
nominating petition as a candidate for election at the next 9047
general election may withdraw as such candidate at any time prior 9048
to the general election. Such withdrawal may be effected by the 9049
filing of a written statement by such candidate announcing the 9050
candidate's withdrawal and requesting that the candidate's name 9051
not be printed on the ballots. If such candidate's declaration of 9052
candidacy or nominating petition was filed with the secretary of 9053
state, the candidate's statement of withdrawal shall be addressed 9054
to and filed with the secretary of state. If such candidate's 9055
declaration of candidacy or nominating petition was filed with a 9056
board of elections, the candidate's statement of withdrawal shall 9057
be addressed to, and filed with such board. 9058

(E) When a person withdraws under division (B) or (D) of this 9059
section on or before the sixtieth day before the day of the 9060
primary election, or, if the election is a presidential primary 9061
election, on or before the forty-fifth day before the day of the 9062
presidential primary election, the board of elections shall remove 9063
the name of the withdrawn candidate from the ballots ~~to the extent~~ 9064
~~practicable in the time remaining before the election and~~ 9065

according to the directions of the secretary of state. When a 9066
person withdraws under division (B) or (D) of this section after 9067
the sixtieth day before the day of the primary election, or, if 9068
the election is a presidential primary election, after the 9069
forty-fifth day before the day of the presidential primary 9070
election, the board of elections shall not remove the name of the 9071
withdrawn candidate from the ballots. The board of elections shall 9072
post a notice at each polling place on the day of the primary 9073
election, and shall enclose with each absent voter's ballot given 9074
or mailed after the candidate withdraws, a notice that votes for 9075
the withdrawn candidate will be void and will not be counted. If 9076
the name is not removed from all ballots before the day of the 9077
election, the votes for the withdrawn candidate are void and shall 9078
not be counted. 9079

Sec. 3515.03. Each application for recount shall separately 9080
list each precinct as to which a recount of the votes ~~therein~~ is 9081
requested, and the person filing ~~an~~ the application shall, at the 9082
same time, deposit with the board of elections ~~ten~~ fifty dollars 9083
in currency, bank money order, bank cashier's check, or certified 9084
check for each precinct so listed ~~in such application~~ as security 9085
for the payment of charges for making the recount ~~therein~~ applied 9086
for, which charges shall be fixed by the board as provided in 9087
section 3515.07 of the Revised Code. 9088

Upon the filing of an application, or upon declaration by the 9089
board or secretary of state that the number of votes cast in any 9090
election for the declared winning nominee, candidate, question, or 9091
issue does not exceed the number of votes cast for the defeated 9092
nominee, candidate, question, or issue, by the margins set forth 9093
in section 3515.011 of the Revised Code, the board shall promptly 9094
fix the time, method, and the place at which the recount will be 9095
made, which time shall be not later than ten days after the day 9096
upon which such application is filed or such declaration is made. 9097

If the recount involves a candidate for election to an office 9098
comprising more than one county, the director of the board shall 9099
promptly mail notice of the time and place for such recount to the 9100
board of the most populous county of the district. If the contest 9101
involves a state office, the director shall promptly notify the 9102
secretary of state of the filing for such recount. 9103

The director of the board shall mail notice of the time and 9104
place so fixed to any applicant and to each person for whom votes 9105
were cast for such nomination or election. Such notice shall be 9106
mailed by certified mail not later than the fifth day before the 9107
day fixed for the commencement of the recount. Persons entitled to 9108
have such notice mailed to them may waive their right to have it 9109
mailed by filing with the director a written waiver to that 9110
effect. Each person entitled to receive such notice may attend and 9111
~~witness~~ observe the recount and may have any person whom the 9112
candidate designates attend and ~~witness~~ observe the recount. At 9113
any time after a winning nominee or candidate is declared but 9114
before the time for a recount pursuant to section 3515.011 of the 9115
Revised Code commences, the declared losing nominee or candidate 9116
may file with the board a written request to stop the recount from 9117
commencing. In the case of more than one declared losing candidate 9118
or nominee, each of whom is entitled to a recount pursuant to 9119
section 3515.011 of the Revised Code, each such declared losing 9120
candidate or nominee must file with the board such written request 9121
to stop the recount from commencing. The board shall grant such 9122
request and shall not commence the recount. 9123

In the case of a recount of votes cast upon a question or 9124
issue, any group of five or more qualified electors, who voted 9125
upon such question or issue and whose votes were in opposition to 9126
the votes of the members of the group of electors who applied for 9127
~~such~~ the recount, or for whom ~~such~~ the recount was required by 9128
section 3515.011 of the Revised Code, may file with the board a 9129

written statement to that effect, shall designate ~~therein~~ in it 9130
one of their number as ~~chairman~~ chairperson of such group ~~and,~~ may 9131
appoint an attorney at law as their legal counsel, and may request 9132
that the persons so designated be permitted to attend and ~~witness~~ 9133
observe the recount. Thereupon, the persons so designated may 9134
attend and ~~witness~~ observe the recount. 9135

Sec. 3515.04. At the time and place fixed for making a 9136
recount, the board of elections, in the presence of all ~~witnesses~~ 9137
observers who may be in attendance, shall open the sealed 9138
containers containing the ballots to be recounted, and shall 9139
recount them. If a county used punch card ballots and if a chad is 9140
attached to a punch card ballot by three or four corners, the 9141
voter shall be deemed by the board not to have recorded a 9142
candidate, question, or issue choice at the particular position on 9143
the ballot, and a vote shall not be counted at that particular 9144
position on the ballot in the recount. Ballots shall be handled 9145
only by the members of the board or by the director or other 9146
employees of the board. ~~Witnesses~~ Observers shall be permitted to 9147
see the ballots, but they shall not be permitted to touch them, 9148
and the board shall not permit the counting or tabulation of votes 9149
shown on the ballots for any nomination, or for election to any 9150
office or position, or upon any question or issue, other than the 9151
votes shown on such ballots for the nomination, election, 9152
question, or issue concerning which a recount of ballots was 9153
applied for. 9154

At any time before the ballots from all of the precincts 9155
listed in an application for the recount or involved in a recount 9156
pursuant to section 3515.011 of the Revised Code have been 9157
recounted, the applicant or declared losing candidate or nominee 9158
or each of the declared losing candidates or nominees entitled to 9159
file a request prior to the commencement of a recount, as provided 9160
in section 3515.03 of the Revised Code, may file with the board a 9161

written request to stop the recount and not recount the ballots 9162
from the precincts so listed that have not been recounted prior to 9163
the time of the request. If, upon the request, the board finds 9164
that results of the votes in the precincts recounted, if 9165
substituted for the results of the votes in those precincts as 9166
shown in the abstract of the votes in those precincts, would not 9167
cause the applicant, if a person for whom votes were cast for 9168
nomination or election, to be declared nominated or elected or if 9169
an election upon a question or issue would not cause a result 9170
contrary to the result as declared prior to such recount, it shall 9171
grant the request and shall not recount the ballots of the 9172
precincts listed in the application for recount that have not been 9173
recounted prior to that time. If the board finds otherwise, it 9174
shall deny the request and shall continue to recount ballots until 9175
the ballots from all of the precincts listed in the application 9176
for recount have been recounted; provided that, if the request is 9177
denied, it may be renewed from time to time. Upon any such 9178
renewal, the board shall consider and act upon the request in the 9179
same manner as provided in this section in connection with an 9180
original request. 9181

As used in this section, "chad" and "punch card ballot" have 9182
the same meanings as in section 3506.16 of the Revised Code. 9183

Sec. 3515.041. As required by 3 U.S.C. 5, any recount of 9184
votes conducted under this chapter for the election of 9185
presidential electors shall be completed not later than six days 9186
before the time fixed under federal law for the meeting of those 9187
presidential electors. 9188

Sec. 3515.07. The charges for making a recount of votes of 9189
precincts listed in an application for a recount filed with the 9190
board of elections shall be fixed by the board and shall include 9191

all expenses incurred by ~~such~~ the board because of ~~such~~ the 9192
application other than the regular operating expenses ~~which~~ that 9193
the board would have incurred if the application had not been 9194
filed. The total amount of charges so fixed divided by the number 9195
of precincts listed in ~~such~~ the application, the votes of which 9196
were recounted, shall be the charge per precinct for the recount 9197
of the votes of the precincts listed in ~~such~~ the application, the 9198
votes of which were recounted; provided that the charges per 9199
precinct so fixed shall not be more than ~~ten nor~~ fifty or less 9200
than five dollars for each precinct the votes of which were 9201
recounted. 9202

Such charge per precinct shall be deducted by the board from 9203
the money deposited with the board by the applicant for the 9204
recount at the time of filing ~~his~~ the application, and the balance 9205
of the money so deposited shall be returned to ~~such~~ the applicant; 9206
provided that no such charge per precinct shall be deducted by the 9207
board from the money deposited for a recount of votes cast for a 9208
nomination or for an election to an office or position in any 9209
precinct, if the total number of votes cast in such precinct for 9210
the applicant, as recorded by ~~such~~ the recount, is more than four 9211
per cent larger than the number of votes for ~~such~~ the applicant in 9212
~~such~~ that precinct recorded in the original certified abstract 9213
~~thereof~~, nor shall any charge per precinct be deducted for a 9214
recount of votes cast in any precinct upon a question or issue if 9215
the total number of votes in ~~such~~ that precinct on the same side 9216
of ~~such~~ that question or issue as the side represented by the 9217
applicant, as recorded by ~~such~~ the recount, is more than four per 9218
cent larger than the number of votes in ~~such~~ that precinct on the 9219
same side of ~~such~~ that question or issue recorded in the original 9220
certified abstract ~~thereof~~. No such charge per precinct shall be 9221
deducted if upon the completion of a recount concerning a 9222
nomination or election the applicant is declared nominated or 9223
elected, or if upon the completion of a recount concerning a 9224

question or issue the result of ~~such that~~ election is declared to 9225
be opposite to the original declaration of the result of ~~such that~~ 9226
election. ~~All~~ 9227

All moneys deposited with a board by an applicant shall be 9228
deposited in a special depository fund with the county treasurer. 9229
The expenses of the recount and refunds shall be paid from ~~said~~ 9230
that fund upon order of the board of elections. Any balance 9231
remaining in ~~such that~~ fund shall be paid into the general fund of 9232
the county. 9233

Sec. 3515.072. (A) In January of each odd-numbered year, the 9234
secretary of state, in accordance with this division and division 9235
(B) of this section, shall adjust each amount specified in 9236
sections 3515.03 and 3515.07 of the Revised Code. The adjustment 9237
shall be based on the yearly average of the previous two years of 9238
the Consumer Price Index for All Urban Consumers or its successive 9239
equivalent, as determined by the United States department of 9240
labor, bureau of labor statistics, or its successor in 9241
responsibility, for all items, Series A. Using the 2005 yearly 9242
average as the base year, the secretary of state shall compare the 9243
most current average consumer price index with that determined in 9244
the preceding odd-numbered year, and shall determine the 9245
percentage increase or decrease. The percentage increase or 9246
decrease shall be multiplied by each actual dollar figure 9247
specified in sections 3515.03 and 3515.07 of the Revised Code as 9248
determined in the previous odd-numbered year, and the product 9249
shall be added to or subtracted from its corresponding actual 9250
dollar figure, as necessary, for that previous odd-numbered year. 9251

If the resulting amount is less than five dollars, the 9252
secretary of state shall retain a record of the resulting amount 9253
and the manner in which it was calculated, but shall not make an 9254
adjustment unless the resulting amount, when added to the 9255

resulting amount calculated in each prior odd-numbered year since 9256
the last adjustment was made, equals or exceeds five dollars. 9257

(B)(1) The secretary of state shall calculate the adjustment 9258
under division (A) of this section and shall report the 9259
calculations and necessary materials to the auditor of state, on 9260
or before the thirty-first day of January of each odd-numbered 9261
year. The secretary of state shall base the adjustment on the most 9262
current consumer price index that is described in division (A) of 9263
this section and that is in effect as of the first day of January 9264
of each odd-numbered year. 9265

(2) The calculations made by the secretary of state under 9266
divisions (A) and (B)(1) of this section shall be certified by the 9267
auditor of state on or before the fifteenth day of February of 9268
each odd-numbered year. 9269

(3) On or before the twenty-fifth day of February of each 9270
odd-numbered year, the secretary of state shall prepare a report 9271
setting forth the amount required to be deposited with a board of 9272
elections at the time a recount application is filed for each 9273
precinct to be recounted under section 3515.03 of the Revised Code 9274
and the minimum and maximum per precinct charge for a recount 9275
under section 3515.07 of the Revised Code. The report and all 9276
documents relating to the calculations contained in the report are 9277
public records. The report shall contain an indication of the 9278
period in which the deposit amounts and the minimum and maximum 9279
per precinct charges apply, a summary of how the deposit amounts 9280
and the minimum and maximum per precinct charges were calculated, 9281
and a statement that the report and all related documents are 9282
available for inspection and copying at the office of the 9283
secretary of state. 9284

(4) On or before the twenty-fifth day of February of each 9285
odd-numbered year, the secretary of state shall transmit the 9286

report to the general assembly and shall send the report by 9287
electronic mail or other form of electronic communication to the 9288
board of elections of each county. 9289

Sec. 3515.08. The (A) Except as otherwise provided in this 9290
division, the nomination or election of any person to any public 9291
office or party position or the approval or rejection of any issue 9292
or question, submitted to the voters, may be contested by 9293
qualified electors of the state or a political subdivision. The 9294
nomination or election of any person to any federal office, 9295
including the office of elector for president and vice president 9296
and the office of member of congress, shall not be subject to a 9297
contest of election conducted under this chapter. Contests of the 9298
nomination or election of any person to any federal office shall 9299
be conducted in accordance with the applicable provisions of 9300
federal law. 9301

(B) In the case of an office to be filled or an issue to be 9302
determined by the voters of the entire state, or ~~for the office of~~ 9303
~~members of congress, or~~ for judicial offices higher than that of 9304
court of common pleas, or for an office to be filled or an issue 9305
to be determined by the voters of a district larger than a county, 9306
~~said a~~ a contest shall be heard and determined by the chief justice 9307
of the supreme court or a justice of the supreme court assigned 9308
for that purpose by the chief justice; except that, in a contest 9309
for the office of chief justice of the supreme court, ~~such the~~ 9310
contest shall be heard by a justice of ~~such the supreme~~ the supreme 9311
court designated by the governor. 9312

(C) In the case of all other offices or issues, except 9313
judicial offices, ~~such~~ contests shall be heard and determined by a 9314
judge of the court of common pleas of the county in which the 9315
contest arose. In the case of a contest for a judicial office 9316
within a county, ~~such the~~ the contest shall be heard by the court of 9317

appeals of the district in which ~~such~~ that county is located. If 9318
any contestant alleges prejudice on the part of the judges of the 9319
court of appeals or the court of common pleas, assigned to hear 9320
~~such appeal~~ a contest, ~~then~~ the chief justice of the supreme 9321
court, upon application of any such ~~contestants~~ contestant and for 9322
good cause shown, may assign judges from another court to hear 9323
~~such~~ the contest. 9324

Sec. 3515.13. If any contest of election involves a recount 9325
of the ballots in any precincts, the court shall immediately order 9326
the ballots of the precincts in which the recount is demanded to 9327
be sent to the court in such manner as the court designates, and 9328
such court may appoint two master commissioners of opposite 9329
political parties to supervise the making of the recount. The 9330
attorneys representing the contestor and the prosecuting attorney 9331
of the county or the attorney general or one of ~~his~~ the attorney 9332
general's assistants representing the contestee shall be present 9333
at all hearings on such recount. Such commissioners shall receive 9334
ten dollars each per day and their actual traveling expenses when 9335
approved by the presiding judges. The compensation of such clerks 9336
as are deemed necessary by the court shall be determined by the 9337
court on the basis of similar compensation in other public offices 9338
for like work. Both the contestor and contestee may appoint one 9339
~~inspector~~ observer who shall be allowed to see all ballots and 9340
tally sheets and ~~witness~~ observe the recount. If the court finds 9341
that the difference in the count from the original count by the 9342
election authorities was the result of fraud, gross negligence, or 9343
willfulness on the part of any election officer or other person, 9344
~~such~~ the court shall forthwith transmit a copy of its decision and 9345
of the evidence to the prosecuting attorney of the county ~~wherein~~ 9346
~~such~~ in which the fraud or gross negligence was found with 9347
directions to present the same to the next grand jury in the 9348
county or to the attorney general, in the case of state or federal 9349

offices, with directions to prosecute the cases on behalf of the 9350
state. 9351

Sec. 3517.01. (A)(1) A political party within the meaning of 9352
Title XXXV of the Revised Code is any group of voters that, at the 9353
most recent regular state election, polled for its candidate for 9354
governor in the state or nominees for presidential electors at 9355
least five per cent of the entire vote cast for that office or 9356
that filed with the secretary of state, subsequent to any election 9357
in which it received less than five per cent of that vote, a 9358
petition signed by qualified electors equal in number to at least 9359
one per cent of the total vote for governor or nominees for 9360
presidential electors at the most recent election, declaring their 9361
intention of organizing a political party, the name of which shall 9362
be stated in the declaration, and of participating in the 9363
succeeding primary election, held in even-numbered years, that 9364
occurs more than one hundred twenty days after the date of filing. 9365
No such group of electors shall assume a name or designation that 9366
is similar, in the opinion of the secretary of state, to that of 9367
an existing political party as to confuse or mislead the voters at 9368
an election. If any political party fails to cast five per cent of 9369
the total vote cast at an election for the office of governor or 9370
president, it shall cease to be a political party. 9371

(2) A campaign committee shall be legally liable for any 9372
debts, contracts, or expenditures incurred or executed in its 9373
name. 9374

(B) Notwithstanding the definitions found in section 3501.01 9375
of the Revised Code, as used in this section and sections 3517.08 9376
to 3517.14, 3517.99, and 3517.992 of the Revised Code: 9377

(1) "Campaign committee" means ~~an entity that is formed by~~ a 9378
candidate or a combination of two or more persons authorized by a 9379
candidate under section 3517.081 of the Revised Code to receive 9380

contributions and make expenditures ~~and that is legally liable for~~ 9381
~~any debts, contracts, or expenditures incurred or executed in its~~ 9382
~~name.~~ 9383

(2) "Campaign treasurer" means an individual appointed by a 9384
candidate under section 3517.081 of the Revised Code. 9385

(3) "Candidate" has the same meaning as in division (H) of 9386
section 3501.01 of the Revised Code and also includes any person 9387
who, at any time before or after an election, receives 9388
contributions or makes expenditures or other use of contributions, 9389
has given consent for another to receive contributions or make 9390
expenditures or other use of contributions, or appoints a campaign 9391
treasurer, for the purpose of bringing about the person's 9392
nomination or election to public office. When two persons jointly 9393
seek the offices of governor and lieutenant governor, "candidate" 9394
means the pair of candidates jointly. "Candidate" does not include 9395
candidates for election to the offices of member of a county or 9396
state central committee, presidential elector, and delegate to a 9397
national convention or conference of a political party. 9398

(4) "Continuing association" means an association, other than 9399
a campaign committee, political party, legislative campaign fund, 9400
political contributing entity, or labor organization, that is 9401
intended to be a permanent organization that has a primary purpose 9402
other than supporting or opposing specific candidates, political 9403
parties, or ballot issues, and that functions on a regular basis 9404
throughout the year. "Continuing association" includes 9405
organizations that are determined to be not organized for profit 9406
under subsection 501 and that are described in subsection 9407
501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code. 9408

(5) "Contribution" means a loan, gift, deposit, forgiveness 9409
of indebtedness, donation, advance, payment, or transfer of funds 9410
or anything of value, including a transfer of funds from an inter 9411
vivos or testamentary trust or decedent's estate, and the payment 9412

by any person other than the person to whom the services are 9413
rendered for the personal services of another person, which 9414
contribution is made, received, or used for the purpose of 9415
influencing the results of an election. Any loan, gift, deposit, 9416
forgiveness of indebtedness, donation, advance, payment, or 9417
transfer of funds or of anything of value, including a transfer of 9418
funds from an inter vivos or testamentary trust or decedent's 9419
estate, and the payment by any campaign committee, political 9420
action committee, legislative campaign fund, political party, 9421
political contributing entity, or person other than the person to 9422
whom the services are rendered for the personal services of 9423
another person, that is made, received, or used by a state or 9424
county political party, other than moneys a state or county 9425
political party receives from the Ohio political party fund 9426
pursuant to section 3517.17 of the Revised Code and the moneys a 9427
state or county political party may receive under sections 9428
3517.101, 3517.1012, and 3517.1013 of the Revised Code, shall be 9429
considered to be a "contribution" for the purpose of section 9430
3517.10 of the Revised Code and shall be included on a statement 9431
of contributions filed under that section. 9432

"Contribution" does not include any of the following: 9433

(a) Services provided without compensation by individuals 9434
volunteering a portion or all of their time on behalf of a person; 9435

(b) Ordinary home hospitality; 9436

(c) The personal expenses of a volunteer paid for by that 9437
volunteer campaign worker; 9438

(d) Any gift given to a state or county political party 9439
pursuant to section 3517.101 of the Revised Code. As used in 9440
division (B)(5)(d) of this section, "political party" means only a 9441
major political party; 9442

(e) Any contribution as defined in section 3517.1011 of the 9443

Revised Code that is made, received, or used to pay the direct 9444
costs of producing or airing an electioneering communication; 9445

(f) Any gift given to a state or county political party for 9446
the party's restricted fund under division (A)(2) of section 9447
3517.1012 of the Revised Code; 9448

(g) Any gift given to a state political party for deposit in 9449
a Levin account pursuant to section 3517.1013 of the Revised Code. 9450
As used in this division, "Levin account" has the same meaning as 9451
in that section. 9452

(6) "Expenditure" means the disbursement or use of a 9453
contribution for the purpose of influencing the results of an 9454
election or of making a charitable donation under division (G) of 9455
section 3517.08 of the Revised Code. Any disbursement or use of a 9456
contribution by a state or county political party is an 9457
expenditure and shall be considered either to be made for the 9458
purpose of influencing the results of an election or to be made as 9459
a charitable donation under division (G) of section 3517.08 of the 9460
Revised Code and shall be reported on a statement of expenditures 9461
filed under section 3517.10 of the Revised Code. During the thirty 9462
days preceding a primary or general election, any disbursement to 9463
pay the direct costs of producing or airing a broadcast, cable, or 9464
satellite communication that refers to a clearly identified 9465
candidate shall be considered to be made for the purpose of 9466
influencing the results of that election and shall be reported as 9467
an expenditure or as an independent expenditure under section 9468
3517.10 or 3517.105 of the Revised Code, as applicable, except 9469
that the information required to be reported regarding 9470
contributors for those expenditures or independent expenditures 9471
shall be the same as the information required to be reported under 9472
divisions (D)(1) and (2) of section 3517.1011 of the Revised Code. 9473

As used in this division, "broadcast, cable, or satellite 9474

communication" and "refers to a clearly identified candidate" have 9475
the same meanings as in section 3517.1011 of the Revised Code. 9476

(7) "Personal expenses" includes, but is not limited to, 9477
ordinary expenses for accommodations, clothing, food, personal 9478
motor vehicle or airplane, and home telephone. 9479

(8) "Political action committee" means a combination of two 9480
or more persons, the primary or major purpose of which is to 9481
support or oppose any candidate, political party, or issue, or to 9482
influence the result of any election through express advocacy, and 9483
that is not a political party, a campaign committee, a political 9484
contributing entity, or a legislative campaign fund. "Political 9485
action committee" does not include a either of the following: 9486

(a) A continuing association that makes disbursements for the 9487
direct costs of producing or airing electioneering communications 9488
and that does not engage in express advocacy; 9489

(b) A political club that is formed primarily for social 9490
purposes and that consists of one hundred members or less, has 9491
officers and periodic meetings, has less than two thousand five 9492
hundred dollars in its treasury at all times, and makes an 9493
aggregate total contribution of one thousand dollars or less per 9494
calendar year. 9495

(9) "Public office" means any state, county, municipal, 9496
township, or district office, except an office of a political 9497
party, that is filled by an election and the offices of United 9498
States senator and representative. 9499

(10) "Anything of value" has the same meaning as in section 9500
1.03 of the Revised Code. 9501

(11) "Beneficiary of a campaign fund" means a candidate, a 9502
public official or employee for whose benefit a campaign fund 9503
exists, and any other person who has ever been a candidate or 9504

public official or employee and for whose benefit a campaign fund 9505
exists. 9506

(12) "Campaign fund" means money or other property, including 9507
contributions. 9508

(13) "Public official or employee" has the same meaning as in 9509
section 102.01 of the Revised Code. 9510

(14) "Caucus" means all of the members of the house of 9511
representatives or all of the members of the senate of the general 9512
assembly who are members of the same political party. 9513

(15) "Legislative campaign fund" means a fund that is 9514
established as an auxiliary of a state political party and 9515
associated with one of the houses of the general assembly. 9516

(16) "In-kind contribution" means anything of value other 9517
than money that is used to influence the results of an election or 9518
is transferred to or used in support of or in opposition to a 9519
candidate, campaign committee, legislative campaign fund, 9520
political party, political action committee, or political 9521
contributing entity and that is made with the consent of, in 9522
coordination, cooperation, or consultation with, or at the request 9523
or suggestion of the benefited candidate, committee, fund, party, 9524
or entity. The financing of the dissemination, distribution, or 9525
republication, in whole or part, of any broadcast or of any 9526
written, graphic, or other form of campaign materials prepared by 9527
the candidate, the candidate's campaign committee, or their 9528
authorized agents is an in-kind contribution to the candidate and 9529
an expenditure by the candidate. 9530

(17) "Independent expenditure" means an expenditure by a 9531
person advocating the election or defeat of an identified 9532
candidate or candidates, that is not made with the consent of, in 9533
coordination, cooperation, or consultation with, or at the request 9534
or suggestion of any candidate or candidates or of the campaign 9535

committee or agent of the candidate or candidates. As used in 9536
division (B)(17) of this section: 9537

(a) "Person" means an individual, partnership, unincorporated 9538
business organization or association, political action committee, 9539
political contributing entity, separate segregated fund, 9540
association, or other organization or group of persons, but not a 9541
labor organization or a corporation unless the labor organization 9542
or corporation is a political contributing entity. 9543

(b) "Advocating" means any communication containing a message 9544
advocating election or defeat. 9545

(c) "Identified candidate" means that the name of the 9546
candidate appears, a photograph or drawing of the candidate 9547
appears, or the identity of the candidate is otherwise apparent by 9548
unambiguous reference. 9549

(d) "Made in coordination, cooperation, or consultation with, 9550
or at the request or suggestion of, any candidate or the campaign 9551
committee or agent of the candidate" means made pursuant to any 9552
arrangement, coordination, or direction by the candidate, the 9553
candidate's campaign committee, or the candidate's agent prior to 9554
the publication, distribution, display, or broadcast of the 9555
communication. An expenditure is presumed to be so made when it is 9556
any of the following: 9557

(i) Based on information about the candidate's plans, 9558
projects, or needs provided to the person making the expenditure 9559
by the candidate, or by the candidate's campaign committee or 9560
agent, with a view toward having an expenditure made; 9561

(ii) Made by or through any person who is, or has been, 9562
authorized to raise or expend funds, who is, or has been, an 9563
officer of the candidate's campaign committee, or who is, or has 9564
been, receiving any form of compensation or reimbursement from the 9565
candidate or the candidate's campaign committee or agent; 9566

(iii) Except as otherwise provided in division (D) of section 3517.105 of the Revised Code, made by a political party in support of a candidate, unless the expenditure is made by a political party to conduct voter registration or voter education efforts.

(e) "Agent" means any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or means any person who has been placed in a position with the candidate's campaign committee or organization such that it would reasonably appear that in the ordinary course of campaign-related activities the person may authorize expenditures.

(18) "Labor organization" means a labor union; an employee organization; a federation of labor unions, groups, locals, or other employee organizations; an auxiliary of a labor union, employee organization, or federation of labor unions, groups, locals, or other employee organizations; or any other bona fide organization in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, hours, and other terms and conditions of employment.

(19) "Separate segregated fund" means a separate segregated fund established pursuant to the Federal Election Campaign Act.

(20) "Federal Election Campaign Act" means the "Federal Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et seq., as amended.

(21) "Restricted fund" means the fund a state or county political party must establish under division (A)(1) of section 3517.1012 of the Revised Code.

(22) "Electioneering communication" has the same meaning as in section 3517.1011 of the Revised Code.

(23) "Express advocacy" means a communication that contains 9597
express words advocating the nomination, election, or defeat of a 9598
candidate or that contains express words advocating the adoption 9599
or defeat of a question or issue, as determined by a final 9600
judgment of a court of competent jurisdiction. 9601

(24) "Political committee" has the same meaning as in section 9602
3517.1011 of the Revised Code. 9603

(25) "Political contributing entity" means any entity, 9604
including a corporation or labor organization, that may lawfully 9605
make contributions and expenditures and that is not an individual 9606
or a political action committee, continuing association, campaign 9607
committee, political party, legislative campaign fund, designated 9608
state campaign committee, or state candidate fund. For purposes of 9609
this division, "lawfully" means not prohibited by any section of 9610
the Revised Code, or authorized by a final judgment of a court of 9611
competent jurisdiction. 9612

Sec. 3517.081. (A) Each candidate shall have no more than one 9613
campaign committee for purposes of receiving contributions and 9614
making expenditures. No campaign committee shall receive any 9615
contribution or make any expenditure other than through the 9616
campaign treasurer. The campaign treasurer shall file all 9617
statements required of a candidate or campaign committee under 9618
section 3517.10 of the Revised Code. 9619

The candidate shall designate ~~himself~~ the candidate or a 9620
member of ~~his~~ the candidate's campaign committee as ~~his~~ the 9621
candidate's campaign treasurer as required by division (D) of 9622
section 3517.10 of the Revised Code. The campaign treasurer may 9623
appoint deputy campaign treasurers as required. Deputy campaign 9624
treasurers may exercise any of the powers and duties of a campaign 9625
treasurer when specifically authorized to do so by the campaign 9626
treasurer or the candidate. 9627

Each candidate shall file a written statement, as required by 9628
division (D) of section 3517.10 of the Revised Code, setting forth 9629
the full name and address of the campaign treasurer and also of 9630
each deputy treasurer. Each candidate shall file supplemental 9631
statements giving the full name and address of each deputy 9632
treasurer at the time of appointment. 9633

A candidate may remove the campaign treasurer or any deputy 9634
campaign treasurer at any time. In the case of death, resignation, 9635
or removal of the treasurer or deputy treasurer before compliance 9636
with all obligations of a campaign treasurer, the candidate shall 9637
fill the vacancy thus created in the same manner as provided in 9638
the case of an original appointment. 9639

(B)(1) Two or more candidates may be the beneficiaries of a 9640
single campaign committee if all of the following apply: 9641

(a) Each candidate is seeking nomination or election to the 9642
same office at the same election. 9643

(b) The office for which each candidate is seeking nomination 9644
or election is the office of member of a board, commission, or 9645
other similar body of elected officials to which multiple members 9646
are nominated or elected at the same election. 9647

(c) The number of candidates who will be the beneficiaries of 9648
the campaign committee does not exceed the number of open 9649
positions on the board, commission, or other similar body of 9650
elected officials to which the candidates are seeking nomination 9651
or election. 9652

(d) The candidates jointly designate one of the candidates or 9653
one member of the campaign committee as the treasurer of that 9654
campaign committee as required under division (A) of this section. 9655

(e) The candidates jointly file the written statements 9656
required under division (A) of this section. 9657

(2) Except as otherwise provided in this division, any 9658
penalty that may be imposed on a candidate under section 3517.992 9659
of the Revised Code for a violation of this chapter shall be 9660
imposed jointly and severally on each beneficiary of a 9661
multi-beneficiary campaign committee. If the Ohio elections 9662
commission or the appropriate prosecutor is able to determine that 9663
a specific beneficiary of a multi-beneficiary campaign committee 9664
violated this chapter, the applicable penalty under section 9665
3517.992 of the Revised Code shall be imposed only on that 9666
candidate and not on the other beneficiaries of that 9667
multi-beneficiary campaign committee. 9668

(3)(a) If any of the following occur after a 9669
multi-beneficiary campaign committee is established, that campaign 9670
committee shall be terminated: 9671

(i) The beneficiaries of the campaign committee disagree as 9672
to the designation or removal of a campaign treasurer. 9673

(ii) Any beneficiary of the campaign committee desires to end 9674
the beneficiary's candidacy for the office for which the 9675
beneficiaries are seeking nomination or election. 9676

(iii) Any beneficiary of the campaign committee desires to 9677
form an individual campaign committee. 9678

(b) Prior to the termination of a multi-beneficiary campaign 9679
committee in accordance with division (B)(3)(a) of this section, 9680
any contributions received by that campaign committee that have 9681
not been expended shall be disposed of in the manner provided in 9682
division (C) of section 3517.109 of the Revised Code. No 9683
contributions from the multi-beneficiary campaign committee shall 9684
be contributed or transferred into any candidate's individual 9685
campaign committee. 9686

(4) No candidate who has a campaign committee for which that 9687
candidate is the sole beneficiary shall become the beneficiary of 9688

a campaign committee with multiple beneficiaries under division 9689
(B)(1) of this section unless the candidate first terminates the 9690
candidate's individual campaign committee. Prior to the 9691
termination of that individual campaign committee, any 9692
contributions received by that campaign committee that have not 9693
been expended shall be disposed of in the manner provided in 9694
division (C) of section 3517.109 of the Revised Code. No 9695
contributions from the candidate's individual campaign committee 9696
shall be contributed or transferred into the multi-beneficiary 9697
campaign committee. 9698

Sec. 3517.092. (A) As used in this section: 9699

(1) "Appointing authority" has the same meaning as in section 9700
124.01 of the Revised Code. 9701

(2) "State elected officer" means any person appointed or 9702
elected to a state elective office. 9703

(3) "State elective office" means any of the offices of 9704
governor, lieutenant governor, secretary of state, auditor of 9705
state, treasurer of state, attorney general, member of the state 9706
board of education, member of the general assembly, and justice 9707
and chief justice of the supreme court. 9708

~~(4) "County elected officer" means any person appointed or~~ 9709
~~elected to a county elective office.~~ 9710

~~(5) "County elective office" means any of the offices of~~ 9711
~~county auditor, county treasurer, clerk of the court of common~~ 9712
~~pleas, sheriff, county recorder, county engineer, county~~ 9713
~~commissioner, prosecuting attorney, and coroner.~~ 9714

~~(6)~~(4) "Contribution" includes a contribution to any 9715
political party, campaign committee, political action committee, 9716
political contributing entity, or legislative campaign fund. 9717

(B)(1) No state elected officer, no campaign committee of 9718

such an officer, no employee of the state elected officer's 9719
office, and no other person or entity shall knowingly solicit ~~or~~ 9720
~~accept~~ a contribution ~~on behalf of that~~ to a state elected officer 9721
or ~~that~~ to such an officer's campaign committee, and no state 9722
elected officer and no campaign committee of such an officer shall 9723
accept a contribution, from any of the following: 9724

~~(1)~~(a) A state employee whose appointing authority is the 9725
state elected officer; 9726

~~(2)~~(b) A state employee whose appointing authority is 9727
authorized or required by law to be appointed by the state elected 9728
officer; 9729

~~(3)~~(c) A state employee who functions in or is employed in or 9730
by the same public agency, department, division, or office as the 9731
state elected officer. 9732

~~(C)~~(2) No candidate for a state elective office, no campaign 9733
committee of such a candidate, no employee of the candidate's 9734
office if the candidate is a state elected officer or an elected 9735
officer of a political subdivision of the state, and no other 9736
person or entity shall knowingly solicit ~~or accept~~ a contribution 9737
~~on behalf of that~~ to a candidate for a state elective office or 9738
~~that~~ to such a candidate's campaign committee, and no candidate 9739
for a state elective office and no campaign committee of such a 9740
candidate shall accept a contribution, from any of the following: 9741

~~(1)~~(a) A state employee at the time of the solicitation, 9742
whose appointing authority will be the candidate, if elected; 9743

~~(2)~~(b) A state employee at the time of the solicitation, 9744
whose appointing authority will be appointed by the candidate, if 9745
elected, as authorized or required by law; 9746

~~(3)~~(c) A state employee at the time of the solicitation, who 9747
will function in or be employed in or by the same public agency, 9748
department, division, or office as the candidate, if elected. 9749

~~(D)(C)(1)~~ No ~~county~~ elected officer of a political 9750
subdivision of the state, no campaign committee of such an 9751
officer, no employee of such an officer's office, and no other 9752
person or entity shall knowingly solicit a contribution ~~on behalf~~ 9753
~~of that~~ to an elected officer of a political subdivision of the 9754
state or ~~that~~ to such an officer's campaign committee from any of 9755
the following: 9756

~~(1) A county~~ (a) An employee of that political subdivision 9757
whose appointing authority is ~~the county that~~ elected officer; 9758

~~(2) A county~~ (b) An employee of that political subdivision 9759
whose appointing authority is authorized or required by law to be 9760
appointed by ~~the county that~~ elected officer; 9761

~~(3) A county~~ (c) An employee of that political subdivision 9762
who functions in or is employed in or by the same public agency, 9763
department, division, or office as ~~the county that~~ elected 9764
officer. 9765

~~(E)(2)~~ No candidate for ~~a county~~ an elective office of a 9766
political subdivision of the state, no campaign committee of such 9767
a candidate, no employee of the candidate's office if the 9768
candidate is a state elected officer or elected officer of a 9769
political subdivision of the state, and no other person or entity 9770
shall knowingly solicit a contribution ~~on behalf of that~~ to a 9771
candidate for an elective office of a political subdivision of the 9772
state or ~~that~~ to such a candidate's campaign committee from any of 9773
the following: 9774

~~(1) A county~~ (a) An employee of that political subdivision at 9775
the time of the solicitation, whose appointing authority will be 9776
the candidate, if elected; 9777

~~(2) A county~~ (b) An employee of that political subdivision at 9778
the time of the solicitation, whose appointing authority will be 9779
appointed by the candidate, if elected, as authorized or required 9780

by law; 9781

~~(3) A county~~ (c) An employee of that political subdivision at 9782
the time of the solicitation, who will function in or be employed 9783
in or by the same public agency, department, division, or office 9784
as the candidate, if elected. 9785

~~(F)(D)~~(1) No public employee shall solicit a contribution 9786
from any person while the public employee is performing the public 9787
employee's official duties or in those areas of a public building 9788
where official business is transacted or conducted. 9789

(2) No person shall solicit a contribution from any public 9790
employee while the public employee is performing the public 9791
employee's official duties or is in those areas of a public 9792
building where official business is transacted or conducted. 9793

(3) As used in division ~~(F)(D)~~ of this section, "public 9794
employee" does not include any person holding an elective office. 9795

~~(G)(E)~~ The prohibitions in divisions (B), (C), and (D), ~~(E)~~, 9796
~~and (F)~~ of this section are in addition to the prohibitions in 9797
sections 124.57, 3304.22, and 4503.032 of the Revised Code. 9798

Sec. 3517.10. (A) Except as otherwise provided in this 9799
division, every campaign committee, political action committee, 9800
legislative campaign fund, political party, and political 9801
contributing entity that made or received a contribution or made 9802
an expenditure in connection with the nomination or election of 9803
any candidate or in connection with any ballot issue or question 9804
at any election held or to be held in this state shall file, on a 9805
form prescribed under this section or by electronic means of 9806
transmission as provided in this section and section 3517.106 of 9807
the Revised Code, a full, true, and itemized statement, made under 9808
penalty of election falsification, setting forth in detail the 9809
contributions and expenditures, not later than four p.m. of the 9810

following dates: 9811

(1) The twelfth day before the election to reflect 9812
contributions received and expenditures made from the close of 9813
business on the last day reflected in the last previously filed 9814
statement, if any, to the close of business on the twentieth day 9815
before the election; 9816

(2) The thirty-eighth day after the election to reflect the 9817
contributions received and expenditures made from the close of 9818
business on the last day reflected in the last previously filed 9819
statement, if any, to the close of business on the seventh day 9820
before the filing of the statement; 9821

(3) The last business day of January of every year to reflect 9822
the contributions received and expenditures made from the close of 9823
business on the last day reflected in the last previously filed 9824
statement, if any, to the close of business on the last day of 9825
December of the previous year; 9826

(4) The last business day of July of every year to reflect 9827
the contributions received and expenditures made from the close of 9828
business on the last day reflected in the last previously filed 9829
statement, if any, to the close of business on the last day of 9830
June of that year. 9831

A campaign committee shall only be required to file the 9832
statements prescribed under divisions (A)(1) and (2) of this 9833
section in connection with the nomination or election of the 9834
committee's candidate. 9835

The statement required under division (A)(1) of this section 9836
shall not be required of any campaign committee, political action 9837
committee, legislative campaign fund, political party, or 9838
political contributing entity that has received contributions of 9839
less than one thousand dollars and has made expenditures of less 9840
than one thousand dollars at the close of business on the 9841

twentieth day before the election. Those contributions and 9842
expenditures shall be reported in the statement required under 9843
division (A)(2) of this section. 9844

If an election to select candidates to appear on the general 9845
election ballot is held within sixty days before a general 9846
election, the campaign committee of a successful candidate in the 9847
earlier election may file the statement required by division 9848
(A)(1) of this section for the general election instead of the 9849
statement required by division (A)(2) of this section for the 9850
earlier election if the pregeneral election statement reflects the 9851
status of contributions and expenditures for the period twenty 9852
days before the earlier election to twenty days before the general 9853
election. 9854

If a person becomes a candidate less than twenty days before 9855
an election, the candidate's campaign committee is not required to 9856
file the statement required by division (A)(1) of this section. 9857

No statement under division (A)(3) ~~or (4)~~ of this section 9858
shall be required for any year in which a campaign committee, 9859
political action committee, legislative campaign fund, political 9860
party, or political contributing entity is required to file a 9861
postgeneral election statement under division (A)(2) of this 9862
section. However, ~~such~~ a statement under division (A)(3) of this 9863
section may be filed, at the option of the campaign committee, 9864
political action committee, legislative campaign fund, political 9865
party, or political contributing entity. 9866

No campaign committee of a candidate for the office of chief 9867
justice or justice of the supreme court, and no campaign committee 9868
of a candidate for the office of judge of any court in this state, 9869
shall be required to file a statement under division (A)(4) of 9870
this section. 9871

Except as otherwise provided in this paragraph and in the 9872

next paragraph of this section, the only campaign committees 9873
required to file a statement under division (A)(4) of this section 9874
are the campaign committee of a statewide candidate and the 9875
campaign committee of a candidate for county office. The campaign 9876
committee of a candidate for any other nonjudicial office is 9877
required to file a statement under division (A)(4) of this section 9878
if that campaign committee receives, during that period, 9879
contributions exceeding ten thousand dollars. 9880

No statement under division (A)(4) of this section shall be 9881
required of a campaign committee, a political action committee, a 9882
legislative campaign fund, a political party, or a political 9883
contributing entity for any year in which the campaign committee, 9884
political action committee, legislative campaign fund, political 9885
party, or political contributing entity is required to file a 9886
postprimary election statement under division (A)(2) of this 9887
section. However, a statement under division (A)(4) of this 9888
section may be filed at the option of the campaign committee, 9889
political action committee, legislative campaign fund, political 9890
party, or political contributing entity. 9891

No statement under division (A)(3) or (4) of this section 9892
shall be required if the campaign committee, political action 9893
committee, legislative campaign fund, political party, or 9894
political contributing entity has no contributions that it has 9895
received and no expenditures that it has made since the last date 9896
reflected in its last previously filed statement. However, the 9897
campaign committee, political action committee, legislative 9898
campaign fund, political party, or political contributing entity 9899
shall file a statement to that effect, on a form prescribed under 9900
this section and made under penalty of election falsification, on 9901
the date required in division (A)(3) or (4) of this section, as 9902
applicable. 9903

The campaign committee of a statewide candidate shall file a 9904

monthly statement of contributions received during each of the 9905
months of July, August, and September in the year of the general 9906
election in which the candidate seeks office. The campaign 9907
committee of a statewide candidate shall file the monthly 9908
statement not later than three business days after the last day of 9909
the month covered by the statement. During the period beginning on 9910
the nineteenth day before the general election in which a 9911
statewide candidate seeks election to office and extending through 9912
the day of that general election, each time the campaign committee 9913
of the joint candidates for the offices of governor and lieutenant 9914
governor or of a candidate for the office of secretary of state, 9915
auditor of state, treasurer of state, or attorney general receives 9916
a contribution from a contributor that causes the aggregate amount 9917
of contributions received from that contributor during that period 9918
to equal or exceed ten thousand dollars and each time the campaign 9919
committee of a candidate for the office of chief justice or 9920
justice of the supreme court receives a contribution from a 9921
contributor that causes the aggregate amount of contributions 9922
received from that contributor during that period to exceed ten 9923
thousand dollars, the campaign committee shall file a 9924
two-business-day statement reflecting that contribution. During 9925
the period beginning on the nineteenth day before a primary 9926
election in which a candidate for statewide office seeks 9927
nomination to office and extending through the day of that primary 9928
election, each time either the campaign committee of a statewide 9929
candidate in that primary election that files a notice under 9930
division (C)(1) of section 3517.103 of the Revised Code or the 9931
campaign committee of a statewide candidate in that primary 9932
election to which, in accordance with division (D) of section 9933
3517.103 of the Revised Code, the contribution limitations 9934
prescribed in section 3517.102 of the Revised Code no longer apply 9935
receives a contribution from a contributor that causes the 9936
aggregate amount of contributions received from that contributor 9937

during that period to exceed ten thousand dollars, the campaign
committee shall file a two-business-day statement reflecting that
contribution. Contributions reported on a two-business-day
statement required to be filed by a campaign committee of a
statewide candidate in a primary election shall also be included
in the postprimary election statement required to be filed by that
campaign committee under division (A)(2) of this section. A
two-business-day statement required by this paragraph shall be
filed not later than two business days after receipt of the
contribution. The statements required by this paragraph shall be
filed in addition to any other statements required by this
section.

Subject to the secretary of state having implemented, tested,
and verified the successful operation of any system the secretary
of state prescribes pursuant to divisions (C)(6)(b) and (D)(6) of
this section and division (H)(1) of section 3517.106 of the
Revised Code for the filing of campaign finance statements by
electronic means of transmission, a campaign committee of a
statewide candidate shall file a two-business-day statement under
the preceding paragraph by electronic means of transmission if the
campaign committee is required to file a pre-election,
postelection, or monthly statement of contributions and
expenditures by electronic means of transmission under this
section or section 3517.106 of the Revised Code.

If a campaign committee or political action committee has no
balance on hand and no outstanding obligations and desires to
terminate itself, it shall file a statement to that effect, on a
form prescribed under this section and made under penalty of
election falsification, with the official with whom it files a
statement under division (A) of this section after filing a final
statement of contributions and a final statement of expenditures,
if contributions have been received or expenditures made since the

period reflected in its last previously filed statement. 9970

(B) Except as otherwise provided in division (C)(7) of this 9971
section, each statement required by division (A) of this section 9972
shall contain the following information: 9973

(1) The full name and address of each campaign committee, 9974
political action committee, legislative campaign fund, political 9975
party, or political contributing entity, including any treasurer 9976
of the committee, fund, party, or entity, filing a contribution 9977
and expenditure statement; 9978

(2)(a) In the case of a campaign committee, the candidate's 9979
full name and address; 9980

(b) In the case of a political action committee, the 9981
registration number assigned to the committee under division 9982
(D)(1) of this section. 9983

(3) The date of the election and whether it was or will be a 9984
general, primary, or special election; 9985

(4) A statement of contributions received, which shall 9986
include the following information: 9987

(a) The month, day, and year of the contribution; 9988

(b)(i) The full name and address of each person, political 9989
party, campaign committee, legislative campaign fund, political 9990
action committee, or political contributing entity from whom 9991
contributions are received and the registration number assigned to 9992
the political action committee under division (D)(1) of this 9993
section. The requirement of filing the full address does not apply 9994
to any statement filed by a state or local committee of a 9995
political party, to a finance committee of such committee, or to a 9996
committee recognized by a state or local committee as its 9997
fund-raising auxiliary. Notwithstanding division (F) of this 9998
section, the requirement of filing the full address shall be 9999

considered as being met if the address filed is the same address 10000
the contributor provided under division (E)(1) of this section. 10001

(ii) If a political action committee, political contributing 10002
entity, legislative campaign fund, or political party that is 10003
required to file campaign finance statements by electronic means 10004
of transmission under section 3517.106 of the Revised Code or a 10005
campaign committee of a statewide candidate or candidate for the 10006
office of member of the general assembly receives a contribution 10007
from an individual that exceeds one hundred dollars, the name of 10008
the individual's current employer, if any, or, if the individual 10009
is self-employed, the individual's occupation and the name of the 10010
individual's business, if any; 10011

(iii) If a campaign committee of a statewide candidate or 10012
candidate for the office of member of the general assembly 10013
receives a contribution transmitted pursuant to section 3599.031 10014
of the Revised Code from amounts deducted from the wages and 10015
salaries of two or more employees that exceeds in the aggregate 10016
one hundred dollars during any one filing period under division 10017
(A)(1), (2), (3), or (4) of this section, the full name of the 10018
employees' employer and the full name of the labor organization of 10019
which the employees are members, if any. 10020

(c) A description of the contribution received, if other than 10021
money; 10022

(d) The value in dollars and cents of the contribution; 10023

(e) A separately itemized account of all contributions and 10024
expenditures regardless of the amount, except a receipt of a 10025
contribution from a person in the sum of twenty-five dollars or 10026
less at one social or fund-raising activity and a receipt of a 10027
contribution transmitted pursuant to section 3599.031 of the 10028
Revised Code from amounts deducted from the wages and salaries of 10029
employees if the contribution from the amount deducted from the 10030

wages and salary of any one employee is twenty-five dollars or
less aggregated in a calendar year. An account of the total
contributions from each social or fund-raising activity shall
include a description of and the value of each in-kind
contribution received at that activity from any person who made
one or more such contributions whose aggregate value exceeded two
hundred fifty dollars and shall be listed separately, together
with the expenses incurred and paid in connection with that
activity. A campaign committee, political action committee,
legislative campaign fund, political party, or political
contributing entity shall keep records of contributions from each
person in the amount of twenty-five dollars or less at one social
or fund-raising activity and contributions from amounts deducted
under section 3599.031 of the Revised Code from the wages and
salary of each employee in the amount of twenty-five dollars or
less aggregated in a calendar year. No continuing association that
is recognized by a state or local committee of a political party
as an auxiliary of the party and that makes a contribution from
funds derived solely from regular dues paid by members of the
auxiliary shall be required to list the name or address of any
members who paid those dues.

Contributions that are other income shall be itemized
separately from all other contributions. The information required
under division (B)(4) of this section shall be provided for all
other income itemized. As used in this paragraph, "other income"
means a loan, investment income, or interest income.

(f) In the case of a campaign committee of a state elected
officer, if a person doing business with the state elected officer
in the officer's official capacity makes a contribution to the
campaign committee of that officer, the information required under
division (B)(4) of this section in regard to that contribution,
which shall be filed together with and considered a part of the

committee's statement of contributions as required under division 10063
(A) of this section but shall be filed on a separate form provided 10064
by the secretary of state. As used in this division: 10065

(i) "State elected officer" has the same meaning as in 10066
section 3517.092 of the Revised Code. 10067

(ii) "Person doing business" means a person or an officer of 10068
an entity who enters into one or more contracts with a state 10069
elected officer or anyone authorized to enter into contracts on 10070
behalf of that officer to receive payments for goods or services, 10071
if the payments total, in the aggregate, more than five thousand 10072
dollars during a calendar year. 10073

(5) A statement of expenditures which shall include the 10074
following information: 10075

(a) The month, day, and year of the expenditure; 10076

(b) The full name and address of each person, political 10077
party, campaign committee, legislative campaign fund, political 10078
action committee, or political contributing entity to whom the 10079
expenditure was made and the registration number assigned to the 10080
political action committee under division (D)(1) of this section; 10081

(c) The object or purpose for which the expenditure was made; 10082

(d) The amount of each expenditure. 10083

(C)(1) The statement of contributions and expenditures shall 10084
be signed by the person completing the form. If a statement of 10085
contributions and expenditures is filed by electronic means of 10086
transmission pursuant to this section or section 3517.106 of the 10087
Revised Code, the electronic signature of the person who executes 10088
the statement and transmits the statement by electronic means of 10089
transmission, as provided in division (H) of section 3517.106 of 10090
the Revised Code, shall be attached to or associated with the 10091
statement and shall be binding on all persons and for all purposes 10092

under the campaign finance reporting law as if the signature had 10093
been handwritten in ink on a printed form. 10094

(2) The person filing the statement, under penalty of 10095
election falsification, shall include with it a list of each 10096
anonymous contribution, the circumstances under which it was 10097
received, and the reason it cannot be attributed to a specific 10098
donor. 10099

(3) Each statement of a campaign committee of a candidate who 10100
holds public office shall contain a designation of each 10101
contributor who is an employee in any unit or department under the 10102
candidate's direct supervision and control. In a space provided in 10103
the statement, the person filing the statement shall affirm that 10104
each such contribution was voluntarily made. 10105

(4) A campaign committee that did not receive contributions 10106
or make expenditures in connection with the nomination or election 10107
of its candidate shall file a statement to that effect, on a form 10108
prescribed under this section and made under penalty of election 10109
falsification, on the date required in division (A)(2) of this 10110
section. 10111

(5) The campaign committee of any person who attempts to 10112
become a candidate and who, for any reason, does not become 10113
certified in accordance with Title XXXV of the Revised Code for 10114
placement on the official ballot of a primary, general, or special 10115
election to be held in this state, and who, at any time prior to 10116
or after an election, receives contributions or makes 10117
expenditures, or has given consent for another to receive 10118
contributions or make expenditures, for the purpose of bringing 10119
about the person's nomination or election to public office, shall 10120
file the statement or statements prescribed by this section and a 10121
termination statement, if applicable. Division (C)(5) of this 10122
section does not apply to any person with respect to an election 10123

to the offices of member of a county or state central committee, 10124
presidential elector, or delegate to a national convention or 10125
conference of a political party. 10126

(6)(a) The statements required to be filed under this section 10127
shall specify the balance in the hands of the campaign committee, 10128
political action committee, legislative campaign fund, political 10129
party, or political contributing entity and the disposition 10130
intended to be made of that balance. 10131

(b) The secretary of state shall prescribe the form for all 10132
statements required to be filed under this section and shall 10133
furnish the forms to the boards of elections in the several 10134
counties. The boards of elections shall supply printed copies of 10135
those forms without charge. The secretary of state shall prescribe 10136
the appropriate methodology, protocol, and data file structure for 10137
statements required or permitted to be filed by electronic means 10138
of transmission under division (A) of this section, divisions (E), 10139
(F), and (G) of section 3517.106, division (D) of section 10140
3517.1011, division (B) of section 3517.1012, and division (C) of 10141
section 3517.1013 of the Revised Code. Subject to division (A) of 10142
this section, divisions (E), (F), and (G) of section 3517.106, 10143
division (D) of section 3517.1011, division (B) of section 10144
3517.1012, and division (C) of section 3517.1013 of the Revised 10145
Code, the statements required to be stored on computer by the 10146
secretary of state under division (B) of section 3517.106 of the 10147
Revised Code shall be filed in whatever format the secretary of 10148
state considers necessary to enable the secretary of state to 10149
store the information contained in the statements on computer. Any 10150
such format shall be of a type and nature that is readily 10151
available to whoever is required to file the statements in that 10152
format. 10153

(c) The secretary of state shall assess the need for training 10154
regarding the filing of campaign finance statements by electronic 10155

means of transmission and regarding associated technologies for 10156
candidates, campaign committees, political action committees, 10157
legislative campaign funds, political parties, or political 10158
contributing entities, for individuals, partnerships, or other 10159
entities, or for persons making disbursements to pay the direct 10160
costs of producing or airing electioneering communications, 10161
required or permitted to file statements by electronic means of 10162
transmission under this section or section 3517.105, 3517.106, 10163
3517.1011, 3517.1012, or 3517.1013 of the Revised Code. If, in the 10164
opinion of the secretary of state, training in these areas is 10165
necessary, the secretary of state shall arrange for the provision 10166
of voluntary training programs for candidates, campaign 10167
committees, political action committees, legislative campaign 10168
funds, political parties, or political contributing entities, for 10169
individuals, partnerships, and other entities, or for persons 10170
making disbursements to pay the direct costs of producing or 10171
airing electioneering communications, as appropriate. 10172

(7) Each monthly statement and each two-business-day 10173
statement required by division (A) of this section shall contain 10174
the information required by divisions (B)(1) to (4), (C)(2), and, 10175
if appropriate, (C)(3) of this section. Each statement shall be 10176
signed as required by division (C)(1) of this section. 10177

(D)(1) Prior to receiving a contribution or making an 10178
expenditure, every campaign committee, political action committee, 10179
legislative campaign fund, political party, or political 10180
contributing entity shall appoint a treasurer and shall file, on a 10181
form prescribed by the secretary of state, a designation of that 10182
appointment, including the full name and address of the treasurer 10183
and of the campaign committee, political action committee, 10184
legislative campaign fund, political party, or political 10185
contributing entity. That designation shall be filed with the 10186
official with whom the campaign committee, political action 10187

committee, legislative campaign fund, political party, or 10188
political contributing entity is required to file statements under 10189
section 3517.11 of the Revised Code. The name of a campaign 10190
committee shall include at least the last name of the campaign 10191
committee's candidate. If two or more candidates are the 10192
beneficiaries of a single campaign committee under division (B) of 10193
section 3517.081 of the Revised Code, the name of the campaign 10194
committee shall include at least the last name of each candidate 10195
who is a beneficiary of that campaign committee. The secretary of 10196
state shall assign a registration number to each political action 10197
committee that files a designation of the appointment of a 10198
treasurer under this division if the political action committee is 10199
required by division (A)(1) of section 3517.11 of the Revised Code 10200
to file the statements prescribed by this section with the 10201
secretary of state. 10202

(2) The treasurer appointed under division (D)(1) of this 10203
section shall keep a strict account of all contributions, from 10204
whom received and the purpose for which they were disbursed. 10205

(3)(a) Except as otherwise provided in section 3517.108 of 10206
the Revised Code, a campaign committee shall deposit all monetary 10207
contributions received by the committee into an account separate 10208
from a personal or business account of the candidate or campaign 10209
committee. 10210

(b) A political action committee shall deposit all monetary 10211
contributions received by the committee into an account separate 10212
from all other funds. 10213

(c) A state or county political party may establish a state 10214
candidate fund that is separate from an account that contains the 10215
public moneys received from the Ohio political party fund under 10216
section 3517.17 of the Revised Code and from all other funds. A 10217
state or county political party may deposit into its state 10218

candidate fund any amounts of monetary contributions that are made 10219
to or accepted by the political party subject to the applicable 10220
limitations, if any, prescribed in section 3517.102 of the Revised 10221
Code. A state or county political party shall deposit all other 10222
monetary contributions received by the party into one or more 10223
accounts that are separate from its state candidate fund and from 10224
its account that contains the public moneys received from the Ohio 10225
political party fund under section 3517.17 of the Revised Code. 10226

(d) Each state political party shall have only one 10227
legislative campaign fund for each house of the general assembly. 10228
Each such fund shall be separate from any other funds or accounts 10229
of that state party. A legislative campaign fund is authorized to 10230
receive contributions and make expenditures for the primary 10231
purpose of furthering the election of candidates who are members 10232
of that political party to the house of the general assembly with 10233
which that legislative campaign fund is associated. Each 10234
legislative campaign fund shall be administered and controlled in 10235
a manner designated by the caucus. As used in this division, 10236
"caucus" has the same meaning as in section 3517.01 of the Revised 10237
Code and includes, as an ex officio member, the chairperson of the 10238
state political party with which the caucus is associated or that 10239
chairperson's designee. 10240

(4) Every expenditure in excess of twenty-five dollars shall 10241
be vouched for by a receipted bill, stating the purpose of the 10242
expenditure, that shall be filed with the statement of 10243
expenditures. A canceled check with a notation of the purpose of 10244
the expenditure is a receipted bill for purposes of division 10245
(D)(4) of this section. 10246

(5) The secretary of state or the board of elections, as the 10247
case may be, shall issue a receipt for each statement filed under 10248
this section and shall preserve a copy of the receipt for a period 10249
of at least six years. All statements filed under this section 10250

shall be open to public inspection in the office where they are
filed and shall be carefully preserved for a period of at least
six years after the year in which they are filed.

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(6) The secretary of state, by rule adopted pursuant to
section 3517.23 of the Revised Code, shall prescribe both of the
following:

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(a) The manner of immediately acknowledging, with date and
time received, and preserving the receipt of statements that are
transmitted by electronic means of transmission to the secretary
of state pursuant to this section or section 3517.106, 3517.1011,
3517.1012, or 3517.1013 of the Revised Code;

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(b) The manner of preserving the contribution and
expenditure, contribution and disbursement, deposit and
disbursement, or gift and disbursement information in the
statements described in division (D)(6)(a) of this section. The
secretary of state shall preserve the contribution and
expenditure, contribution and disbursement, deposit and
disbursement, or gift and disbursement information in those
statements for at least ten years after the year in which they are
filed by electronic means of transmission.

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(7) The secretary of state, pursuant to division (I) of
section 3517.106 of the Revised Code, shall make available online
to the public through the internet the contribution and
expenditure, contribution and disbursement, deposit and
disbursement, or gift and disbursement information in all
statements, all addenda, amendments, or other corrections to
statements, and all amended statements filed with the secretary of
state by electronic or other means of transmission under this
section, division (B)(2)(b) or (C)(2)(b) of section 3517.105, or
section 3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.11 of
the Revised Code. The secretary of state may remove the

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information from the internet after a reasonable period of time. 10282

(E)(1) Any person, political party, campaign committee, 10283
legislative campaign fund, political action committee, or 10284
political contributing entity that makes a contribution in 10285
connection with the nomination or election of any candidate or in 10286
connection with any ballot issue or question at any election held 10287
or to be held in this state shall provide its full name and 10288
address to the recipient of the contribution at the time the 10289
contribution is made. The political action committee also shall 10290
provide the registration number assigned to the committee under 10291
division (D)(1) of this section to the recipient of the 10292
contribution at the time the contribution is made. 10293

(2) Any individual who makes a contribution that exceeds one 10294
hundred dollars to a political action committee, political 10295
contributing entity, legislative campaign fund, or political party 10296
or to a campaign committee of a statewide candidate or candidate 10297
for the office of member of the general assembly shall provide the 10298
name of the individual's current employer, if any, or, if the 10299
individual is self-employed, the individual's occupation and the 10300
name of the individual's business, if any, to the recipient of the 10301
contribution at the time the contribution is made. Sections 10302
3599.39 and 3599.40 of the Revised Code do not apply to division 10303
(E)(2) of this section. 10304

(3) If a campaign committee shows that it has exercised its 10305
best efforts to obtain, maintain, and submit the information 10306
required under divisions (B)(4)(b)(ii) and (iii) of this section, 10307
that committee is considered to have met the requirements of those 10308
divisions. A campaign committee shall not be considered to have 10309
exercised its best efforts unless, in connection with written 10310
solicitations, it regularly includes a written request for the 10311
information required under division (B)(4)(b)(ii) of this section 10312
from the contributor or the information required under division 10313

(B)(4)(b)(iii) of this section from whoever transmits the contribution. 10314
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(4) Any check that a political action committee uses to make a contribution or an expenditure shall contain the full name and address of the committee and the registration number assigned to the committee under division (D)(1) of this section. 10316
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(F) As used in this section: 10320

(1)(a) Except as otherwise provided in division (F)(1) of this section, "address" means all of the following if they exist: apartment number, street, road, or highway name and number, rural delivery route number, city or village, state, and zip code as used in a person's post-office address, but not post-office box. 10321
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(b) Except as otherwise provided in division (F)(1) of this section, if an address is required in this section, a post-office box and office, room, or suite number may be included in addition to, but not in lieu of, an apartment, street, road, or highway name and number. 10326
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(c) If an address is required in this section, a campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity may use the business or residence address of its treasurer or deputy treasurer. The post-office box number of the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity may be used in addition to that address. 10331
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(d) For the sole purpose of a campaign committee's reporting of contributions on a statement of contributions received under division (B)(4) of this section, "address" has one of the following meanings at the option of the campaign committee: 10339
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(i) The same meaning as in division (F)(1)(a) of this 10343

section; 10344

(ii) All of the following, if they exist: the contributor's 10345
post-office box number and city or village, state, and zip code as 10346
used in the contributor's post-office address. 10347

(e) As used with regard to the reporting under this section 10348
of any expenditure, "address" means all of the following if they 10349
exist: apartment number, street, road, or highway name and number, 10350
rural delivery route number, city or village, state, and zip code 10351
as used in a person's post-office address, or post-office box. If 10352
an address concerning any expenditure is required in this section, 10353
a campaign committee, political action committee, legislative 10354
campaign fund, political party, or political contributing entity 10355
may use the business or residence address of its treasurer or 10356
deputy treasurer or its post-office box number. 10357

(2) "Statewide candidate" means the joint candidates for the 10358
offices of governor and lieutenant governor or a candidate for the 10359
office of secretary of state, auditor of state, treasurer of 10360
state, attorney general, member of the state board of education, 10361
chief justice of the supreme court, or justice of the supreme 10362
court. 10363

(3) "Candidate for county office" means a candidate for the 10364
office of county auditor, county treasurer, clerk of the court of 10365
common pleas, judge of the court of common pleas, sheriff, county 10366
recorder, county engineer, county commissioner, prosecuting 10367
attorney, or coroner. 10368

(G) An independent expenditure shall be reported whenever and 10369
in the same manner that an expenditure is required to be reported 10370
under this section and shall be reported pursuant to division 10371
(B)(2)(a) or (C)(2)(a) of section 3517.105 of the Revised Code. 10372

(H)(1) Except as otherwise provided in division (H)(2) of 10373
this section, if, during the combined pre-election and 10374

postelection reporting periods for an election, a campaign 10375
committee has received contributions of five hundred dollars or 10376
less and has made expenditures in the total amount of five hundred 10377
dollars or less, it may file a statement to that effect, under 10378
penalty of election falsification, in lieu of the statement 10379
required by division (A)(2) of this section. The statement shall 10380
indicate the total amount of contributions received and the total 10381
amount of expenditures made during those combined reporting 10382
periods. 10383

(2) In the case of a successful candidate at a primary 10384
election, if either the total contributions received by or the 10385
total expenditures made by the candidate's campaign committee 10386
during the preprimary, postprimary, pregeneral, and postgeneral 10387
election periods combined equal more than five hundred dollars, 10388
the campaign committee may file the statement under division 10389
(H)(1) of this section only for the primary election. The first 10390
statement that the campaign committee files in regard to the 10391
general election shall reflect all contributions received and all 10392
expenditures made during the preprimary and postprimary election 10393
periods. 10394

(3) Divisions (H)(1) and (2) of this section do not apply if 10395
a campaign committee receives contributions or makes expenditures 10396
prior to the first day of January of the year of the election at 10397
which the candidate seeks nomination or election to office or if 10398
the campaign committee does not file a termination statement with 10399
its postprimary election statement in the case of an unsuccessful 10400
primary election candidate or with its postgeneral election 10401
statement in the case of other candidates. 10402

(I) In the case of a contribution made by a partner of a 10403
partnership or an owner or a member of another unincorporated 10404
business from any funds of the partnership or other unincorporated 10405
business, all of the following apply: 10406

(1) The recipient of the contribution shall report the 10407
contribution by listing both the partnership or other 10408
unincorporated business and the name of the partner, owner, or 10409
member making the contribution. 10410

(2) In reporting the contribution, the recipient of the 10411
contribution shall be entitled to conclusively rely upon the 10412
information provided by the partnership or other unincorporated 10413
business, provided that the information includes one of the 10414
following: 10415

(a) The name of each partner, owner, or member as of the date 10416
of the contribution or contributions, and a statement that the 10417
total contributions are to be allocated equally among all of the 10418
partners, owners, or members; or 10419

(b) The name of each partner, owner, or member as of the date 10420
of the contribution or contributions who is participating in the 10421
contribution or contributions, and a statement that the 10422
contribution or contributions are to be allocated to those 10423
individuals in accordance with the information provided by the 10424
partnership or other unincorporated business to the recipient of 10425
the contribution. 10426

(3) For purposes of section 3517.102 of the Revised Code, the 10427
contribution shall be considered to have been made by the partner, 10428
owner, or member reported under division (I)(1) of this section. 10429

~~(3)~~(4) No contribution from a partner of a partnership or an 10430
owner or a member of another unincorporated business shall be 10431
accepted from any funds of the partnership or other unincorporated 10432
business unless the recipient reports the contribution under 10433
division (I)(1) of this section together with the information 10434
provided under division (I)(2) of this section. 10435

~~(4)~~(5) No partnership or other unincorporated business shall 10436
make a contribution or contributions solely in the name of the 10437

partnership or other unincorporated business. 10438

~~(5)~~(6) As used in division (I) of this section, "partnership 10439
or other unincorporated business" includes, but is not limited to, 10440
a cooperative, a sole proprietorship, a general partnership, a 10441
limited partnership, a limited partnership association, a limited 10442
liability partnership, and a limited liability company. 10443

(J) A candidate shall have only one campaign committee at any 10444
given time for all of the offices for which the person is a 10445
candidate or holds office. 10446

(K)(1) In addition to filing a designation of appointment of 10447
a treasurer under division (D)(1) of this section, the campaign 10448
committee of any candidate for an elected municipal office that 10449
pays an annual amount of compensation of five thousand dollars or 10450
less, the campaign committee of any candidate for member of a 10451
board of education except member of the state board of education, 10452
or the campaign committee of any candidate for township trustee or 10453
township fiscal officer may sign, under penalty of election 10454
falsification, a certificate attesting that the committee will not 10455
accept contributions during an election period that exceed in the 10456
aggregate two thousand dollars from all contributors and one 10457
hundred dollars from any one individual, and that the campaign 10458
committee will not make expenditures during an election period 10459
that exceed in the aggregate two thousand dollars. 10460

The certificate shall be on a form prescribed by the 10461
secretary of state and shall be filed not later than ten days 10462
after the candidate files a declaration of candidacy and petition, 10463
a nominating petition, or a declaration of intent to be a write-in 10464
candidate. 10465

(2) Except as otherwise provided in division (K)(3) of this 10466
section, a campaign committee that files a certificate under 10467
division (K)(1) of this section is not required to file the 10468

statements required by division (A) of this section. 10469

(3) If, after filing a certificate under division (K)(1) of 10470
this section, a campaign committee exceeds any of the limitations 10471
described in that division during an election period, the 10472
certificate is void and thereafter the campaign committee shall 10473
file the statements required by division (A) of this section. If 10474
the campaign committee has not previously filed a statement, then 10475
on the first statement the campaign committee is required to file 10476
under division (A) of this section after the committee's 10477
certificate is void, the committee shall report all contributions 10478
received and expenditures made from the time the candidate filed 10479
the candidate's declaration of candidacy and petition, nominating 10480
petition, or declaration of intent to be a write-in candidate. 10481

(4) As used in division (K) of this section, "election 10482
period" means the period of time beginning on the day a person 10483
files a declaration of candidacy and petition, nominating 10484
petition, or declaration of intent to be a write-in candidate 10485
through the day of the election at which the person seeks 10486
nomination to office if the person is not elected to office, or, 10487
if the candidate was nominated in a primary election, the day of 10488
the election at which the candidate seeks office. 10489

(L) A political contributing entity that receives 10490
contributions from the dues, membership fees, or other assessments 10491
of its members or from its officers, shareholders, and employees 10492
may report the aggregate amount of contributions received from 10493
those contributors and the number of individuals making those 10494
contributions, for each filing period under divisions (A)(1), (2), 10495
(3), and (4) of this section, rather than reporting information as 10496
required under division (B)(4) of this section, including, when 10497
applicable, the name of the current employer, if any, of a 10498
contributor whose contribution exceeds one hundred dollars or, if 10499
such a contributor is self-employed, the contributor's occupation 10500

and the name of the contributor's business, if any. Division 10501
(B)(4) of this section applies to a political contributing entity 10502
with regard to contributions it receives from all other 10503
contributors. 10504

Sec. 3517.106. (A) As used in this section: 10505

(1) "Statewide office" means any of the offices of governor, 10506
lieutenant governor, secretary of state, auditor of state, 10507
treasurer of state, attorney general, chief justice of the supreme 10508
court, and justice of the supreme court. 10509

(2) "Addendum to a statement" includes an amendment or other 10510
correction to that statement. 10511

(B)(1) The secretary of state shall store on computer the 10512
information contained in statements of contributions and 10513
expenditures and monthly statements required to be filed under 10514
section 3517.10 of the Revised Code and in statements of 10515
independent expenditures required to be filed under section 10516
3517.105 of the Revised Code by any of the following: 10517

(a) The campaign committees of candidates for statewide 10518
office; 10519

(b) The political action committees and political 10520
contributing entities described in division (A)(1) of section 10521
3517.11 of the Revised Code; 10522

(c) Legislative campaign funds; 10523

(d) State political parties; 10524

(e) Individuals, partnerships, corporations, labor 10525
organizations, or other entities that make independent 10526
expenditures in support of or opposition to a statewide candidate 10527
or a statewide ballot issue or question; 10528

(f) The campaign committees of candidates for the office of 10529

member of the general assembly; 10530

(g) County political parties, with respect to their state 10531
candidate funds. 10532

(2) The secretary of state shall store on computer the 10533
information contained in disclosure of electioneering 10534
communications statements required to be filed under section 10535
3517.1011 of the Revised Code. 10536

(3) The secretary of state shall store on computer the 10537
information contained in deposit and disbursement statements 10538
required to be filed with the office of the secretary of state 10539
under section 3517.1012 of the Revised Code. 10540

(4) The secretary of state shall store on computer the gift 10541
and disbursement information contained in statements required to 10542
be filed with the office of the secretary of state under section 10543
3517.1013 of the Revised Code. 10544

(C)(1) The secretary of state shall make available to the 10545
campaign committees, political action committees, political 10546
contributing entities, legislative campaign funds, political 10547
parties, individuals, partnerships, corporations, labor 10548
organizations, and other entities described in division (B) of 10549
this section, and to members of the news media and other 10550
interested persons, for a reasonable fee, computer programs that 10551
are compatible with the secretary of state's method of storing the 10552
information contained in the statements. 10553

(2) The secretary of state shall make the information 10554
required to be stored under division (B) of this section available 10555
on computer at the secretary of state's office so that, to the 10556
maximum extent feasible, individuals may obtain at the secretary 10557
of state's office any part or all of that information for any 10558
given year, subject to the limitation expressed in division (D) of 10559
this section. 10560

(D) The secretary of state shall keep the information stored 10561
on computer under division (B) of this section for at least six 10562
years. 10563

(E)(1) Subject to division (L) of this section and subject to 10564
the secretary of state having implemented, tested, and verified 10565
the successful operation of any system the secretary of state 10566
prescribes pursuant to division (H)(1) of this section and 10567
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 10568
Code for the filing of campaign finance statements by electronic 10569
means of transmission, the campaign committee of each candidate 10570
for statewide office may file the statements prescribed by section 10571
3517.10 of the Revised Code by electronic means of transmission 10572
or, if the total amount of the contributions received or the total 10573
amount of the expenditures made by the campaign committee for the 10574
applicable reporting period as specified in division (A) of 10575
section 3517.10 of the Revised Code exceeds ten thousand dollars, 10576
shall file those statements by electronic means of transmission. 10577

Except as otherwise provided in this division, within five 10578
business days after a statement filed by a campaign committee of a 10579
candidate for statewide office is received by the secretary of 10580
state by electronic or other means of transmission, the secretary 10581
of state shall make available online to the public through the 10582
internet, as provided in division (I) of this section, the 10583
contribution and expenditure information in that statement. The 10584
secretary of state shall not make available online to the public 10585
through the internet any contribution or expenditure information 10586
contained in a statement for any candidate until the secretary of 10587
state is able to make available online to the public through the 10588
internet the contribution and expenditure information for all 10589
candidates for a particular office, or until the applicable filing 10590
deadline for that statement has passed, whichever is sooner. As 10591
soon as the secretary of state has available all of the 10592

contribution and expenditure information for all candidates for a particular office, or as soon as the applicable filing deadline for a statement has passed, whichever is sooner, the secretary of state shall simultaneously make available online to the public through the internet the information for all candidates for that office.

If a statement filed by electronic means of transmission is found to be incomplete or inaccurate after the examination of the statement for completeness and accuracy pursuant to division (B)(3)(a) of section 3517.11 of the Revised Code, the campaign committee shall file by electronic means of transmission any addendum to the statement that provides the information necessary to complete or correct the statement or, if required by the secretary of state under that division, an amended statement.

Within five business days after the secretary of state receives from a campaign committee of a candidate for statewide office an addendum to the statement or an amended statement by electronic or other means of transmission under this division or division (B)(3)(a) of section 3517.11 of the Revised Code, the secretary of state shall make the contribution and expenditure information in the addendum or amended statement available online to the public through the internet as provided in division (I) of this section.

(2) Subject to the secretary of state having implemented, tested, and verified the successful operation of any system the secretary of state prescribes pursuant to division (H)(1) of this section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised Code for the filing of campaign finance statements by electronic means of transmission, a political action committee and a political contributing entity described in division (B)(1)(b) of this section, a legislative campaign fund, and a state political party may file the statements prescribed by section 3517.10 of the

Revised Code by electronic means of transmission or, if the total
amount of the contributions received or the total amount of the
expenditures made by the political action committee, political
contributing entity, legislative campaign fund, or state political
party for the applicable reporting period as specified in division
(A) of section 3517.10 of the Revised Code exceeds ten thousand
dollars, shall file those statements by electronic means of
transmission.

Within five business days after a statement filed by a
political action committee or a political contributing entity
described in division (B)(1)(b) of this section, a legislative
campaign fund, or a state political party is received by the
secretary of state by electronic or other means of transmission,
the secretary of state shall make available online to the public
through the internet, as provided in division (I) of this section,
the contribution and expenditure information in that statement.

If a statement filed by electronic means of transmission is
found to be incomplete or inaccurate after the examination of the
statement for completeness and accuracy pursuant to division
(B)(3)(a) of section 3517.11 of the Revised Code, the political
action committee, political contributing entity, legislative
campaign fund, or state political party shall file by electronic
means of transmission any addendum to the statement that provides
the information necessary to complete or correct the statement or,
if required by the secretary of state under that division, an
amended statement.

Within five business days after the secretary of state
receives from a political action committee or a political
contributing entity described in division (B)(1)(b) of this
section, a legislative campaign fund, or a state political party
an addendum to the statement or an amended statement by electronic
or other means of transmission under this division or division

(B)(3)(a) of section 3517.11 of the Revised Code, the secretary of state shall make the contribution and expenditure information in the addendum or amended statement available online to the public through the internet as provided in division (I) of this section. 10657
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(3) Subject to the secretary of state having implemented, tested, and verified the successful operation of any system the secretary of state prescribes pursuant to division (H)(1) of this section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised Code for the filing of campaign finance statements by electronic means of transmission, a county political party shall file the statements prescribed by section 3517.10 of the Revised Code with respect to its state candidate fund by electronic means of transmission to the office of the secretary of state. 10661
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Within five business days after a statement filed by a county political party with respect to its state candidate fund is received by the secretary of state by electronic means of transmission, the secretary of state shall make available online to the public through the internet, as provided in division (I) of this section, the contribution and expenditure information in that statement. 10670
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If a statement is found to be incomplete or inaccurate after the examination of the statement for completeness and accuracy pursuant to division (B)(3)(a) of section 3517.11 of the Revised Code, a county political party shall file by electronic means of transmission any addendum to the statement that provides the information necessary to complete or correct the statement or, if required by the secretary of state under that division, an amended statement. 10677
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Within five business days after the secretary of state receives from a county political party an addendum to the statement or an amended statement by electronic means of 10685
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transmission under this division or division (B)(3)(a) of section 10688
3517.11 of the Revised Code, the secretary of state shall make the 10689
contribution and expenditure information in the addendum or 10690
amended statement available online to the public through the 10691
internet as provided in division (I) of this section. 10692

(F)(1) Subject to division (L) of this section and subject to 10693
the secretary of state having implemented, tested, and verified 10694
the successful operation of any system the secretary of state 10695
prescribes pursuant to division (H)(1) of this section and 10696
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 10697
Code for the filing of campaign finance statements by electronic 10698
means of transmission, a campaign committee of a candidate for the 10699
office of member of the general assembly or a campaign committee 10700
of a candidate for the office of judge of a court of appeals may 10701
file the statements prescribed by section 3517.10 of the Revised 10702
Code in accordance with division (A)(2) of section 3517.11 of the 10703
Revised Code or by electronic means of transmission to the office 10704
of the secretary of state or, if the total amount of the 10705
contributions received by the campaign committee for the 10706
applicable reporting period as specified in division (A) of 10707
section 3517.10 of the Revised Code exceeds ten thousand dollars, 10708
shall file those statements by electronic means of transmission to 10709
the office of the secretary of state. 10710

Except as otherwise provided in this division, within five 10711
business days after a statement filed by a campaign committee of a 10712
candidate for the office of member of the general assembly or a 10713
campaign committee of a candidate for the office of judge of a 10714
court of appeals is received by the secretary of state by 10715
electronic or other means of transmission, the secretary of state 10716
shall make available online to the public through the internet, as 10717
provided in division (I) of this section, the contribution and 10718
expenditure information in that statement. The secretary of state 10719

shall not make available online to the public through the internet 10720
any contribution or expenditure information contained in a 10721
statement for any candidate until the secretary of state is able 10722
to make available online to the public through the internet the 10723
contribution and expenditure information for all candidates for a 10724
particular office, or until the applicable filing deadline for 10725
that statement has passed, whichever is sooner. As soon as the 10726
secretary of state has available all of the contribution and 10727
expenditure information for all candidates for a particular 10728
office, or as soon as the applicable filing deadline for a 10729
statement has passed, whichever is sooner, the secretary of state 10730
shall simultaneously make available online to the public through 10731
the internet the information for all candidates for that office. 10732

If a statement filed by electronic means of transmission is 10733
found to be incomplete or inaccurate after the examination of the 10734
statement for completeness and accuracy pursuant to division 10735
(B)(3)(a) of section 3517.11 of the Revised Code, the campaign 10736
committee shall file by electronic means of transmission to the 10737
office of the secretary of state any addendum to the statement 10738
that provides the information necessary to complete or correct the 10739
statement or, if required by the secretary of state under that 10740
division, an amended statement. 10741

Within five business days after the secretary of state 10742
receives from a campaign committee of a candidate for the office 10743
of member of the general assembly or a campaign committee of a 10744
candidate for the office of judge of a court of appeals an 10745
addendum to the statement or an amended statement by electronic or 10746
other means of transmission under this division or division 10747
(B)(3)(a) of section 3517.11 of the Revised Code, the secretary of 10748
state shall make the contribution and expenditure information in 10749
the addendum or amended statement available online to the public 10750
through the internet as provided in division (I) of this section. 10751

(2) If a statement, addendum, or amended statement is not 10752
filed by electronic means of transmission to the office of the 10753
secretary of state but is filed by printed version only under 10754
division (A)(2) of section 3517.11 of the Revised Code with the 10755
appropriate board of elections, the campaign committee of a 10756
candidate for the office of member of the general assembly or a 10757
campaign committee of a candidate for the office of judge of a 10758
court of appeals shall file two copies of the printed version of 10759
the statement, addendum, or amended statement with the board of 10760
elections. The board of elections shall send one of those copies 10761
by overnight delivery service to the secretary of state before the 10762
close of business on the day the board of elections receives the 10763
statement, addendum, or amended statement. 10764

(G) Subject to the secretary of state having implemented, 10765
tested, and verified the successful operation of any system the 10766
secretary of state prescribes pursuant to division (H)(1) of this 10767
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 10768
the Revised Code for the filing of campaign finance statements by 10769
electronic means of transmission, any individual, partnership, or 10770
other entity that makes independent expenditures in support of or 10771
opposition to a statewide candidate or a statewide ballot issue or 10772
question as provided in division (B)(2)(b) or (C)(2)(b) of section 10773
3517.105 of the Revised Code may file the statement specified in 10774
that division by electronic means of transmission or, if the total 10775
amount of independent expenditures made during the reporting 10776
period under that division exceeds ten thousand dollars, shall 10777
file the statement specified in that division by electronic means 10778
of transmission. 10779

Within five business days after a statement filed by an 10780
individual, partnership, or other entity is received by the 10781
secretary of state by electronic or other means of transmission, 10782
the secretary of state shall make available online to the public 10783

through the internet, as provided in division (I) of this section, 10784
the expenditure information in that statement. 10785

If a statement filed by electronic means of transmission is 10786
found to be incomplete or inaccurate after the examination of the 10787
statement for completeness and accuracy pursuant to division 10788
(B)(3)(a) of section 3517.11 of the Revised Code, the individual, 10789
partnership, or other entity shall file by electronic means of 10790
transmission any addendum to the statement that provides the 10791
information necessary to complete or correct the statement or, if 10792
required by the secretary of state under that division, an amended 10793
statement. 10794

Within five business days after the secretary of state 10795
receives from an individual, partnership, or other entity 10796
described in division (B)(2)(b) or (C)(2)(b) of section 3517.105 10797
of the Revised Code an addendum to the statement or an amended 10798
statement by electronic or other means of transmission under this 10799
division or division (B)(3)(a) of section 3517.11 of the Revised 10800
Code, the secretary of state shall make the expenditure 10801
information in the addendum or amended statement available online 10802
to the public through the internet as provided in division (I) of 10803
this section. 10804

(H)(1) The secretary of state, by rule adopted pursuant to 10805
section 3517.23 of the Revised Code, shall prescribe one or more 10806
techniques by which a person who executes and transmits by 10807
electronic means a statement of contributions and expenditures, a 10808
statement of independent expenditures, a disclosure of 10809
electioneering communications statement, a deposit and 10810
disbursement statement, or a gift and disbursement statement, an 10811
addendum to any of those statements, an amended statement of 10812
contributions and expenditures, an amended statement of 10813
independent expenditures, an amended disclosure of electioneering 10814
communications statement, an amended deposit and disbursement 10815

statement, or an amended gift and disbursement statement, under 10816
this section or section 3517.10, 3517.105, 3517.1011, 3517.1012, 10817
or 3517.1013 of the Revised Code shall electronically sign the 10818
statement, addendum, or amended statement. Any technique 10819
prescribed by the secretary of state pursuant to this division 10820
shall create an electronic signature that satisfies all of the 10821
following: 10822

(a) It is unique to the signer. 10823

(b) It objectively identifies the signer. 10824

(c) It involves the use of a signature device or other means 10825
or method that is under the sole control of the signer and that 10826
cannot be readily duplicated or compromised. 10827

(d) It is created and linked to the electronic record to 10828
which it relates in a manner that, if the record or signature is 10829
intentionally or unintentionally changed after signing, the 10830
electronic signature is invalidated. 10831

(2) An electronic signature prescribed by the secretary of 10832
state under division (H)(1) of this section shall be attached to 10833
or associated with the statement of contributions and 10834
expenditures, the statement of independent expenditures, the 10835
disclosure of electioneering communications statement, the deposit 10836
and disbursement statement, or the gift and disbursement 10837
statement, the addendum to any of those statements, the amended 10838
statement of contributions and expenditures, the amended statement 10839
of independent expenditures, the amended disclosure of 10840
electioneering communications statement, the amended deposit and 10841
disbursement statement, or the amended gift and disbursement 10842
statement that is executed and transmitted by electronic means by 10843
the person to whom the electronic signature is attributed. The 10844
electronic signature that is attached to or associated with the 10845
statement, addendum, or amended statement under this division 10846

shall be binding on all persons and for all purposes under the
campaign finance reporting law as if the signature had been
handwritten in ink on a printed form.

(I) The secretary of state shall make the contribution and
expenditure, the contribution and disbursement, the deposit and
disbursement, or the gift and disbursement information in all
statements, all addenda to the statements, and all amended
statements that are filed with the secretary of state by
electronic or other means of transmission under this section or
section 3517.10, 3517.105, 3517.1011, 3517.1012, 3517.1013, or
3517.11 of the Revised Code available online to the public by any
means that are searchable, viewable, and accessible through the
internet.

(J)(1) As used in this division, "library" means a library
that is open to the public and that is one of the following:

(a) A library that is maintained and regulated under section
715.13 of the Revised Code;

(b) A library that is created, maintained, and regulated
under Chapter 3375. of the Revised Code.

(2) The secretary of state shall notify all libraries of the
location on the internet at which the contribution and
expenditure, contribution and disbursement, deposit and
disbursement, or gift and disbursement information in campaign
finance statements required to be made available online to the
public through the internet pursuant to division (I) of this
section may be accessed.

If that location is part of the world wide web and if the
secretary of state has notified a library of that world wide web
location as required by this division, the library shall include a
link to that world wide web location on each internet-connected
computer it maintains that is accessible to the public.

(3) If the system the secretary of state prescribes for the 10878
filing of campaign finance statements by electronic means of 10879
transmission pursuant to division (H)(1) of this section and 10880
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 10881
Code includes filing those statements through the internet via the 10882
world wide web, the secretary of state shall notify all libraries 10883
of the world wide web location at which those statements may be 10884
filed. 10885

If those statements may be filed through the internet via the 10886
world wide web and if the secretary of state has notified a 10887
library of that world wide web location as required by this 10888
division, the library shall include a link to that world wide web 10889
location on each internet-connected computer it maintains that is 10890
accessible to the public. 10891

(K) It is an affirmative defense to a complaint or charge 10892
brought against any campaign committee, political action 10893
committee, political contributing entity, legislative campaign 10894
fund, or political party, any individual, partnership, or other 10895
entity, or any person making disbursements to pay the direct costs 10896
of producing or airing electioneering communications, for the 10897
failure to file by electronic means of transmission a campaign 10898
finance statement as required by this section or section 3517.10, 10899
3517.105, 3517.1011, 3517.1012, or 3517.1013 of the Revised Code 10900
that all of the following apply to the campaign committee, 10901
political action committee, political contributing entity, 10902
legislative campaign fund, or political party, the individual, 10903
partnership, or other entity, or the person making disbursements 10904
to pay the direct costs of producing or airing electioneering 10905
communications, that failed to so file: 10906

(1) The campaign committee, political action committee, 10907
political contributing entity, legislative campaign fund, or 10908
political party, the individual, partnership, or other entity, or 10909

the person making disbursements to pay the direct costs of 10910
producing or airing electioneering communications attempted to 10911
file by electronic means of transmission the required statement 10912
prior to the deadline set forth in the applicable section. 10913

(2) The campaign committee, political action committee, 10914
political contributing entity, legislative campaign fund, or 10915
political party, the individual, partnership, or other entity, or 10916
the person making disbursements to pay the direct costs of 10917
producing or airing electioneering communications was unable to 10918
file by electronic means of transmission due to an expected or 10919
unexpected shutdown of the whole or part of the electronic 10920
campaign finance statement-filing system, such as for maintenance 10921
or because of hardware, software, or network connection failure. 10922

(3) The campaign committee, political action committee, 10923
political contributing entity, legislative campaign fund, or 10924
political party, the individual, partnership, or other entity, or 10925
the person making disbursements to pay the direct costs of 10926
producing or airing electioneering communications filed by 10927
electronic means of transmission the required statement within a 10928
reasonable period of time after being unable to so file it under 10929
the circumstance described in division (K)(2) of this section. 10930

(L)(1) The secretary of state shall adopt rules pursuant to 10931
Chapter 119. of the Revised Code to permit a campaign committee of 10932
a candidate for statewide office that makes expenditures of less 10933
than twenty-five thousand dollars during the filing period or a 10934
campaign committee for the office of member of the general 10935
assembly or the office of judge of a court of appeals that would 10936
otherwise be required to file campaign finance statements by 10937
electronic means of transmission under division (E) or (F) of this 10938
section to file those statements by paper with the office of the 10939
secretary of state. Those rules shall provide for all of the 10940
following: 10941

(a) An eligible campaign committee that wishes to file a 10942
campaign finance statement by paper instead of by electronic means 10943
of transmission shall file the statement on paper with the office 10944
of the secretary of state not sooner than twenty-four hours after 10945
the end of the filing period set forth in section 3517.10 of the 10946
Revised Code that is covered by the applicable statement. 10947

(b) The statement shall be accompanied by a fee, the amount 10948
of which the secretary of state shall determine by rule. The 10949
amount of the fee established under this division shall not exceed 10950
the data entry and data verification costs the secretary of state 10951
will incur to convert the information on the statement to an 10952
electronic format as required under division (I) of this section. 10953

(c) The secretary of state shall arrange for the information 10954
in campaign finance statements filed pursuant to division (L) of 10955
this section to be made available online to the public through the 10956
internet in the same manner, and at the same times, as information 10957
is made available under divisions (E), (F), and (I) of this 10958
section for candidates whose campaign committees file those 10959
statements by electronic means of transmission. 10960

(d) The candidate of an eligible campaign committee that 10961
intends to file a campaign finance statement pursuant to division 10962
(L) of this section shall file ~~an affidavit~~ a notice indicating 10963
that the candidate's campaign committee intends to so file and 10964
stating that filing the statement by electronic means of 10965
transmission would constitute a hardship for the candidate or for 10966
the eligible campaign committee. 10967

(e) An eligible campaign committee that files a campaign 10968
finance statement on paper pursuant to division (L) of this 10969
section shall review the contribution and information made 10970
available online by the secretary of state with respect to that 10971
paper filing and shall notify the secretary of state of any errors 10972

with respect to that filing that appear in the data made available 10973
on that web site. 10974

(f) If an eligible campaign committee whose candidate has 10975
filed ~~an affidavit~~ a notice in accordance with rules adopted under 10976
division (L)(1)(d) of this section subsequently fails to file that 10977
statement on paper by the applicable deadline established in rules 10978
adopted under division (L)(1)(a) of this section, penalties for 10979
the late filing of the campaign finance statement shall apply to 10980
that campaign committee for each day after that paper filing 10981
deadline, as if the campaign committee had filed the statement 10982
after the applicable deadline set forth in division (A) of section 10983
3517.10 of the Revised Code. 10984

(2) The process for permitting campaign committees that would 10985
otherwise be required to file campaign finance statements by 10986
electronic means of transmission to file those statements on paper 10987
with the office of the secretary of state that is required to be 10988
developed under division (L)(1) of this section shall be in effect 10989
and available for use by eligible campaign committees for all 10990
campaign finance statements that are required to be filed on or 10991
after June 30, 2005. Notwithstanding any provision of the Revised 10992
Code to the contrary, if the process the secretary of state is 10993
required to develop under division (L)(1) of this section is not 10994
in effect and available for use on and after June 30, 2005, all 10995
penalties for the failure of campaign committees to file campaign 10996
finance statements by electronic means of transmission shall be 10997
suspended until such time as that process is in effect and 10998
available for use. 10999

(3) Notwithstanding any provision of the Revised Code to the 11000
contrary, any eligible campaign committee that files campaign 11001
finance statements on paper with the office of the secretary of 11002
state pursuant to division (L)(1) of this section shall be deemed 11003
to have filed those campaign finance statements by electronic 11004

means of transmission to the office of the secretary of state. 11005

Sec. 3517.1011. (A) As used in this section: 11006

(1) "Address" has the same meaning as in section 3517.10 of 11007
the Revised Code. 11008

(2) "Broadcast, cable, or satellite communication" means a 11009
communication that is publicly distributed by a television 11010
station, radio station, cable television system, or satellite 11011
system. 11012

(3) "Candidate" has the same meaning as in section 3501.01 of 11013
the Revised Code; 11014

(4) "Contribution" means any loan, gift, deposit, forgiveness 11015
of indebtedness, donation, advance, payment, or transfer of funds 11016
or of anything of value, including a transfer of funds from an 11017
inter vivos or testamentary trust or decedent's estate, and the 11018
payment by any person other than the person to whom the services 11019
are rendered for the personal services of another person, that is 11020
made, received, or used to pay the direct costs of producing or 11021
airing electioneering communications. 11022

~~(4)~~(5)(a) "Coordinated electioneering communication" means 11023
any electioneering communication that is made pursuant to any 11024
arrangement, coordination, or direction by a candidate or a 11025
candidate's campaign committee, by an officer, agent, employee, or 11026
consultant of a candidate or a candidate's campaign committee, or 11027
by a former officer, former agent, former employee, or former 11028
consultant of a candidate or a candidate's campaign committee 11029
prior to the airing, broadcasting, or cablecasting of the 11030
communication. An electioneering communication is presumed to be a 11031
"coordinated electioneering communication" when it is either of 11032
the following: 11033

(i) Based on information about a candidate's plans, projects, 11034

or needs provided to the person making the disbursement by the
candidate or the candidate's campaign committee, by an officer,
agent, employee, or consultant of the candidate or the candidate's
campaign committee, or by a former officer, former agent, former
employee, or former consultant of the candidate or the candidate's
campaign committee, with a view toward having the communication
made;

(ii) Made by or through any person who is, or has been,
authorized to raise or expend funds on behalf of a candidate or
the candidate's campaign committee, who is, or has been, an
officer, agent, employee, or consultant of the candidate or of the
candidate's campaign committee, or who is, or has been, receiving
any form of compensation or reimbursement from the candidate or
the candidate's campaign committee or from an officer, agent,
employee, or consultant of the candidate or of the candidate's
campaign committee.

(b) An electioneering communication shall not be presumed to
be a "coordinated electioneering communication" under division
(A)~~(4)~~(5)(a)(ii) of this section if the communication is made
through any person who provides a service that does not affect the
content of the communication, such as communications placed
through the efforts of a media buyer, unless that person also
affects the content of the communication.

~~(5)~~(6) "Disclosure date" means both of the following:

(a) The first date during any calendar year by which a person
makes disbursements for the direct costs of producing or airing
electioneering communications aggregating in excess of ten
thousand dollars;

(b) The same day of the week of each remaining week in the
same calendar year as the day of the week of the initial
disclosure date established under division (A)~~(5)~~(6)(a) of this

section, if, during that remaining week, the person makes 11066
disbursements for the direct costs of producing or airing 11067
electioneering communications aggregating in excess of one dollar. 11068

~~(6)~~(7)(a) "Electioneering communication" means any broadcast, 11069
cable, or satellite communication that refers to a clearly 11070
identified candidate and that is made during either of the 11071
following periods of time: 11072

(i) If the person becomes a candidate before the day of the 11073
primary election at which candidates will be nominated for 11074
election to that office, between the date that the person becomes 11075
a candidate and the thirtieth day prior to that primary election, 11076
and between the date of the primary election and the thirtieth day 11077
prior to the general election at which a candidate will be elected 11078
to that office; 11079

(ii) If the person becomes a candidate after the day of the 11080
primary election at which candidates were nominated for election 11081
to that office, between the date of the primary election and the 11082
thirtieth day prior to the general election at which a candidate 11083
will be elected to that office. 11084

(b) "Electioneering communication" does not include any of 11085
the following: 11086

(i) A communication that is publicly disseminated through a 11087
means of communication other than a broadcast, cable, or satellite 11088
television or radio station. For example, "electioneering 11089
communication" does not include communications appearing in print 11090
media, including a newspaper or magazine, handbill, brochure, 11091
bumper sticker, yard sign, poster, billboard, and other written 11092
materials, including mailings; communications over the internet, 11093
including electronic mail; or telephone communications. 11094

(ii) A communication that appears in a news story, 11095
commentary, public service announcement, bona fide news 11096

programming, or editorial distributed through the facilities of 11097
any broadcast, cable, or satellite television or radio station, 11098
unless those facilities are owned or controlled by any political 11099
party, political committee, or candidate; 11100

(iii) A communication that constitutes an expenditure or an 11101
independent expenditure under section 3517.01 of the Revised Code; 11102

(iv) A communication that constitutes a candidate debate or 11103
forum or that solely promotes a candidate debate or forum and is 11104
made by or on behalf of the person sponsoring the debate or forum. 11105

~~(7)~~(8) "Filing date" has the same meaning as in section 11106
3517.109 of the Revised Code. 11107

~~(8)~~(9) "Immigration and Nationality Act" means the 11108
Immigration and Nationality Act, 110 Stat. 309 (1996), 8 U.S.C. 11109
1101 et seq., as amended. 11110

~~(9)~~(10) "Person" has the same meaning as in section 1.59 of 11111
the Revised Code and includes any political organization 11112
considered exempt from income taxation under section 527 of the 11113
Internal Revenue Code. 11114

~~(10)~~(11) "Political committee" means any of the following: 11115

(a) Any committee, club, association, or other group of 11116
persons that receives contributions aggregating in excess of one 11117
thousand dollars during a calendar year or that makes expenditures 11118
aggregating in excess of one thousand dollars during a calendar 11119
year; 11120

(b) Any separate segregated fund; 11121

(c) Any state, county, or local committee of a political 11122
party that does any of the following: 11123

(i) Receives contributions aggregating in excess of five 11124
thousand dollars during a calendar year; 11125

(ii) Makes payments that do not constitute contributions or 11126
expenditures aggregating in excess of five thousand dollars during 11127
a calendar year; 11128

(iii) Makes contributions or expenditures aggregating in 11129
excess of one thousand dollars during a calendar year. 11130

~~(11)~~(12) "Publicly distributed" means aired, broadcast, 11131
cablecast, or otherwise disseminated for a fee. 11132

~~(12)~~(13) "Refers to a clearly identified candidate" means 11133
that the candidate's name, nickname, photograph, or drawing 11134
appears, or the identity of the candidate is otherwise apparent 11135
through an unambiguous reference to the person such as "the chief 11136
justice," "the governor," "member of the Ohio senate," "member of 11137
the Ohio house of representatives," "county auditor," "mayor," or 11138
"township trustee" or through an unambiguous reference to the 11139
person's status as a candidate. 11140

(B) For the purposes of this section, a person shall be 11141
considered to have made a disbursement if the person has entered 11142
into a contract to make the disbursement. 11143

(C) Any person intending to make a disbursement or 11144
disbursements for the direct costs of producing or airing 11145
electioneering communications, prior to making the first 11146
disbursement for the direct costs of producing or airing an 11147
electioneering communication, shall file a notice with the office 11148
of the secretary of state that the person is intending to make 11149
such disbursements. 11150

(D)(1) Every person that makes a disbursement or 11151
disbursements for the direct costs of producing and airing 11152
electioneering communications aggregating in excess of ten 11153
thousand dollars during any calendar year shall file, within 11154
twenty-four hours of each disclosure date, a disclosure of 11155
electioneering communications statement containing the following 11156

information: 11157

(a) The full name and address of the person making the 11158
disbursement, of any person sharing or exercising direction or 11159
control over the activities of the person making the disbursement, 11160
and of the custodian of the books and accounts of the person 11161
making the disbursement; 11162

(b) The principal place of business of the person making the 11163
disbursement, if not an individual; 11164

(c) The amount of each disbursement of more than one dollar 11165
during the period covered by the statement and the identity of the 11166
person to whom the disbursement was made; 11167

(d) The nominations or elections to which the electioneering 11168
communications pertain and the names, if known, of the candidates 11169
identified or to be identified; 11170

(e) If the disbursements were paid out of a segregated bank 11171
account that consists of funds contributed solely by individuals 11172
who are United States citizens or nationals or lawfully admitted 11173
for permanent residence as defined in section 101(a)(20) of the 11174
Immigration and Nationality Act directly to the account for 11175
electioneering communications, the information specified in 11176
division (D)(2) of this section for all contributors who 11177
contributed an aggregate amount of two hundred dollars or more to 11178
the segregated bank account and whose contributions were used for 11179
making the disbursement or disbursements required to be reported 11180
under division (D) of this section during the period covered by 11181
the statement. Nothing in this division prohibits or shall be 11182
construed to prohibit the use of funds in such a segregated bank 11183
account for a purpose other than electioneering communications. 11184

(f) If the disbursements were paid out of funds not described 11185
in division (D)(1)(e) of this section, the information specified 11186
in division (D)(2) of this section for all contributors who 11187

contributed an aggregate amount of two hundred dollars or more to 11188
the person making the disbursement and whose contributions were 11189
used for making the disbursement or disbursements required to be 11190
reported under division (D) of this section during the period 11191
covered by the statement. 11192

(2) For each contributor for which information is required to 11193
be reported under division (D)(1)(e) or (f) of this section, all 11194
of the following shall be reported: 11195

(a) The month, day, and year that the contributor made the 11196
contribution or contributions aggregating two hundred dollars or 11197
more; 11198

(b)(i) The full name and address of the contributor, and, if 11199
the contributor is a political action committee, the registration 11200
number assigned to the political action committee under division 11201
(D)(1) of section 3517.10 of the Revised Code; 11202

(ii) If the contributor is an individual, the name of the 11203
individual's current employer, if any, or, if the individual is 11204
self-employed, the individual's occupation and the name of the 11205
individual's business, if any; 11206

(iii) If the contribution is transmitted pursuant to section 11207
3599.031 of the Revised Code from amounts deducted from the wages 11208
and salaries of two or more employees that exceed in the aggregate 11209
one hundred dollars during the period specified in division 11210
(D)(1)(e) or (f) of this section, as applicable, the full name of 11211
the employees' employer and the full name of the labor 11212
organization of which the employees are members, if any. 11213

(c) A description of the contribution, if other than money; 11214

(d) The value in dollars and cents of the contribution. 11215

(3) Subject to the secretary of state having implemented, 11216
tested, and verified the successful operation of any system the 11217

secretary of state prescribes pursuant to divisions (C)(6)(b) and 11218
(D)(6) of section 3517.10 and division (H)(1) of section 3517.106 11219
of the Revised Code for the filing of campaign finance statements 11220
by electronic means of transmission, a person shall file the 11221
disclosure of electioneering communications statement prescribed 11222
under divisions (D)(1) and (2) of this section by electronic means 11223
of transmission to the office of the secretary of state. 11224

Within five business days after the secretary of state 11225
receives a disclosure of electioneering communications statement 11226
under this division, the secretary of state shall make available 11227
online to the public through the internet, as provided in division 11228
(I) of section 3517.106 of the Revised Code, the contribution and 11229
disbursement information in that statement. 11230

If a filed disclosure of electioneering communications 11231
statement is found to be incomplete or inaccurate after its 11232
examination for completeness and accuracy pursuant to division 11233
(B)(3)(a) of section 3517.11 of the Revised Code, the person shall 11234
file by electronic means of transmission to the office of the 11235
secretary of state any addendum, amendment, or other correction to 11236
the statement that provides the information necessary to complete 11237
or correct the statement or, if required by the secretary of state 11238
under that division, an amended statement. 11239

Within five business days after the secretary of state 11240
receives an addendum, amendment, or other correction to a 11241
disclosure of electioneering communications statement or an 11242
amended statement by electronic means of transmission under this 11243
division or division (B)(3)(a) of section 3517.11 of the Revised 11244
Code, the secretary of state shall make the contribution and 11245
disbursement information in the addendum, amendment, or other 11246
correction to the statement or amended statement available online 11247
to the public through the internet as provided in division (I) of 11248
section 3517.106 of the Revised Code. 11249

(E)(1) Any person who makes a contribution for the purpose of funding the direct costs of producing or airing an electioneering communication under this section shall provide the person's full name and address to the recipient of the contribution at the time the contribution is made.

(2) Any individual who makes a contribution or contributions aggregating two hundred dollars or more for the purpose of funding the direct costs of producing or airing an electioneering communication under this section shall provide the name of the individual's current employer, if any, or, if the individual is self-employed, the individual's occupation and the name of the individual's business, if any, to the recipient of the contribution at the time the contribution is made.

(F) In each electioneering communication, a statement shall appear or be presented in a clear and conspicuous manner that does both of the following:

(1) Clearly indicates that the electioneering communication is not authorized by the candidate or the candidate's campaign committee;

(2) Clearly identifies the person making the disbursement for the electioneering communication in accordance with section 3517.20 of the Revised Code.

(G) Any coordinated electioneering communication is an in-kind contribution, subject to the applicable contribution limits prescribed in section 3517.102 of the Revised Code, to the candidate by the person making disbursements to pay the direct costs of producing or airing the communication.

(H) No person shall make, during the thirty days preceding a primary election or during the thirty days preceding a general election, any broadcast, cable, or satellite communication that refers to a clearly identified candidate using any contributions

received from a corporation or labor organization. 11281

Sec. 3517.12. (A) Prior to receiving a contribution or making 11282
an expenditure, the circulator or committee in charge of an 11283
initiative or referendum petition, or supplementary petition for 11284
additional signatures, for the submission of a constitutional 11285
amendment, proposed law, section, or item of any law shall appoint 11286
a treasurer and shall file with the secretary of state, on a form 11287
prescribed by the secretary of state, a designation of that 11288
appointment, including the full name and address of the treasurer 11289
and of the circulator or committee. 11290

(B) The circulator or the committee in charge of an 11291
initiative or referendum petition, or supplementary petition for 11292
additional signatures, for the submission of a constitutional 11293
amendment, proposed law, section, or item of any law shall, within 11294
thirty days after ~~such~~ those petition papers are filed, file with 11295
the secretary of state, on a form prescribed by the secretary of 11296
state, an itemized statement, made under penalty of election 11297
falsification, showing in detail the following: 11298

~~(A)~~(1) All money or things of value paid, given, ~~or~~ promised, 11299
or received for circulating ~~such~~ the petitions; 11300

~~(B)~~(2) All appointments, promotions, or increases in salary, 11301
in positions which were given ~~or~~ promised, or received, or to 11302
obtain which assistance was given ~~or~~ promised, or received as a 11303
consideration for work done in circulating petitions; 11304

~~(C)~~(3) Full names and addresses, including street, city, and 11305
state, of all persons to whom such payments or promises were made 11306
and of all persons from whom such payments or promises were 11307
received; 11308

~~(D)~~(4) Full names and addresses, including street, city, and 11309
state, of all persons who contributed anything of value to be used 11310

in circulating ~~such~~ the petitions, and the amounts of those
contributions;

~~(E)~~(5) Time spent and salaries earned while soliciting
signatures to petitions by persons who were regular salaried
employees of some person or whom ~~said~~ that employer authorized to
solicit as part of their regular duties.

If no money or things of value were paid or received or if no
promises were made or received as a consideration for work done in
circulating ~~such~~ a petition, the statement shall contain words to
that effect.

(C) The treasurer designated under division (A) of this
section shall file statements of contributions and expenditures in
accordance with section 3517.10 of the Revised Code regarding all
contributions made or received and all expenditures made by that
treasurer or the circulator or committee in connection with the
initiative or referendum petition, or supplementary petition for
additional signatures, for the submission of a constitutional
amendment, proposed law, section, or item of any law.

Sec. 3517.13. (A)(1) No campaign committee of a statewide
candidate shall fail to file a complete and accurate statement
required under division (A)(1) of section 3517.10 of the Revised
Code.

(2) No campaign committee of a statewide candidate shall fail
to file a complete and accurate monthly statement, and no campaign
committee of a statewide candidate or a candidate for the office
of chief justice or justice of the supreme court shall fail to
file a complete and accurate two-business-day statement, as
required under section 3517.10 of the Revised Code.

As used in this division, "statewide candidate" has the same
meaning as in division (F)(2) of section 3517.10 of the Revised

Code. 11341

(B) No campaign committee shall fail to file a complete and 11342
accurate statement required under division (A)(1) of section 11343
3517.10 of the Revised Code. 11344

(C) No campaign committee shall fail to file a complete and 11345
accurate statement required under division (A)(2) of section 11346
3517.10 of the Revised Code. 11347

(D) No campaign committee shall fail to file a complete and 11348
accurate statement required under division (A)(3) or (4) of 11349
section 3517.10 of the Revised Code. 11350

(E) No person other than a campaign committee shall knowingly 11351
fail to file a statement required under section 3517.10 or 11352
3517.107 of the Revised Code. 11353

(F) No person shall make cash contributions to any person 11354
totaling more than one hundred dollars in each primary, special, 11355
or general election. 11356

(G)(1) No person shall knowingly conceal or misrepresent 11357
contributions given or received, expenditures made, or any other 11358
information required to be reported by a provision in sections 11359
3517.08 to 3517.13 and 3517.17 of the Revised Code. 11360

(2)(a) No person shall make a contribution to a campaign 11361
committee, political action committee, political contributing 11362
entity, legislative campaign fund, political party, or person 11363
making disbursements to pay the direct costs of producing or 11364
airing electioneering communications in the name of another 11365
person. 11366

(b) A person does not make a contribution in the name of 11367
another when either of the following applies: 11368

(i) An individual makes a contribution from a partnership or 11369
other unincorporated business account, if the contribution is 11370

reported by listing both the name of the partnership or other 11371
unincorporated business and the name of the partner or owner 11372
making the contribution as required under division (I) of section 11373
3517.10 of the Revised Code. 11374

(ii) A person makes a contribution in that person's spouse's 11375
name or in both of their names. 11376

(H) No person within this state, publishing a newspaper or 11377
other periodical, shall charge a campaign committee for political 11378
advertising a rate in excess of the rate such person would charge 11379
if the campaign committee were a general rate advertiser whose 11380
advertising was directed to promoting its business within the same 11381
area as that encompassed by the particular office that the 11382
candidate of the campaign committee is seeking. The rate shall 11383
take into account the amount of space used, as well as the type of 11384
advertising copy submitted by or on behalf of the campaign 11385
committee. All discount privileges otherwise offered by a 11386
newspaper or periodical to general rate advertisers shall be 11387
available upon equal terms to all campaign committees. 11388

No person within this state, operating a radio or television 11389
station or network of stations in this state, shall charge a 11390
campaign committee for political broadcasts a rate that exceeds: 11391

(1) During the forty-five days preceding the date of a 11392
primary election and during the sixty days preceding the date of a 11393
general or special election in which the candidate of the campaign 11394
committee is seeking office, the lowest unit charge of the station 11395
for the same class and amount of time for the same period; 11396

(2) At any other time, the charges made for comparable use of 11397
that station by its other users. 11398

(I) Subject to divisions (K), (L), (M), and (N) of this 11399
section, no agency or department of this state or any political 11400
subdivision shall award any contract, other than one let by 11401

competitive bidding or a contract incidental to such contract or 11402
which is by force account, for the purchase of goods costing more 11403
than five hundred dollars or services costing more than five 11404
hundred dollars to any individual, partnership, association, 11405
including, without limitation, a professional association 11406
organized under Chapter 1785. of the Revised Code, estate, or 11407
trust if the individual has made or the individual's spouse has 11408
made, or any partner, shareholder, administrator, executor, or 11409
trustee or the spouse of any of them has made, as an individual, 11410
within the two previous calendar years, one or more contributions 11411
totaling in excess of one thousand dollars to the holder of the 11412
public office having ultimate responsibility for the award of the 11413
contract or to the public officer's campaign committee. 11414

(J) Subject to divisions (K), (L), (M), and (N) of this 11415
section, no agency or department of this state or any political 11416
subdivision shall award any contract, other than one let by 11417
competitive bidding or a contract incidental to such contract or 11418
which is by force account, for the purchase of goods costing more 11419
than five hundred dollars or services costing more than five 11420
hundred dollars to a corporation or business trust, except a 11421
professional association organized under Chapter 1785. of the 11422
Revised Code, if an owner of more than twenty per cent of the 11423
corporation or business trust or the spouse of that person has 11424
made, as an individual, within the two previous calendar years, 11425
taking into consideration only owners for all of that period, one 11426
or more contributions totaling in excess of one thousand dollars 11427
to the holder of a public office having ultimate responsibility 11428
for the award of the contract or to the public officer's campaign 11429
committee. 11430

(K) For purposes of divisions (I) and (J) of this section, if 11431
a public officer who is responsible for the award of a contract is 11432
appointed by the governor, whether or not the appointment is 11433

subject to the advice and consent of the senate, excluding members 11434
of boards, commissions, committees, authorities, councils, boards 11435
of trustees, task forces, and other such entities appointed by the 11436
governor, the office of the governor is considered to have 11437
ultimate responsibility for the award of the contract. 11438

(L) For purposes of divisions (I) and (J) of this section, if 11439
a public officer who is responsible for the award of a contract is 11440
appointed by the elected chief executive officer of a municipal 11441
corporation, or appointed by the elected chief executive officer 11442
of a county operating under an alternative form of county 11443
government or county charter, excluding members of boards, 11444
commissions, committees, authorities, councils, boards of 11445
trustees, task forces, and other such entities appointed by the 11446
chief executive officer, the office of the chief executive officer 11447
is considered to have ultimate responsibility for the award of the 11448
contract. 11449

(M)(1) Divisions (I) and (J) of this section do not apply to 11450
contracts awarded by the board of commissioners of the sinking 11451
fund, municipal legislative authorities, boards of education, 11452
boards of county commissioners, boards of township trustees, or 11453
other boards, commissions, committees, authorities, councils, 11454
boards of trustees, task forces, and other such entities created 11455
by law, by the supreme court or courts of appeals, by county 11456
courts consisting of more than one judge, courts of common pleas 11457
consisting of more than one judge, or municipal courts consisting 11458
of more than one judge, or by a division of any court if the 11459
division consists of more than one judge. This division shall 11460
apply to the specified entity only if the members of the entity 11461
act collectively in the award of a contract for goods or services. 11462

(2) Divisions (I) and (J) of this section do not apply to 11463
actions of the controlling board. 11464

(N)(1) Divisions (I) and (J) of this section apply to 11465
contributions made to the holder of a public office having 11466
ultimate responsibility for the award of a contract, or to the 11467
public officer's campaign committee, during the time the person 11468
holds the office and during any time such person was a candidate 11469
for the office. Those divisions do not apply to contributions made 11470
to, or to the campaign committee of, a candidate for or holder of 11471
the office other than the holder of the office at the time of the 11472
award of the contract. 11473

(2) Divisions (I) and (J) of this section do not apply to 11474
contributions of a partner, shareholder, administrator, executor, 11475
trustee, or owner of more than twenty per cent of a corporation or 11476
business trust made before the person held any of those positions 11477
or after the person ceased to hold any of those positions in the 11478
partnership, association, estate, trust, corporation, or business 11479
trust whose eligibility to be awarded a contract is being 11480
determined, nor to contributions of the person's spouse made 11481
before the person held any of those positions, after the person 11482
ceased to hold any of those positions, before the two were 11483
married, after the granting of a decree of divorce, dissolution of 11484
marriage, or annulment, or after the granting of an order in an 11485
action brought solely for legal separation. Those divisions do not 11486
apply to contributions of the spouse of an individual whose 11487
eligibility to be awarded a contract is being determined made 11488
before the two were married, after the granting of a decree of 11489
divorce, dissolution of marriage, or annulment, or after the 11490
granting of an order in an action brought solely for legal 11491
separation. 11492

(O) No beneficiary of a campaign fund or other person shall 11493
convert for personal use, and no person shall knowingly give to a 11494
beneficiary of a campaign fund or any other person, for the 11495
beneficiary's or any other person's personal use, anything of 11496

value from the beneficiary's campaign fund, including, without	11497
limitation, payments to a beneficiary for services the beneficiary	11498
personally performs, except as reimbursement for any of the	11499
following:	11500
(1) Legitimate and verifiable prior campaign expenses	11501
incurred by the beneficiary;	11502
(2) Legitimate and verifiable ordinary and necessary prior	11503
expenses incurred by the beneficiary in connection with duties as	11504
the holder of a public office, including, without limitation,	11505
expenses incurred through participation in nonpartisan or	11506
bipartisan events if the participation of the holder of a public	11507
office would normally be expected;	11508
(3) Legitimate and verifiable ordinary and necessary prior	11509
expenses incurred by the beneficiary while doing any of the	11510
following:	11511
(a) Engaging in activities in support of or opposition to a	11512
candidate other than the beneficiary, political party, or ballot	11513
issue;	11514
(b) Raising funds for a political party, political action	11515
committee, political contributing entity, legislative campaign	11516
fund, campaign committee, or other candidate;	11517
(c) Participating in the activities of a political party,	11518
political action committee, political contributing entity,	11519
legislative campaign fund, or campaign committee;	11520
(d) Attending a political party convention or other political	11521
meeting.	11522
For purposes of this division, an expense is incurred	11523
whenever a beneficiary has either made payment or is obligated to	11524
make payment, as by the use of a credit card or other credit	11525
procedure or by the use of goods or services received on account.	11526

(P) No beneficiary of a campaign fund shall knowingly accept, 11527
and no person shall knowingly give to the beneficiary of a 11528
campaign fund, reimbursement for an expense under division (O) of 11529
this section to the extent that the expense previously was 11530
reimbursed or paid from another source of funds. If an expense is 11531
reimbursed under division (O) of this section and is later paid or 11532
reimbursed, wholly or in part, from another source of funds, the 11533
beneficiary shall repay the reimbursement received under division 11534
(O) of this section to the extent of the payment made or 11535
reimbursement received from the other source. 11536

(Q) No candidate or public official or employee shall accept 11537
for personal or business use anything of value from a political 11538
party, political action committee, political contributing entity, 11539
legislative campaign fund, or campaign committee other than the 11540
candidate's or public official's or employee's own campaign 11541
committee, and no person shall knowingly give to a candidate or 11542
public official or employee anything of value from a political 11543
party, political action committee, political contributing entity, 11544
legislative campaign fund, or such a campaign committee, except 11545
for the following: 11546

(1) Reimbursement for legitimate and verifiable ordinary and 11547
necessary prior expenses not otherwise prohibited by law incurred 11548
by the candidate or public official or employee while engaged in 11549
any legitimate activity of the political party, political action 11550
committee, political contributing entity, legislative campaign 11551
fund, or such campaign committee. Without limitation, reimbursable 11552
expenses under this division include those incurred while doing 11553
any of the following: 11554

(a) Engaging in activities in support of or opposition to 11555
another candidate, political party, or ballot issue; 11556

(b) Raising funds for a political party, legislative campaign 11557

fund, campaign committee, or another candidate; 11558

(c) Attending a political party convention or other political 11559
meeting. 11560

(2) Compensation not otherwise prohibited by law for actual 11561
and valuable personal services rendered under a written contract 11562
to the political party, political action committee, political 11563
contributing entity, legislative campaign fund, or such campaign 11564
committee for any legitimate activity of the political party, 11565
political action committee, political contributing entity, 11566
legislative campaign fund, or such campaign committee. 11567

Reimbursable expenses under this division do not include, and 11568
it is a violation of this division for a candidate or public 11569
official or employee to accept, or for any person to knowingly 11570
give to a candidate or public official or employee from a 11571
political party, political action committee, political 11572
contributing entity, legislative campaign fund, or campaign 11573
committee other than the candidate's or public official's or 11574
employee's own campaign committee, anything of value for 11575
activities primarily related to the candidate's or public 11576
official's or employee's own campaign for election, except for 11577
contributions to the candidate's or public official's or 11578
employee's campaign committee. 11579

For purposes of this division, an expense is incurred 11580
whenever a candidate or public official or employee has either 11581
made payment or is obligated to make payment, as by the use of a 11582
credit card or other credit procedure, or by the use of goods or 11583
services on account. 11584

(R)(1) Division (O) or (P) of this section does not prohibit 11585
a campaign committee from making direct advance or post payment 11586
from contributions to vendors for goods and services for which 11587
reimbursement is permitted under division (O) of this section, 11588

except that no campaign committee shall pay its candidate or other
beneficiary for services personally performed by the candidate or
other beneficiary.

(2) If any expense that may be reimbursed under division (O),
(P), or (Q) of this section is part of other expenses that may not
be paid or reimbursed, the separation of the two types of expenses
for the purpose of allocating for payment or reimbursement those
expenses that may be paid or reimbursed may be by any reasonable
accounting method, considering all of the surrounding
circumstances.

(3) For purposes of divisions (O), (P), and (Q) of this
section, mileage allowance at a rate not greater than that allowed
by the internal revenue service at the time the travel occurs may
be paid instead of reimbursement for actual travel expenses
allowable.

(S)(1) As used in division (S) of this section:

(a) "State elective office" has the same meaning as in
section 3517.092 of the Revised Code.

(b) "Federal office" means a federal office as defined in the
Federal Election Campaign Act.

(c) "Federal campaign committee" means a principal campaign
committee or authorized committee as defined in the Federal
Election Campaign Act.

(2) No person who is a candidate for state elective office
and who previously sought nomination or election to a federal
office shall transfer any funds or assets from that person's
federal campaign committee for nomination or election to the
federal office to that person's campaign committee as a candidate
for state elective office.

(3) No campaign committee of a person who is a candidate for

state elective office and who previously sought nomination or 11619
election to a federal office shall accept any funds or assets from 11620
that person's federal campaign committee for that person's 11621
nomination or election to the federal office. 11622

(T)(1) Except as otherwise provided in division (B)(6)(c) of 11623
section 3517.102 of the Revised Code, a state or county political 11624
party shall not disburse moneys from any account other than a 11625
state candidate fund to make contributions to any of the 11626
following: 11627

(a) A state candidate fund; 11628

(b) A legislative campaign fund; 11629

(c) A campaign committee of a candidate for the office of 11630
governor, lieutenant governor, secretary of state, auditor of 11631
state, treasurer of state, attorney general, member of the state 11632
board of education, or member of the general assembly. 11633

(2) No state candidate fund, legislative campaign fund, or 11634
campaign committee of a candidate for any office described in 11635
division (T)(1)(c) of this section shall knowingly accept a 11636
contribution in violation of division (T)(1) of this section. 11637

(U) No person shall fail to file ~~the~~ a statement required 11638
under section 3517.12 of the Revised Code. 11639

(V) No campaign committee shall fail to file a statement 11640
required under division (K)(3) of section 3517.10 of the Revised 11641
Code. 11642

(W)(1) No foreign national shall, directly or indirectly 11643
through any other person or entity, make a contribution, 11644
expenditure, or independent expenditure or promise, either 11645
expressly or implicitly, to make a contribution, expenditure, or 11646
independent expenditure in support of or opposition to a candidate 11647
for any elective office in this state, including an office of a 11648

political party. 11649

(2) No candidate, campaign committee, political action 11650
committee, political contributing entity, legislative campaign 11651
fund, state candidate fund, political party, or separate 11652
segregated fund shall solicit or accept a contribution, 11653
expenditure, or independent expenditure from a foreign national. 11654
The secretary of state may direct any candidate, committee, 11655
entity, fund, or party that accepts a contribution, expenditure, 11656
or independent expenditure in violation of this division to return 11657
the contribution, expenditure, or independent expenditure or, if 11658
it is not possible to return the contribution, expenditure, or 11659
independent expenditure, then to return instead the value of it, 11660
to the contributor. 11661

(3) As used in division (W) of this section, "foreign 11662
national" has the same meaning as in section 441e(b) of the 11663
Federal Election Campaign Act. 11664

(X)(1) No state or county political party shall transfer any 11665
moneys from its restricted fund to any account of the political 11666
party into which contributions may be made or from which 11667
contributions or expenditures may be made. 11668

(2)(a) No state or county political party shall deposit a 11669
contribution or contributions that it receives into its restricted 11670
fund. 11671

(b) No state or county political party shall make a 11672
contribution or an expenditure from its restricted fund. 11673

(3)(a) No corporation or labor organization shall make a gift 11674
or gifts from the corporation's or labor organization's money or 11675
property aggregating more than ten thousand dollars to any one 11676
state or county political party for the party's restricted fund in 11677
a calendar year. 11678

(b) No state or county political party shall accept a gift or 11679
gifts for the party's restricted fund aggregating more than ten 11680
thousand dollars from any one corporation or labor organization in 11681
a calendar year. 11682

(4) No state or county political party shall transfer any 11683
moneys in the party's restricted fund to any other state or county 11684
political party. 11685

(5) No state or county political party shall knowingly fail 11686
to file a statement required under section 3517.1012 of the 11687
Revised Code. 11688

(Y) The administrator of workers' compensation and the 11689
employees of the bureau of workers' compensation shall not conduct 11690
any business with or award any contract, other than one awarded by 11691
competitive bidding, for the purchase of goods costing more than 11692
five hundred dollars or services costing more than five hundred 11693
dollars to any individual, partnership, association, including, 11694
without limitation, a professional association organized under 11695
Chapter 1785. of the Revised Code, estate, or trust, if the 11696
individual has made, or the individual's spouse has made, or any 11697
partner, shareholder, administrator, executor, or trustee, or the 11698
spouses of any of those individuals has made, as an individual, 11699
within the two previous calendar years, one or more contributions 11700
totaling in excess of one thousand dollars to the campaign 11701
committee of the governor or lieutenant governor or to the 11702
campaign committee of any candidate for the office of governor or 11703
lieutenant governor. 11704

(Z) The administrator of workers' compensation and the 11705
employees of the bureau of workers' compensation shall not conduct 11706
business with or award any contract, other than one awarded by 11707
competitive bidding, for the purchase of goods costing more than 11708
five hundred dollars or services costing more than five hundred 11709

dollars to a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, if an owner of more than twenty per cent of the corporation or business trust, or the spouse of the owner, has made, as an individual, within the two previous calendar years, taking into consideration only owners for all of such period, one or more contributions totaling in excess of one thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor.

Sec. 3517.153. (A) Upon the filing of a complaint with the Ohio elections commission, which shall be made by affidavit of any person, on personal knowledge, and subject to the penalties for perjury, or upon the filing of a complaint made by the secretary of state or an official at the board of elections, setting forth a failure to comply with or a violation of any provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code, the commission shall proceed in accordance with sections 3517.154 to 3517.157 of the Revised Code.

(B) The commission shall prescribe the form for complaints made under division (A) of this section. The secretary of state and boards of elections shall furnish the information that the commission requests. The commission or a member of the commission may administer oaths, and the commission may issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and reports. Section 101.42 of the Revised Code governs the issuance of subpoenas insofar as applicable. Upon the refusal of any person to obey a subpoena or to be sworn or to answer as a witness, the commission may apply to the court of common pleas of Franklin county under section 2705.03 of the Revised Code. The court shall

hold proceedings in accordance with Chapter 2705. of the Revised Code. 11741
11742

(C) No prosecution shall commence for a violation of a 11743
provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 11744
3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code 11745
unless a complaint has been filed with the commission under this 11746
section and all proceedings of the commission or a panel of the 11747
commission, as appropriate, under sections 3517.154 to 3517.157 of 11748
the Revised Code are completed. 11749

(D) The commission may recommend legislation and render 11750
advisory opinions concerning sections 3517.08, 3517.082, 3517.092, 11751
3517.102, 3517.103, 3517.105, 3517.13, 3517.18, 3517.20 to 11752
3517.22, 3599.03, and 3599.031 of the Revised Code for persons 11753
over whose acts it has or may have jurisdiction. When the 11754
commission renders an advisory opinion relating to a specific set 11755
of circumstances involving any of those sections stating that 11756
there is no violation of a provision in those sections, the person 11757
to whom the opinion is directed or a person who is similarly 11758
situated may reasonably rely on the opinion and is immune from 11759
criminal prosecution and a civil action, including, without 11760
limitation, a civil action for removal from public office or 11761
employment, based on facts and circumstances covered by the 11762
opinion. 11763

(E) The commission shall establish a web site on which it 11764
shall post, at a minimum, all decisions and advisory opinions 11765
issued by the commission and copies of each election law as it is 11766
amended by the general assembly. The commission shall update the 11767
web site regularly to reflect any changes to those decisions and 11768
advisory opinions and any new decisions and advisory opinions. 11769

Sec. 3519.01. (A) ~~Whoever~~ Only one proposal of law or 11770
constitutional amendment to be proposed by initiative petition 11771

shall be contained in an initiative petition to enable the voters 11772
to vote on that proposal separately. A petition shall include the 11773
text of any existing statute or constitutional provision that 11774
would be amended or repealed if the proposed law or constitutional 11775
amendment is adopted. 11776

Whoever seeks to propose a law or constitutional amendment by 11777
initiative petition shall, by a written petition signed by one 11778
~~hundred~~ thousand qualified electors, submit the proposed law or 11779
constitutional amendment and a summary of it to the attorney 11780
general for examination. Within ten days after the receipt of the 11781
written petition and the summary of it, the attorney general shall 11782
conduct an examination of the summary. If, in the opinion of the 11783
attorney general, the summary is a fair and truthful statement of 11784
the proposed law or constitutional amendment, ~~he~~ the attorney 11785
general shall so certify and then forward the submitted petition 11786
to the Ohio ballot board for its approval under division (A) of 11787
section 3505.062 of the Revised Code. A If the Ohio ballot board 11788
returns the submitted petition to the attorney general with its 11789
certification as described in that division, the attorney general 11790
shall then file with the secretary of state a verified copy of the 11791
proposed law or constitutional amendment, ~~together with the~~ its 11792
summary and the attorney general's certification, ~~shall then be~~ 11793
~~filed with the secretary of state.~~ 11794

Whenever the Ohio ballot board divides an initiative petition 11795
into individual petitions containing only proposed law or 11796
constitutional amendment under division (A) of section 3505.062 of 11797
the Revised Code resulting in the need for the petitioners to 11798
resubmit to the attorney general appropriate summaries for each of 11799
the individual petitions arising from the board's division of the 11800
initiative petition, the attorney general shall review the 11801
resubmitted summaries, within ten days after their receipt, to 11802
determine if they are a fair and truthful statement of the 11803

respective proposed laws or constitutional amendments and, if so, 11804
certify them. These resubmissions shall contain no new 11805
explanations or arguments. Then, the attorney general shall file 11806
with the secretary of state a verified copy of each of the 11807
proposed laws or constitutional amendments together with their 11808
respective summaries and the attorney general's certification of 11809
each. 11810

(B)(1) Whoever seeks to file a referendum petition against 11811
any law, section, or item in any law shall, by a written petition 11812
signed by one ~~hundred~~ thousand qualified electors, submit the 11813
measure to be referred and a summary of it to the secretary of 11814
state and, on the same day or within one business day before or 11815
after that day, submit a copy of the petition, measure, and 11816
summary to the attorney general. 11817

(2) Not later than ten business days after receiving the 11818
petition, measure, and summary, the secretary of state shall do 11819
both of the following: 11820

(a) Have the validity of the signatures on the petition 11821
verified; 11822

(b) After comparing the text of the measure to be referred 11823
with the copy of the enrolled ~~bill~~ act on file in ~~his~~ the 11824
secretary of state's office containing the law, section, or item 11825
of law, determine whether the text is correct and, if it is, so 11826
certify. 11827

(3) Not later than ten business days after receiving a copy 11828
of the petition, measure, and summary, the attorney general shall 11829
examine the summary and, if in ~~his~~ the attorney general's opinion, 11830
the summary is a fair and truthful statement of the measure to be 11831
referred, so certify. 11832

(C) Any person who is aggrieved by a certification decision 11833
under division (A) or (B) of this section may challenge the 11834

certification or failure to certify of the attorney general in the 11835
supreme court, which shall have exclusive, original jurisdiction 11836
in all challenges of those certification decisions. 11837

Sec. 3519.03. (A) The committee named in a initiative 11838
petition may prepare the argument or explanation, or both, in 11839
favor of the measure proposed, and the committee named in a 11840
referendum petition may prepare the argument or explanation, or 11841
both, against any law or section or item of law. The persons who 11842
prepare the argument or explanation, or both, in opposition to the 11843
initiated proposal, or the argument or explanation, or both, in 11844
favor of the measure to be referred shall be named by the general 11845
assembly, if it is in session, or by the governor, if the general 11846
assembly is not in session. Such argument or explanation, or both, 11847
shall not exceed three hundred words and shall be filed with the 11848
secretary of state at least ~~seventy-five~~ eighty days prior to the 11849
date of the election at which the measure is to be voted upon. 11850

(B)(1) If the committee named in an initiative petition, the 11851
committee named in a referendum petition, or other persons 11852
designated under division (A) of this section fail to prepare and 11853
file their arguments or explanations by the ~~seventy-fifth~~ 11854
eightieth day before the date of the election, the secretary of 11855
state shall notify the Ohio ballot board that those arguments or 11856
explanations have not been so prepared and filed. The board then 11857
shall prepare the missing arguments or explanations or designate a 11858
group of persons to prepare those arguments or explanations. All 11859
arguments or explanations prepared under this division shall be 11860
filed with the secretary of state no later than ~~seventy~~ 11861
seventy-five days before the date of the election. No argument or 11862
explanation shall exceed three hundred words. 11863

(2) If the Ohio ballot board fails to provide for the 11864

preparation of missing arguments or explanations under division 11865
(B)(1) of this section after being notified by the secretary of 11866
state that one or more arguments or explanations have not been 11867
timely prepared and filed, the positions of the four appointed 11868
members of the board shall be considered vacant, and new members 11869
shall be appointed in the manner provided for original 11870
appointments. 11871

Sec. 3519.04. ~~Upon~~ Within two days after receipt, under 11872
division (A) of section 3519.01 of the Revised Code, of the 11873
verified copy of a proposed state law or constitutional amendment 11874
proposing the levy of any tax or involving a matter that will 11875
necessitate the expenditure of any funds of the state or any 11876
political subdivision of the state, the secretary of state shall 11877
request of the office of budget and management an estimate of any 11878
annual expenditure of public funds proposed and of the tax 11879
commissioner the annual yield of any proposed taxes. The office of 11880
budget and management, on receipt of a request for an estimate of 11881
the annual expenditure of public funds proposed, shall prepare the 11882
estimate and file it in the office of the secretary of state. The 11883
tax commissioner, on receipt of a request for an estimate of the 11884
annual yield of any proposed taxes, shall prepare the estimate and 11885
file it in the office of the secretary of state. The office of 11886
budget and management and the tax commissioner may issue a joint 11887
estimate if the proposed state law or constitutional amendment 11888
necessitates both the expenditure of public funds and a levy of 11889
any tax. 11890

Upon receipt of an estimate of the annual expenditure of 11891
public funds proposed from the office of budget and management, an 11892
estimate of the annual yield of any proposed taxes from the tax 11893
commissioner, or a joint estimate of the annual expenditure of 11894
public funds proposed and the annual yield of any proposed taxes 11895

from the office of budget and management and the tax commissioner, 11896
the secretary of state shall post the estimate on a web site of 11897
the office of secretary of state for thirty days before the 11898
election at which the proposed state law or constitutional 11899
amendment will be voted upon. 11900

Sec. 3519.05. If the measure to be submitted proposes a 11901
constitutional amendment, the heading of each part of the petition 11902
shall be prepared in the following form, and printed in capital 11903
letters in type of the approximate size set forth: 11904

"INITIATIVE PETITION 11905

Number 11906

Issued to 11907

~~(Name of solicitor)~~ 11908

Date of issuance 11909

..... 11910

Amendment to the Constitution 11911

Proposed by Initiative Petition 11912

To be submitted directly to the electors" 11913

"Amendment" printed in fourteen-point boldface type shall 11914
precede the title, which shall be briefly expressed and printed in 11915
eight-point type. The summary shall then be set forth printed in 11916
ten-point type, and then shall follow the certification of the 11917
attorney general, under proper date, which shall also be printed 11918
in ten-point type. The petition shall then set forth the names and 11919
addresses of the committee of not less than three nor more than 11920
five to represent the petitioners in all matters relating to the 11921
petition or its circulation. 11922

Immediately above the heading of the place for signatures on 11923
each part of the petition the following notice shall be printed in 11924
boldface type: 11925

"NOTICE

11926

Whoever knowingly signs this petition more than once; except
as provided in section 3501.382 of the Revised Code, signs a name
other than one's own, on this petition; or signs this petition
when not a qualified voter, is liable to prosecution.

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~~In consideration for services in soliciting signatures to
this petition, the solicitor has received or expects to
receive~~

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11932

11933

~~from~~

11934

~~(Whose address is).....~~

11935

~~....."~~

11936

~~Before any elector signs the part petition, the solicitor shall
completely fill in the above blanks if the solicitor has received
or will receive any consideration, and if the solicitor has not
received and will not receive any consideration, the solicitor
shall insert "nothing."~~

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The heading of the place for signatures shall be
substantially as follows:

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11943

"(Sign with ink ~~or indelible pencil~~. Your name, residence, and
date of signing must be given.)

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11945

11946

Rural Route or
other Post-

11947

11948

Signature County Township office Address Month Day Year

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11950

(Voters who do not live in a municipal corporation should fill in
the information called for by headings printed above.)

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11952

(Voters who reside in municipal corporations should fill in the
information called for by headings printed below.)

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City Street 11956
or and 11957
Signature County Village Number Ward Precinct Month Day Year" 11958

The text of the proposed amendment shall be printed in full, 11960
immediately following the place for signatures, and shall be 11961
prefaced by "Be it resolved by the people of the State of Ohio." 11962
Immediately following the text of the proposed amendment must 11963
appear the following form: 11964

"I,, declare under penalty of election 11965
falsification that I am the circulator of the foregoing petition 11966
paper containing the signatures of electors, that the 11967
signatures appended hereto were made and appended in my presence 11968
on the date set opposite each respective name, and are the 11969
signatures of the persons whose names they purport to be or of 11970
attorneys in fact acting pursuant to section 3501.382 of the 11971
Revised Code, and that the electors signing this petition did so 11972
with knowledge of the contents of same. I am employed to circulate 11973
this petition by (Name and 11974
address of employer). (The preceding sentence shall be completed 11975
as required by section 3501.38 of the Revised Code if the 11976
circulator is being employed to circulate the petition.) 11977

(Signed) (Solicitor) 11978
(Address of circulator's permanent 11979
residence in this state)
..... 11980

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 11981
OF THE FIFTH DEGREE." 11982

If the measure proposes a law, the heading of each part of 11983
the petition shall be prepared as follows: 11984

"INITIATIVE PETITION 11985

.....	12014
To be submitted to the electors for their approval or rejection"	12015 12016
The title, which follows the heading, shall contain a brief legislative history of the law, section, or item of law to be referred. The text of the law so referred shall be followed by the certification of the secretary of state, in accordance with division (B)(2)(b) of section 3519.01 of the Revised Code, that it has been compared with the copy of the enrolled act, on file in the secretary of state's office, containing such law, section, or item of law, and found to be correct.	12017 12018 12019 12020 12021 12022 12023 12024
<u>Sec. 3519.051. Each signature of a voter who signs an initiative or referendum petition shall be an original signature of that voter in ink. Only initiative and referendum petitions containing those original signatures in ink shall be filed with the office of the secretary of state or a board of elections.</u>	12025 12026 12027 12028 12029
<u>Sec. 3519.07. (A) The secretary of state shall post each of the following on the web site of the office of the secretary of state:</u>	12030 12031 12032
<u>(1) The full text of each state law or constitutional amendment proposed by initiative petition that has been approved for the ballot;</u>	12033 12034 12035
<u>(2) The certified summary of each state law or constitutional amendment proposed by initiative petition that has been approved for the ballot;</u>	12036 12037 12038
<u>(3) The ballot language of each state law or constitutional amendment proposed by initiative petition;</u>	12039 12040
<u>(4) The arguments or explanations in favor of or against each state law or constitutional amendment proposed by initiative</u>	12041 12042

petition that has been approved for the ballot. 12043

(B) When publishing or posting on the web site of the office 12044
of the secretary of state arguments or explanations in favor of or 12045
against any state law or constitutional amendment proposed by 12046
initiative petition that has been approved for the ballot, the 12047
secretary of state shall include the names of the persons who 12048
prepared the argument or explanation. The names of the persons 12049
shall not be considered part of the argument or explanation for 12050
purposes of the prohibition against arguments and explanations 12051
exceeding three hundred words under section 3519.03 of the Revised 12052
Code. 12053

Sec. 3523.05. The election provided for in section 3523.01 of 12054
the Revised Code shall be by ballot, which may be separate from 12055
any ballot to be used at the same election. Such ballot shall 12056
first state the substance of the proposed amendment to the 12057
~~constitution~~ Constitution of the United States. This shall be 12058
followed by appropriate instructions to the voter. It shall then 12059
contain perpendicular columns of equal width, headed respectively 12060
in plain type, "for ratification," "against ratification," and 12061
"unpledged." In the column headed "for ratification" shall be 12062
placed the names of the nominees nominated as in favor of 12063
ratification. In the column headed "against ratification" shall be 12064
placed the names of the nominees nominated as against 12065
ratification. In the column headed "unpledged" shall be placed the 12066
names of the nominees nominated as unpledged. The voter shall 12067
indicate ~~his~~ the voter's choice by making one or more punches or 12068
marks in the appropriate spaces provided on the ballot. No ballot 12069
shall be held void because any such punch or mark is irregular in 12070
character. The ballot shall be so arranged that the voter may, by 12071
making a single punch or mark, vote for the entire group of 12072
nominees whose names are comprised in any column. The ballot shall 12073

be in substantially the following form: 12074

PROPOSED AMENDMENT TO THE 12075
CONSTITUTION OF THE UNITED STATES 12076

Delegates to the convention to ratify the proposed amendment. 12077

The congress has proposed an amendment to the ~~constitution~~ 12078
Constitution of the United States which provides (insert here the 12079
substance of the proposed amendment). 12080

The congress has also proposed that the said amendment shall 12081
be ratified by conventions in the states. 12082

INSTRUCTIONS TO VOTERS 12083

Do not vote for more than fifty-two candidates. 12084

To vote for all candidates in favor of ratification, or for 12085
all candidates against ratification, or for all candidates who 12086
intend to remain unpledged, make a mark in the CIRCLE. If you do 12087
this, make no other mark. To vote for an individual candidate make 12088
a mark in the SQUARE at the left of the name. 12089

For Ratification	Against Ratification	Unpledged	
O	O	O	12091
[] John Doe	[] Charles Coe	[] Daniel De Foe	12092
[] Richard Doe	[] Michael Moe	[] Louis St Loe	12093

All rights on the part of lists of candidates to name 12094
~~challengers and witnesses~~ observers in the polling places shall be 12095
the same as those under Title XXXV of the Revised Code. 12096

The fifty-two nominees who receive the highest number of 12097
votes shall be delegates to the convention. 12098

Sec. 3599.11. (A) No person shall knowingly register or make 12099
application or attempt to register in a precinct in which the 12100
person is not a qualified voter; or knowingly aid or abet any 12101
person to so register; or attempt to register or knowingly induce 12102
or attempt to induce any person to so register; or knowingly 12103

impersonate another or write or assume the name of another, real 12104
or fictitious, in registering or attempting to register; or by 12105
false statement or other unlawful means procure, aid, or attempt 12106
to procure the erasure or striking out on the register or 12107
duplicate list of the name of a qualified elector therein; or 12108
knowingly induce or attempt to induce a registrar or other 12109
election authority to refuse registration in a precinct to an 12110
elector thereof; or knowingly swear or affirm falsely upon a 12111
lawful examination by or before any registering officer; or make, 12112
print, or issue any false or counterfeit certificate of 12113
registration or knowingly alter any certificate of registration. 12114

No person shall knowingly register under more than one name 12115
or knowingly induce any person to so register. 12116

No person shall knowingly make any false statement on any 12117
form for registration or change of registration or upon any 12118
application or return envelope for an absent voter's ballot. 12119

Whoever violates this division is guilty of a felony of the 12120
fifth degree. 12121

(B)(1) No person who helps another person register outside an 12122
official voter registration place shall knowingly destroy, or 12123
knowingly help another person to destroy, any completed 12124
registration form, ~~or~~. 12125

Whoever violates this division is guilty of election 12126
falsification, a felony of the fifth degree. 12127

(2)(a) No person who helps another person register outside an 12128
official voter registration place shall knowingly fail to return 12129
any registration form entrusted to that person to the any board of 12130
elections or the office of the secretary of state within ten days 12131
after that registration form is completed, or on or before the 12132
thirtieth day before the election, whichever day is earlier, 12133
unless the registration form is received by the person within 12134

twenty-four hours of the thirtieth day before the election, in 12135
which case the person shall return the registration form to any 12136
board of elections or the office of the secretary of state within 12137
ten days of its receipt. 12138

Whoever violates this division is guilty of a ~~misdemeanor~~ of 12139
~~the first degree~~ election falsification, a felony of the fifth 12140
degree, unless the person has not previously been convicted of a 12141
violation of division (B)(2)(a), (B)(2)(b), (C)(1), or (C)(2) of 12142
this section, the violation of this division does not cause any 12143
person to miss any voter registration deadline with regard to any 12144
election, and the number of voter registration forms that the 12145
violator has failed to properly return does not exceed forty-nine, 12146
in which case the violator is guilty of a misdemeanor of the first 12147
degree. 12148

(b) Subject to division (C)(2) of this section, no person who 12149
helps another person register outside an official registration 12150
place shall knowingly return any registration form entrusted to 12151
that person to any location other than any board of elections or 12152
the office of the secretary of state. 12153

Whoever violates this division is guilty of election 12154
falsification, a felony of the fifth degree, unless the person has 12155
not previously been convicted of a violation of division 12156
(B)(2)(a), (B)(2)(b), (C)(1), or (C)(2) of this section, the 12157
violation of this division does not cause any person to miss any 12158
voter registration deadline with regard to any election, and the 12159
number of voter registration forms that the violator has failed to 12160
properly return does not exceed forty-nine, in which case the 12161
violator is guilty of a misdemeanor of the first degree. 12162

(C)(1) No person who receives compensation for registering a 12163
voter shall knowingly fail to return any registration form 12164
entrusted to that person to any board of elections or the office 12165
of the secretary of state within ten days after that voter 12166

registration form is completed, or on or before the thirtieth day 12167
before the election, whichever is earlier, unless the registration 12168
form is received by the person within twenty-four hours of the 12169
thirtieth day before the election, in which case the person shall 12170
return the registration form to any board of elections or the 12171
office of the secretary of state within ten days of its receipt. 12172

Whoever violates this division is guilty of election 12173
falsification, a felony of the fifth degree, unless the person has 12174
not previously been convicted of a violation of division 12175
(B)(2)(a), (B)(2)(b), (C)(1), or (C)(2) of this section, the 12176
violation of this division does not cause any person to miss any 12177
voter registration deadline with regard to any election, and the 12178
number of voter registration forms that the violator has failed to 12179
properly return does not exceed forty-nine, in which case the 12180
violator is guilty of a misdemeanor of the first degree. 12181

(2) No person who receives compensation for registering a 12182
voter shall knowingly return any registration form entrusted to 12183
that person to any location other than any board of elections or 12184
the office of the secretary of state. 12185

Whoever violates this division is guilty of election 12186
falsification, a felony of the fifth degree, unless the person has 12187
not previously been convicted of a violation of division 12188
(B)(2)(a), (B)(2)(b), (C)(1), or (C)(2) of this section, the 12189
violation of this division does not cause any person to miss any 12190
voter registration deadline with regard to any election, and the 12191
number of voter registration forms that the violator has failed to 12192
properly return does not exceed forty-nine, in which case the 12193
violator is guilty of a misdemeanor of the first degree. 12194

(D) As used in division (C) of this section, "registering a 12195
voter" includes any effort, for compensation, to provide voter 12196
registration forms or to assist persons in completing or returning 12197

those forms.

12198

Sec. 3599.111. (A) As used in this section, "registering a voter" or "registering voters" includes any effort, for compensation, to provide voter registration forms or to assist persons in completing or returning those forms ~~or returning them to the board of elections, the office of the secretary of state, or other appropriate public office.~~

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(B) No person shall receive compensation on a fee per signature or fee per volume basis for circulating any declaration of candidacy, nominating petition, ~~declaration of intent to be a write-in candidate,~~ initiative petition, referendum petition, recall petition, or any other election-related petition that is filed with or transmitted to a board of elections, the office of the secretary of state, or other appropriate public office.

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(C) No person shall receive compensation on a fee per registration or fee per volume basis for registering a voter.

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(D) ~~Compensation~~ No person shall pay any other person for collecting signatures on election-related petitions ~~and or~~ for registering voters ~~shall be paid solely~~ except on the basis of time worked.

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(E)(1) Whoever violates division (B) ~~or (C)~~ of this section is guilty of ~~election falsification under section 3599.36 of the Revised Code~~ receiving improper compensation for circulating a petition, a felony of the fifth degree.

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(2) Whoever violates division (C) of this section is guilty of receiving improper compensation for registering a voter, a felony of the fifth degree.

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(3) Whoever violates division (D) of this section is guilty of paying improper compensation for circulating a petition or registering a voter, a felony of the fifth degree.

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Sec. 3599.13. (A) No person shall ~~sign~~ do any of the 12228
following: 12229

(1) Sign an initiative, supplementary, referendum, recall, or 12230
nominating petition knowing that ~~he~~ the person is not at the time 12231
qualified to sign it; ~~or knowingly~~ 12232

(2) Knowingly sign such a petition more than once; ~~or sign~~ 12233

(3) Except as otherwise provided in section 3501.382 of the 12234
Revised Code, sign a name other than ~~his~~ the person's own on such 12235
a petition; or accept 12236

(4) Accept anything of value for signing such a petition; ~~or~~ 12237
~~seek~~ 12238

(5) Seek by intimidation or threats to influence any person 12239
to sign or refrain from signing such a petition, or from 12240
circulating or abstaining from circulating such a petition; ~~or~~ 12241
~~sign~~ 12242

(6) Sign a ~~nominating~~ declaration of candidacy and petition 12243
for a candidate of a party with which ~~he~~ the person is not 12244
affiliated, as required by section 3513.05 of the Revised Code; ~~or~~ 12245
~~make~~ 12246

(7) Make a false affidavit or statement concerning the 12247
signatures on any such petition. 12248

(B) Whoever violates division (A) of this section shall be 12249
fined not less than fifty ~~nor~~ or more than five hundred dollars, 12250
or imprisoned not less than three ~~nor~~ or more than six months, or 12251
both. 12252

Sec. 3599.14. (A) No person shall knowingly, directly or 12253
indirectly, do any of the following in connection with any 12254
declaration of candidacy and petition, declaration of intent to be 12255
a write-in candidate, nominating petition, or other petition 12256

presented to or filed with the secretary of state, a board ~~or~~ of 12257
elections, or any other public office for the purpose of becoming 12258
a candidate for any elective office, including the office of a 12259
political party, for the purpose of submitting a question or issue 12260
to the electors at an election, or for the purpose of forming a 12261
political party: 12262

(1) Misrepresent the contents, purpose, or effect of the 12263
petition or declaration for the purpose of persuading a person to 12264
sign or refrain from signing the petition or declaration; 12265

(2) Pay or offer to pay anything of value for signing or 12266
refraining from signing the petition or declaration; 12267

(3) Promise to assist any person to obtain appointment to an 12268
office or position as a consideration for obtaining or preventing 12269
signatures to the petition or declaration; 12270

(4) Obtain or prevent signatures to the petition or 12271
declaration as a consideration for the assistance or promise of 12272
assistance of a person in securing appointment to an office or 12273
position; 12274

(5) Circulate or cause to be circulated the petition or 12275
declaration knowing it to contain false, forged, or fictitious 12276
names; 12277

(6) ~~Add~~ Except as otherwise provided in section 3501.382 of 12278
the Revised Code, add signatures or names except the person's own 12279
name on the petition or declaration; 12280

(7) Make a false certification or statement concerning the 12281
petition or declaration; 12282

(8) File with the election authorities the petition or 12283
declaration knowing it to contain false, forged, or fictitious 12284
names; 12285

(9) Fail to fill out truthfully and file all itemized 12286

statements required by law in connection with the petition or
declaration. 12287
12288

(B) Whoever violates division (A) of this section is guilty 12289
of a ~~misdemeanor~~ felony of the ~~first~~ fifth degree. 12290

Sec. 3599.21. (A) No person shall knowingly do any of the 12291
following: 12292

(1) Impersonate another, or make a false representation in 12293
order to obtain an absent voter's ballot; 12294

(2) Aid or abet a person to vote an absent voter's ballot 12295
illegally; 12296

(3) If the person is an election official, open, destroy, 12297
steal, mark, or mutilate any absent voter's ballot; 12298

(4) Aid or abet another person to open, destroy, steal, mark, 12299
or mutilate any absent voter's ballot after the ballot has been 12300
voted; 12301

(5) Delay the delivery of any ~~such~~ absent voter's ballot with 12302
a view to preventing its arrival in time to be counted; 12303

(6) Hinder or attempt to hinder the delivery or counting of 12304
such absent voter's ballot; 12305

(7) Fail to forward to the appropriate election official an 12306
absent voter's ballot application entrusted to that person to so 12307
forward; 12308

(8) Fail to forward to the appropriate election official an 12309
absent voter's ballot application entrusted to that person to so 12310
forward within ten days after that application is completed or 12311
within such a time period that the failure to so forward the 12312
application disenfranchises the voter with respect to a particular 12313
election, whichever is earlier; 12314

(9) Except as authorized under Chapters 3509. and 3511. of 12315

the Revised Code, possess the absent voter's ballot of another. 12316

(B)(1) Subject to division (B)(2) of this section, no person 12317
who receives compensation for soliciting persons to apply to vote 12318
by absent voter's ballots shall fail to forward to the appropriate 12319
election official an absent voter's ballot application entrusted 12320
to that person to so forward within ten days after that 12321
application is completed. 12322

(2) No person who receives compensation for soliciting 12323
persons to apply to vote by absent voter's ballots shall fail to 12324
forward to the appropriate election official an absent voter's 12325
ballot application entrusted to that person to so forward within 12326
such a time period that the failure to so forward the application 12327
disenfranchises the voter with respect to a particular election. 12328

(C) Whoever violates division (A) or (B) of this section is 12329
guilty of a felony of the fourth degree. 12330

(D) As used in this section, "person who receives 12331
compensation for soliciting persons to apply to vote by absent 12332
voter's ballots" includes any effort, for compensation, to provide 12333
absent voter's ballot applications or to assist persons in 12334
completing those applications or returning them to the director of 12335
the board of elections of the county in which the applicant's 12336
voting residence is located. 12337

Sec. 3599.24. (A) No person shall do any of the following: 12338

(1) By force, fraud, or other improper means, obtain or 12339
attempt to obtain possession of the ballots, ballot boxes, or 12340
pollbooks; 12341

(2) Recklessly destroy any property used in the conduct of 12342
elections; 12343

(3) Attempt to intimidate an election officer, or prevent an 12344
election official from performing the official's duties; 12345

(4) Knowingly tear down, remove, or destroy any of the 12346
registration lists or sample ballots furnished by the board of 12347
elections at the polling place; 12348

(5) Loiter in or about a registration or polling place during 12349
registration or the casting and counting of ballots so as to 12350
hinder, delay, or interfere with the conduct of the registration 12351
or election; 12352

(6) Remove from the voting place the pencils, cards of 12353
instruction, supplies, or other conveniences furnished to enable 12354
the voter to mark the voter's ballot. 12355

(B) Whoever violates division (A)(1) or (2) of this section 12356
is guilty of a felony of the fifth degree. Whoever violates 12357
division (A)(3) ~~or, (4), (5), or (6)~~ of this section is guilty of 12358
a misdemeanor of the first degree. ~~Whoever violates division~~ 12359
~~(A)(5) or (6) of this section is guilty of a minor misdemeanor.~~ 12360

Sec. 3599.38. (A) No election official, ~~witness, challenger~~ 12361
observer, deputy sheriff, special deputy sheriff, or police 12362
officer, while performing that person's duties related to the 12363
casting of votes, shall do either of the following: 12364

(1) Wear any badge, sign, or other insignia or thing 12365
indicating that person's preference for any candidate or for any 12366
question submitted at an election; 12367

(2) Influence or attempt to influence any voter to cast the 12368
voter's ballot for or against any candidate or issue submitted at 12369
an election. 12370

(B) Whoever violates division (A) of this section is guilty 12371
of a misdemeanor of the first degree. 12372

"Sec. 4113.52. (A)(1)(a) If an employee becomes aware in the 12373
course of the employee's employment of a violation of any state or 12374

federal statute or any ordinance or regulation of a political 12375
subdivision that the employee's employer has authority to correct, 12376
and the employee reasonably believes that the violation ~~either~~ is 12377
a criminal offense that is likely to cause an imminent risk of 12378
physical harm to persons or a hazard to public health or safety ~~or~~ 12379
~~is~~, a felony, or an improper solicitation for a contribution, the 12380
employee orally shall notify the employee's supervisor or other 12381
responsible officer of the employee's employer of the violation 12382
and subsequently shall file with that supervisor or officer a 12383
written report that provides sufficient detail to identify and 12384
describe the violation. If the employer does not correct the 12385
violation or make a reasonable and good faith effort to correct 12386
the violation within twenty-four hours after the oral notification 12387
or the receipt of the report, whichever is earlier, the employee 12388
may file a written report that provides sufficient detail to 12389
identify and describe the violation with the prosecuting authority 12390
of the county or municipal corporation where the violation 12391
occurred, with a peace officer, with the inspector general if the 12392
violation is within the inspector general's jurisdiction, or with 12393
any other appropriate public official or agency that has 12394
regulatory authority over the employer and the industry, trade, or 12395
business in which the employer is engaged. 12396

(b) If an employee makes a report under division (A)(1)(a) of 12397
this section, the employer, within twenty-four hours after the 12398
oral notification was made or the report was received or by the 12399
close of business on the next regular business day following the 12400
day on which the oral notification was made or the report was 12401
received, whichever is later, shall notify the employee, in 12402
writing, of any effort of the employer to correct the alleged 12403
violation or hazard or of the absence of the alleged violation or 12404
hazard. 12405

(2) If an employee becomes aware in the course of the 12406

employee's employment of a violation of chapter 3704., 3734., 12407
6109., ~~or~~ or 6111. ~~Of~~ of the ~~revised code~~ Revised Code that is a 12408
criminal offense, the employee directly may notify, either orally 12409
or in writing, any appropriate public official or agency that has 12410
regulatory authority over the employer and the industry, trade, or 12411
business in which the employer is engaged. 12412

(3) If an employee becomes aware in the course of the 12413
employee's employment of a violation by a fellow employee of any 12414
state or federal statute, any ordinance or regulation of a 12415
political subdivision, or any work rule or company policy of the 12416
employee's employer and the employee reasonably believes that the 12417
violation ~~either~~ is a criminal offense that is likely to cause an 12418
imminent risk of physical harm to persons or a hazard to public 12419
health or safety ~~or is~~, a felony, or an improper solicitation for 12420
a contribution, the employee orally shall notify the employee's 12421
supervisor or other responsible officer of the employee's employer 12422
of the violation and subsequently shall file with that supervisor 12423
or officer a written report that provides sufficient detail to 12424
identify and describe the violation. 12425

(B) Except as otherwise provided in division (C) of this 12426
section, no employer shall take any disciplinary or retaliatory 12427
action against an employee for making any report authorized by 12428
division (A)(1) or (2) of this section, or as a result of the 12429
employee's having made any inquiry or taken any other action to 12430
ensure the accuracy of any information reported under either such 12431
division. No employer shall take any disciplinary or retaliatory 12432
action against an employee for making any report authorized by 12433
division (A)(3) of this section if the employee made a reasonable 12434
and good faith effort to determine the accuracy of any information 12435
so reported, or as a result of the employee's having made any 12436
inquiry or taken any other action to ensure the accuracy of any 12437
information reported under that division. For purposes of this 12438

division, disciplinary or retaliatory action by the employer	12439
includes, without limitation, doing any of the following:	12440
(1) Removing or suspending the employee from employment;	12441
(2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;	12442 12443
(3) Transferring or reassigning the employee;	12444
(4) Denying the employee a promotion that otherwise would have been received;	12445 12446
(5) Reducing the employee in pay or position.	12447
(C) An employee shall make a reasonable and good faith effort to determine the accuracy of any information reported under division (A)(1) or (2) of this section. If the employee who makes a report under either division fails to make such an effort, the employee may be subject to disciplinary action by the employee's employer, including suspension or removal, for reporting information without a reasonable basis to do so under division (A)(1) or (2) of this section.	12448 12449 12450 12451 12452 12453 12454 12455
(D) If an employer takes any disciplinary or retaliatory action against an employee as a result of the employee's having filed a report under division (A) of this section, the employee may bring a civil action for appropriate injunctive relief or for the remedies set forth in division (E) of this section, or both, within one hundred eighty days after the date the disciplinary or retaliatory action was taken, in a court of common pleas in accordance with the Rules of Civil Procedure. A civil action under this division is not available to an employee as a remedy for any disciplinary or retaliatory action taken by an appointing authority against the employee as a result of the employee's having filed a report under division (A) of section 124.341 of the Revised Code.	12456 12457 12458 12459 12460 12461 12462 12463 12464 12465 12466 12467 12468

(E) The court, in rendering a judgment for the employee in an action brought pursuant to division (D) of this section, may order, as it determines appropriate, reinstatement of the employee to the same position that the employee held at the time of the disciplinary or retaliatory action and at the same site of employment or to a comparable position at that site, the payment of back wages, full reinstatement of fringe benefits and seniority rights, or any combination of these remedies. The court also may award the prevailing party all or a portion of the costs of litigation and, if the employee who brought the action prevails in the action, may award the prevailing employee reasonable attorney's fees, witness fees, and fees for experts who testify at trial, in an amount the court determines appropriate. If the court determines that an employer deliberately has violated division (B) of this section, the court, in making an award of back pay, may include interest at the rate specified in section 1343.03 of the Revised Code.

(F) Any report filed with the inspector general under this section shall be filed as a complaint in accordance with section 121.46 of the Revised Code.

(G) As used in this section:

(1) "Contribution" has the same meaning as in section 3517.01 of the Revised Code.

(2) "Improper solicitation for a contribution" means a solicitation for a contribution that satisfies all of the following:

(a) The solicitation violates division (B), (C), or (D) of section 3517.092 of the Revised Code;

(b) The solicitation is made in person by a public official or by an employee who has a supervisory role within the public office;

(c) The public official or employee knowingly made the solicitation, and the solicitation violates division (B), (C), or (D) of section 3517.092 of the Revised Code; 12500
12501
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(d) The employee reporting the solicitation is an employee of the same public office as the public official or the employee with the supervisory role who is making the solicitation. 12503
12504
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Sec. 4301.33. (A) The board of elections shall provide to a petitioner circulating a petition for an election for the submission of one or more of the questions specified in divisions (A) to (D) of section 4301.35 or section 4301.351 of the Revised Code, at the time of taking out the petition, the names of the streets and, if appropriate, the address numbers of residences and business establishments within the precinct in which the election is sought, and a form prescribed by the secretary of state for notifying affected permit holders and liquor agency stores of the circulation of a petition for an election for the submission of one or more of the questions specified in divisions (A) to (D) of section 4301.35 or section 4301.351 of the Revised Code. The petitioner shall, not less than forty-five days before the petition-filing deadline for the election, as provided in this section, file with the division of liquor control the information regarding names of streets and, if appropriate, address numbers of residences and business establishments provided by the board of elections, and specify to the division the precinct that is concerned and that would be affected by the results of the election and the filing deadline. The division shall, within a reasonable period of time and not later than fifteen days before the filing deadline, supply the petitioner with a list of the names and addresses of permit holders and liquor agency stores, if any, that would be affected by the election. The list shall contain a heading with the following words: "Liquor permit holders 12506
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and liquor agency stores that would be affected by the question(s) 12531
set forth on petition for a local option election." 12532

Within five days after a petitioner has received from the 12533
division the list of liquor permit holders and liquor agency 12534
stores, if any, that would be affected by the question or 12535
questions set forth on a petition for local option election, the 12536
petitioner shall, using the form provided by the board of 12537
elections, notify by certified mail each permit holder and liquor 12538
agency store whose name appears on that list. The form for 12539
notifying affected permit holders and liquor agency stores shall 12540
require the petitioner to state the petitioner's name and street 12541
address and shall contain a statement that a petition is being 12542
circulated for an election for the submission of the question or 12543
questions specified in divisions (A) to (D) of section 4301.35 or 12544
section 4301.351 of the Revised Code. The form shall require the 12545
petitioner to state the question or questions to be submitted as 12546
they appear on the petition. 12547

The petitioner shall attach a copy of the list provided by 12548
the division to each petition paper. A part petition paper 12549
circulated at any time without the list of affected permit holders 12550
and liquor agency stores attached to it is invalid. 12551

At the time the petitioner files the petition with the board 12552
of elections, the petitioner shall provide to the board the list 12553
supplied by the division and an affidavit certifying that the 12554
petitioner notified all affected permit holders and liquor agency 12555
stores, if any, on the list in the manner and within the time 12556
required in this section and that, at the time each signer of the 12557
petition affixed the signer's signature to the petition, the 12558
petition paper contained a copy of the list of affected permit 12559
holders and liquor agency stores. 12560

Within five days after receiving a petition calling for an 12561
election for the submission of one or more of the questions 12562

specified in divisions (A) to (D) of section 4301.35 or section 12563
4301.351 of the Revised Code, the board shall give notice by 12564
certified mail that it has received the petition to all liquor 12565
permit holders and liquor agency stores, if any, whose names 12566
appear on the list of affected permit holders and liquor agency 12567
stores filed by the petitioner. Failure of the petitioner to 12568
supply the affidavit required by this section and a complete and 12569
accurate list of liquor permit holders and liquor agency stores, 12570
if any, invalidates the entire petition. The board of elections 12571
shall provide to a permit holder or liquor agency store that would 12572
be affected by a proposed local option election, on the permit 12573
holder's or liquor agency store's request, the names of the 12574
streets, and, if appropriate, the address numbers of residences 12575
and business establishments within the precinct in which the 12576
election is sought that would be affected by the results of the 12577
election. The board may charge a reasonable fee for this 12578
information when provided to the petitioner and the permit holder 12579
or liquor agency store. 12580

(B) Upon the presentation of a petition, not later than four 12581
p.m. of the seventy-fifth day before the day of a general or 12582
primary election, to the board of elections of the county where 12583
the precinct is located, designating whether it is a petition for 12584
an election for the submission of one or more of the questions 12585
specified in section 4301.35 of the Revised Code, or a petition 12586
for the submission of one or more of the questions specified in 12587
section 4301.351 of the Revised Code, designating the particular 12588
question or questions specified in section 4301.35 or 4301.351 of 12589
the Revised Code that are to be submitted, and signed by the 12590
qualified electors of the precinct concerned, equal in number to 12591
thirty-five per cent of the total number of votes cast in the 12592
precinct concerned for the office of governor at the preceding 12593
general election for that office, the board shall submit the 12594

question or questions specified in the petition to the electors of 12595
the precinct concerned, on the day of the next general or primary 12596
election, whichever occurs first and shall proceed as follows: 12597

(1) Such board shall, not later than the ~~sixty-sixth~~ 12598
sixty-eighth day before the day of the election for which the 12599
question or questions on the petition would qualify for submission 12600
to the electors of the precinct, examine and determine the 12601
sufficiency of the signatures and review, examine, and determine 12602
the validity of the petition and, in case of overlapping precinct 12603
petitions presented within that period, determine which of the 12604
petitions shall govern the further proceedings of the board. In 12605
the case where the board determines that two or more overlapping 12606
petitions are valid, the earlier filed petition shall govern. The 12607
board shall certify the sufficiency and validity of any petition 12608
determined to be valid. The board shall determine the validity of 12609
the petition as of the time of certification as described in this 12610
division. 12611

(2) If a petition is sufficient, and, in case of overlapping 12612
precinct petitions, after the board has determined the governing 12613
petition, the board to which the petition has been presented shall 12614
order the holding of a special election in the precinct for the 12615
submission of whichever of the questions specified in section 12616
4301.35 or 4301.351 of the Revised Code are designated in the 12617
petition, on the day of the next general or primary election, 12618
whichever occurs first. 12619

(3) All petitions filed with a board of elections under this 12620
section shall be open to public inspection under rules adopted by 12621
the board. 12622

(4) Protest against local option petitions may be filed by 12623
any elector eligible to vote on the question or questions 12624
described in the petitions or by a permit holder or liquor agency 12625

store in the precinct as described in the petitions, not later
than four p.m. of the sixty-fourth day before the day of the
general or primary election for which the petition qualified. The
protest shall be in writing and shall be filed with the election
officials with whom the petition was filed. Upon filing of the
protest, the election officials with whom it is filed shall
promptly fix the time for hearing it, and shall mail notice of the
filing of the protest and the time and place for hearing it to the
person who filed the petition and to the person who filed the
protest. At the time and place fixed, the election officials shall
hear the protest and determine the validity of the petition.

Sec. 4301.331. (A) The privilege of local option conferred by
section 4301.321 of the Revised Code shall be exercised if a
certified copy of the judgment issued pursuant to division (D) or
(E) of section 3767.05 of the Revised Code that is the basis for
the exercise of the local option privilege is filed pursuant to
division (G) of section 3767.05 of the Revised Code indicating
that a liquor permit premises has been adjudged a nuisance. The
certified copy of the judgment shall be filed in accordance with
this section by the person or public official who brought the
action under section 3763.03 of the Revised Code.

(B) The certified copy of the judgment prescribed under
division (A) of this section shall be filed with the board of
elections of the county in which the nuisance was adjudged to
exist pursuant to division (D) or (E) of section 3767.05 of the
Revised Code not later than four p.m. of the seventy-fifth day
before the day of the next general or primary election.

(C) The statement prescribed under division (A) of this
section shall contain both of the following:

(1) A notice that the statement is for the submission of the
question set forth in section 4301.352 of the Revised Code;

(2) The name of a class C or D permit holder and the address 12657
of the permit holder's permit premises. If the business conducted 12658
by a class C or D permit holder at the permit premises has a name 12659
different from the permit holder's personal or corporate name, the 12660
name of the permit holder's business shall be stated along with 12661
the permit holder's personal or corporate name. 12662

(D) Not later than five days after the certified copy of the 12663
judgment prescribed under division (A) of this section is filed, 12664
the board shall give notice by certified mail that it has received 12665
the certified copy of the judgment to the liquor permit holder 12666
whose permit would be affected by the results of the election 12667
required by the filing of the certified copy of the judgment. 12668
Failure of the petitioner to supply a complete and accurate 12669
address of the liquor permit holder to the board of elections 12670
invalidates the election. 12671

For purposes of this section, "complete and accurate address" 12672
means all of the following: 12673

(1) The address of the liquor permit premises; 12674

(2) The address of the statutory agent of the liquor permit 12675
holder, if applicable; 12676

(3) The address of the liquor permit holder if different from 12677
the liquor permit premises address. 12678

(E) Not later than the ~~sixty-sixth~~ sixty-eighth day before 12679
the day of the next general or primary election, whichever occurs 12680
first, the board shall certify the sufficiency and validity of the 12681
certified copy of the judgment, make such determination as of the 12682
time of certification, and order the holding of an election in the 12683
precinct on the day of that general or primary election for the 12684
submission of the question set forth in section 4301.352 of the 12685
Revised Code. 12686

(F) A certified copy of the judgment filed with the board of elections under division (A) of this section shall be open to public inspection under rules adopted by the board.

An elector who is eligible to vote on the question set forth in section 4301.352 of the Revised Code or the permit holder named on the certified copy of the judgment, not later than four p.m. of the sixty-fourth day before the day of the election at which the question will be submitted to the electors, may file a protest against a local option petition. The protest shall be in writing and shall be filed with the election officials with whom the certified copy of the judgment was filed. Upon the filing of the protest, the election officials with whom it is filed shall promptly fix a time and place for hearing the protest, and shall mail notice of the time and place for hearing it to the person who filed the certified copy of the judgment and to the person who filed the protest. At the time and place fixed, the election officials shall hear the protest and determine the validity of the certified copy of the judgment.

Sec. 4301.332. (A) The board of elections shall provide to a petitioner circulating a petition for an election for the submission of one or more of the questions specified in section 4301.353 or 4301.354 of the Revised Code, at the time of taking out the petition, the names of the streets and, if appropriate, the address numbers of residences and business establishments within the precinct that would be affected by the results of the election, and a form prescribed by the secretary of state for notifying affected permit holders of the circulation of a petition for an election for the submission of one or more of the questions specified in section 4301.353 or 4301.354 of the Revised Code. The petitioner shall, not less than forty-five days before the petition-filing deadline for the election, as provided in this

section, file with the division of liquor control the information 12718
regarding names of streets and, if appropriate, address numbers of 12719
residences and business establishments provided by the board of 12720
elections, and specify to the division the portion of the precinct 12721
that would be affected by the results of the election and the 12722
filing deadline. The division shall, within a reasonable period of 12723
time and not later than fifteen days before the filing deadline, 12724
supply the petitioner with a list of the names and addresses of 12725
permit holders, if any, who would be affected by the election. The 12726
list shall contain a heading with the following words: "Liquor 12727
permit holders who would be affected by the question(s) set forth 12728
on petition for a local option election." 12729

Within five days after a petitioner has received from the 12730
division the list of liquor permit holders, if any, who would be 12731
affected by the question or questions set forth on a petition for 12732
local option election, the petitioner, using the form provided by 12733
the board of elections, shall notify by certified mail each permit 12734
holder whose name appears on that list. The form for notifying 12735
affected permit holders shall require the petitioner to state the 12736
petitioner's name and street address and shall contain a statement 12737
that a petition is being circulated for an election for the 12738
submission of the question or questions specified in section 12739
4301.353 or 4301.354 of the Revised Code. The form shall require 12740
the petitioner to state the question or questions to be submitted 12741
as they appear on the petition. 12742

The petitioner shall attach a copy of the list provided by 12743
the division to each petition paper. A part petition paper 12744
circulated at any time without the list of affected permit holders 12745
attached to it is invalid. 12746

At the time the petitioner files the petition with the board 12747
of elections, the petitioner shall provide to the board the list 12748
supplied by the division and an affidavit certifying that the 12749

petitioner notified all affected permit holders, if any, on the
list in the manner and within the time required in this section
and that, at the time each signer of the petition affixed the
signer's signature to the petition, the petition paper contained a
copy of the list of affected permit holders.

Within five days after receiving a petition calling for an
election for the submission of one or more of the questions
specified in section 4301.353 or 4301.354 of the Revised Code, the
board shall give notice by certified mail that it has received the
petition to all liquor permit holders, if any, whose names appear
on the list of affected permit holders filed by the petitioner as
furnished by the division. Failure of the petitioner to supply the
affidavit required by this section and a complete and accurate
list of liquor permit holders as furnished by the division
invalidates the entire petition. The board of elections shall
provide to a permit holder who would be affected by a proposed
local option election, on the permit holder's request, the names
of the streets, and, if appropriate, the address numbers of
residences and business establishments within the portion of the
precinct that would be affected by the results of the election.
The board may charge a reasonable fee for this information when
provided to the petitioner and the permit holder.

This division does not apply to an election held under
section 4301.353 or 4301.354 of the Revised Code if the results of
the election would not affect any permit holder.

(B) Upon the presentation of a petition, not later than four
p.m. of the seventy-fifth day before the day of a general or
primary election, to the board of elections of the county where
the precinct is located, designating whether it is a petition for
an election for the submission of one or both of the questions
specified in section 4301.353 of the Revised Code, or a petition
for the submission of one or more of the questions specified in

section 4301.354 of the Revised Code, designating the particular 12782
question or questions specified in section 4301.353 or 4301.354 of 12783
the Revised Code that are to be submitted, and signed by the 12784
qualified electors of the precinct concerned, equal in number to 12785
thirty-five per cent of the total number of votes cast in the 12786
precinct concerned for the office of governor at the preceding 12787
general election for that office, the board shall submit the 12788
question or questions specified in the petition to the electors of 12789
the precinct concerned, on the day of the next general or primary 12790
election, whichever occurs first and shall proceed as follows: 12791

(1) Such board shall, not later than the ~~sixty-sixth~~ 12792
sixty-eighth day before the day of the election for which the 12793
question or questions on the petition would qualify for submission 12794
to the electors of the precinct, examine and determine the 12795
sufficiency of the signatures and review, examine, and determine 12796
the validity of the petition and, in case of overlapping precinct 12797
petitions presented within that period, determine which of the 12798
petitions shall govern the further proceedings of the board. In 12799
the case where the board determines that two or more overlapping 12800
petitions are valid, the earlier filed petition shall govern. The 12801
board shall certify the sufficiency and validity of any petition 12802
determined to be valid. The board shall determine the validity of 12803
the petition as of the time of certification as described in this 12804
division. 12805

(2) If a petition is sufficient, and, in case of overlapping 12806
precinct petitions, after the board has determined the governing 12807
petition, the board to which the petition has been presented shall 12808
order the holding of a special election in the precinct for the 12809
submission of whichever of the questions specified in section 12810
4301.353 or 4301.354 of the Revised Code are designated in the 12811
petition, on the day of the next general or primary election, 12812
whichever occurs first. 12813

(C) All petitions filed with a board of elections under this section shall be open to public inspection under rules adopted by the board.

(D) Protest against local option petitions may be filed by any elector eligible to vote on the question or questions described in the petitions or by a permit holder in the precinct as described in the petitions, not later than four p.m. of the sixty-fourth day before the day of the general or primary election for which the petition qualified. The protest shall be in writing and shall be filed with the election officials with whom the petition was filed. Upon filing of the protest, the election officials with whom it is filed shall promptly fix the time for hearing it, and shall mail notice of the filing of the protest and the time and place for hearing it to the person who filed the petition and to the person who filed the protest. At the time and place fixed, the election officials shall hear the protest and determine the validity of the petition.

Sec. 4301.333. (A) The privilege of local option conferred by section 4301.323 of the Revised Code may be exercised if, not later than four p.m. of the seventy-fifth day before the day of a general or primary election, a petition is presented to the board of elections of the county in which the precinct is situated by a petitioner who is one of the following:

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

(2) The holder of a liquor permit at a particular location within the precinct;

(3) A person who operates or seeks to operate a liquor agency store at a particular location within the precinct;

(4) The designated agent for an applicant, liquor permit

holder, or liquor agency store described in division (A)(1), (2), 12844
or (3) of this section. 12845

(B) The petition shall be signed by the electors of the 12846
precinct equal in number to at least thirty-five per cent of the 12847
total number of votes cast in the precinct for the office of 12848
governor at the preceding general election for that office and 12849
shall contain all of the following: 12850

(1) A notice that the petition is for the submission of the 12851
question or questions set forth in section 4301.355 of the Revised 12852
Code; 12853

(2) The name of the applicant for the issuance or transfer, 12854
or the holder, of the liquor permit or, if applicable, the name of 12855
the liquor agency store, including any trade or fictitious names 12856
under which the applicant, holder, or liquor agency store either 12857
intends to do or does business at the particular location; 12858

(3) The address and proposed use of the particular location 12859
within the election precinct to which the results of the question 12860
or questions specified in section 4301.355 of the Revised Code 12861
shall apply. For purposes of this division, "use" means all of the 12862
following: 12863

(a) The type of each liquor permit applied for by the 12864
applicant or held by the liquor permit holder as described in 12865
sections 4303.11 to 4303.183 of the Revised Code, including a 12866
description of the type of beer or intoxicating liquor sales 12867
authorized by each permit as provided in those sections; 12868

(b) If a liquor agency store, the fact that the business 12869
operated as a liquor agency store authorized to operate by this 12870
state; 12871

(c) A description of the general nature of the business of 12872
the applicant, liquor permit holder, or liquor agency store. 12873

(4) If the petition seeks approval of Sunday sales under 12874
question (B)(2) as set forth in section 4301.355 of the Revised 12875
Code, a statement indicating whether the hours of sale sought are 12876
between ten a.m. and midnight or between one p.m. and midnight. 12877

(C)(1) At the time the petitioner files the petition with the 12878
board of elections, the petitioner shall provide to the board both 12879
of the following: 12880

(a) An affidavit that is signed by the petitioner and that 12881
states the proposed use of the location following the election 12882
held to authorize the sale of beer or intoxicating liquor 12883
authorized by each permit as provided in sections 4303.11 to 12884
4303.183 of the Revised Code; 12885

(b) Written evidence of the designation of an agent by the 12886
applicant, liquor permit holder, or liquor agency store described 12887
in division (A)(1), (2), or (3) of this section for the purpose of 12888
petitioning for the local option election, if the petitioner is 12889
the designated agent of the applicant, liquor permit holder, or 12890
liquor agency store. 12891

(2) Failure to supply the affidavit, or the written evidence 12892
of the designation of the agent if the petitioner for the local 12893
option election is the agent of the applicant, liquor permit 12894
holder, or liquor agency store described in division (A)(1), (2), 12895
or (3) of this section, at the time the petition is filed 12896
invalidates the entire petition. 12897

(D) Not later than the ~~sixty-sixth~~ sixty-eighth day before 12898
the day of the next general or primary election, whichever occurs 12899
first, the board shall examine and determine the sufficiency of 12900
the signatures and the validity of the petition. If the board 12901
finds that the petition contains sufficient signatures and in 12902
other respects is valid, it shall order the holding of an election 12903
in the precinct on the day of the next general or primary 12904

election, whichever occurs first, for the submission of the 12905
question or questions set forth in section 4301.355 of the Revised 12906
Code. 12907

(E) A petition filed with the board of elections under this 12908
section shall be open to public inspection under rules adopted by 12909
the board. 12910

(F) An elector who is eligible to vote on the question or 12911
questions set forth in section 4301.355 of the Revised Code may 12912
file, not later than four p.m. of the sixty-fourth day before the 12913
day of the election at which the question or questions will be 12914
submitted to the electors, a protest against a local option 12915
petition circulated and filed pursuant to this section. The 12916
protest shall be in writing and shall be filed with the election 12917
officials with whom the petition was filed. Upon the filing of the 12918
protest, the election officials with whom it is filed shall 12919
promptly establish a time and place for hearing the protest and 12920
shall mail notice of the time and place for the hearing to the 12921
applicant for, or the holder of, the liquor permit who is 12922
specified in the petition and to the elector who filed the 12923
protest. At the time and place established in the notice, the 12924
election officials shall hear the protest and determine the 12925
validity of the petition. 12926

Sec. 4301.334. (A) The privilege of local option conferred by 12927
section 4301.324 of the Revised Code may be exercised if, not 12928
later than four p.m. of the seventy-fifth day before the day of a 12929
general or primary election, a petition and other information 12930
required by division (B) of this section are presented to the 12931
board of elections of the county in which the community facility 12932
named in the petition is located. The petition shall be signed by 12933
electors of the municipal corporation or unincorporated area of 12934
the township in which the community facility is located equal in 12935

number to at least ten per cent of the total number of votes cast 12936
in the municipal corporation or unincorporated area of the 12937
township in which the community facility is located for the office 12938
of governor at the most recent general election for that office 12939
and shall contain both of the following: 12940

(1) A notice that the petition is for the submission of the 12941
question set forth in section 4301.356 of the Revised Code; 12942

(2) The name and address of the community facility for which 12943
the local option election is sought and, if the community facility 12944
is a community entertainment district, the boundaries of the 12945
district. 12946

(B) Upon the request of a petitioner, a board of elections of 12947
a county shall furnish to the petitioner a copy of the 12948
instructions prepared by the secretary of state under division (P) 12949
of section 3501.05 of the Revised Code and, within fifteen days 12950
after the request, a certificate indicating the number of valid 12951
signatures that will be required on a petition to hold an election 12952
in the municipal corporation or unincorporated area of the 12953
township in which the community facility is located on the 12954
question specified in section 4301.356 of the Revised Code. 12955

The petitioner shall, not less than thirty days before the 12956
petition-filing deadline for an election on the question specified 12957
in section 4301.356 of the Revised Code, specify to the division 12958
of liquor control the name and address of the community facility 12959
for which the election is sought and, if the community facility is 12960
a community entertainment district, the boundaries of the 12961
district, the municipal corporation or unincorporated area of a 12962
township in which the election is sought, and the filing deadline. 12963
The division shall, within a reasonable period of time and not 12964
later than ten days before the filing deadline, supply the 12965
petitioner with the name and address of any permit holder for or 12966
within the community facility. 12967

The petitioner shall file the name and address of any permit holder who would be affected by the election at the time the petitioner files the petition with the board of elections. Within five days after receiving the petition, the board shall give notice by certified mail to any permit holder within the community facility that it has received the petition. Failure of the petitioner to supply the name and address of any permit holder for or within the community facility as furnished to the petitioner by the division invalidates the petition.

(C) Not later than the ~~sixty-sixth~~ sixty-eighth day before the day of the next general or primary election, whichever occurs first, the board shall examine and determine the sufficiency of the signatures on the petition. If the board finds that the petition is valid, it shall order the holding of an election in the municipal corporation or unincorporated area of a township on the day of the next general or primary election, whichever occurs first, for the submission of the question set forth in section 4301.356 of the Revised Code.

(D) A petition filed with a board of elections under this section shall be open to public inspection under rules adopted by the board.

(E) An elector who is eligible to vote on the question set forth in section 4301.356 of the Revised Code or any permit holder for or within the community facility may, not later than four p.m. of the sixty-fourth day before the day of the election at which the question will be submitted to the electors, file a written protest against the local option petition with the board of elections with which the petition was filed. Upon the filing of the protest, the board shall promptly fix a time and place for hearing the protest and shall mail notice of the time and place to the person who filed the petition and to the person who filed the protest. At the time and place fixed, the board shall hear the

protest and determine the validity of the petition. 13000

Sec. 4305.14. (A) The following questions regarding the sale 13001
of beer by holders of C or D permits may be presented to the 13002
qualified electors of an election precinct: 13003

(1) "Shall the sale of beer as defined in section 4305.08 of 13004
the Revised Code under permits which authorize sale for 13005
off-premises consumption only be permitted within this precinct?" 13006

(2) "Shall the sale of beer as defined in section 4305.08 of 13007
the Revised Code under permits which authorize sale for 13008
on-premises consumption only, and under permits which authorize 13009
sale for both on-premises and off-premises consumption, be 13010
permitted in this precinct?" 13011

The exact wording of the question as submitted and form of 13012
ballot as printed shall be determined by the board of elections in 13013
the county wherein the election is held, subject to approval of 13014
the secretary of state. 13015

Upon the request of an elector, a board of elections of a 13016
county that encompasses an election precinct shall furnish to the 13017
elector a copy of the instructions prepared by the secretary of 13018
state under division (P) of section 3501.05 of the Revised Code 13019
and, within fifteen days after the request, with a certificate 13020
indicating the number of valid signatures that will be required on 13021
a petition to hold a special election in that precinct on either 13022
or both of the questions specified in this section. 13023

The board shall provide to a petitioner, at the time the 13024
petitioner takes out a petition, the names of the streets and, if 13025
appropriate, the address numbers of residences and business 13026
establishments within the precinct in which the election is 13027
sought, and a form prescribed by the secretary of state for 13028
notifying affected permit holders of the circulation of a petition 13029

for an election for the submission of one or more of the questions 13030
specified in division (A) of this section. The petitioner shall, 13031
not less than forty-five days before the petition-filing deadline 13032
for an election provided for in this section, file with the 13033
division of liquor control the information regarding names of 13034
streets and, if appropriate, address numbers of residences and 13035
business establishments provided by the board of elections, and 13036
specify to the division the precinct that is concerned or that 13037
would be affected by the results of the election and the filing 13038
deadline. The division shall, within a reasonable period of time 13039
and not later than fifteen days before the filing deadline, supply 13040
the petitioner with a list of the names and addresses of permit 13041
holders who would be affected by the election. The list shall 13042
contain a heading with the following words: "liquor permit holders 13043
who would be affected by the question(s) set forth on a petition 13044
for a local option election." 13045

Within five days after receiving from the division the list 13046
of liquor permit holders who would be affected by the question or 13047
questions set forth on a petition for local option election, the 13048
petitioner shall, using the form provided by the board of 13049
elections, notify by certified mail each permit holder whose name 13050
appears on that list. The form for notifying affected permit 13051
holders shall require the petitioner to state the petitioner's 13052
name and street address and shall contain a statement that a 13053
petition is being circulated for an election for the submission of 13054
the question or questions specified in division (B) of this 13055
section. The form shall require the petitioner to state the 13056
question or questions to be submitted as they appear on the 13057
petition. 13058

The petitioner shall attach a copy of the list provided by 13059
the division to each petition paper. A part petition paper 13060
circulated at any time without the list of affected permit holders 13061

attached to it is invalid.

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At the time of filing the petition with the board of elections, the petitioner shall provide to the board of elections the list supplied by the division and an affidavit certifying that the petitioner notified all affected permit holders on the list in the manner and within the time required in this section and that, at the time each signer of the petition signed the petition, the petition paper contained a copy of the list of affected permit holders.

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Within five days after receiving a petition calling for an election for the submission of the question or questions set forth in this section, the board of elections shall give notice by certified mail that it has received the petition to all liquor permit holders whose names appear on the list of affected permit holders filed by the petitioner. Failure of the petitioner to supply the affidavit required by this section and a complete and accurate list of liquor permit holders invalidates the entire petition. The board of elections shall provide to a permit holder who would be affected by a proposed local option election, on the permit holder's request, the names of the streets, and, if appropriate, the address numbers of residences and business establishments within the precinct in which the election is sought and that would be affected by the results of the election. The board may charge a reasonable fee for this information when provided to the petitioner and the permit holder.

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Upon presentation not later than four p.m. of the seventy-fifth day before the day of a general or primary election, of a petition to the board of elections of the county wherein such election is sought to be held, requesting the holding of such election on either or both of the questions specified in this section, signed by qualified electors of the precinct concerned equal in number to thirty-five per cent of the total number of

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votes cast in the precinct concerned for the office of governor at 13094
the preceding general election for that office, such board shall 13095
submit the question or questions specified in the petition to the 13096
electors of the precinct concerned, on the day of the next general 13097
or primary election, whichever occurs first. 13098

(B) The board shall proceed as follows: 13099

(1) Such board shall, upon the filing of a petition under 13100
this section, but not later than the ~~sixty-sixth~~ sixty-eighth day 13101
before the day of the election for which the question or questions 13102
on the petition would qualify for submission to the electors of 13103
the precinct, examine and determine the sufficiency of the 13104
signatures and review, examine, and determine the validity of such 13105
petition and, in case of overlapping precinct petitions presented 13106
within that period, determine which of the petitions shall govern 13107
the further proceedings of the board. In the case where the board 13108
determines that two or more overlapping petitions are valid, the 13109
earlier petition shall govern. The board shall certify the 13110
sufficiency of signatures contained in the petition as of the time 13111
of filing and the validity of the petition as of the time of 13112
certification as described in division (C)(1) of this section if 13113
the board finds the petition to be both sufficient and valid. 13114

(2) If the petition contains sufficient signatures and is 13115
valid, and, in case of overlapping precinct petitions, after the 13116
board has determined the governing petition, the board shall order 13117
the holding of a special election in the precinct for the 13118
submission of the question or questions specified in the petition, 13119
on the day of the next general or primary election, whichever 13120
occurs first. 13121

(3) All petitions filed with a board of elections under this 13122
section shall be open to public inspection under rules adopted by 13123
the board. 13124

(C) Protest against a local option petition may be filed by 13125
any qualified elector eligible to vote on the question or 13126
questions specified in the petition or by a permit holder in the 13127
precinct as described in the petition, not later than four p.m. of 13128
the sixty-fourth day before the day of such general or primary 13129
election for which the petition qualified. Such protest shall be 13130
in writing and shall be filed with the election officials with 13131
whom the petition was filed. Upon filing of such protest the 13132
election officials with whom it is filed shall promptly fix the 13133
time for hearing it, and shall forthwith mail notice of the filing 13134
of the protest and the time for hearing it to the person who filed 13135
the petition which is protested and to the person who filed the 13136
protest. At the time and place fixed, the election officials shall 13137
hear the protest and determine the validity of the petition. 13138

(D) If a majority of the electors voting on the question in 13139
the precinct vote "yes" on question (1) or (2) as set forth in 13140
division (A) of this section, the sale of beer as specified in 13141
that question shall be permitted in the precinct and no subsequent 13142
election shall be held in the precinct under this section on the 13143
same question for a period of at least four years from the date of 13144
the most recent election. 13145

If a majority of the electors voting on the question in the 13146
precinct vote "no" on question (1) or (2) as set forth in division 13147
(A) of this section, no C or D permit holder shall sell beer as 13148
specified in that question within the precinct during the period 13149
the election is in effect and no subsequent election shall be held 13150
in the precinct under this section on the same question for a 13151
period of at least four years from the date of the most recent 13152
election. 13153

Sec. 4504.021. The question of repeal of a county permissive 13154
tax adopted as an emergency measure pursuant to section 4504.02, 13155

4504.15, or 4504.16 of the Revised Code may be initiated by filing 13156
with the board of elections of the county not less than 13157
seventy-five days before the general election in any year a 13158
petition requesting that an election be held on such question. 13159
Such petition shall be signed by qualified electors residing in 13160
the county equal in number to ten per cent of those voting for 13161
governor at the most recent gubernatorial election. 13162

After determination by it that such petition is valid, the 13163
board of elections shall submit the question to the electors of 13164
the county at the next general election. The election shall be 13165
conducted, canvassed, and certified in the same manner as regular 13166
elections for county offices in the county. Notice of the election 13167
shall be published in a newspaper of general circulation in the 13168
district once a week for ~~four~~ two consecutive weeks prior to the 13169
election, ~~stating~~ and, if the board of elections operates and 13170
maintains a web site, notice of the election also shall be posted 13171
on that web site for thirty days prior to the election. The notice 13172
shall state the purpose, ~~the~~ time, and ~~the~~ place of the election. 13173
The form of the ballot cast at such election shall be prescribed 13174
by the secretary of state. The question covered by such petition 13175
shall be submitted as a separate proposition, but it may be 13176
printed on the same ballot with any other proposition submitted at 13177
the same election other than the election of officers. If a 13178
majority of the qualified electors voting on the question of 13179
repeal approve the repeal, the result of the election shall be 13180
certified immediately after the canvass by the board of elections 13181
to the county commissioners, who shall thereupon, after the 13182
current year, cease to levy the tax. 13183

Sec. 5705.191. The taxing authority of any subdivision, other 13184
than the board of education of a school district or the taxing 13185
authority of a county school financing district, by a vote of 13186
two-thirds of all its members, may declare by resolution that the 13187

amount of taxes that may be raised within the ten-mill limitation 13188
by levies on the current tax duplicate will be insufficient to 13189
provide an adequate amount for the necessary requirements of the 13190
subdivision, and that it is necessary to levy a tax in excess of 13191
such limitation for any of the purposes in section 5705.19 of the 13192
Revised Code, or to supplement the general fund for the purpose of 13193
making appropriations for one or more of the following purposes: 13194
public assistance, human or social services, relief, welfare, 13195
hospitalization, health, and support of general hospitals, and 13196
that the question of such additional tax levy shall be submitted 13197
to the electors of the subdivision at a general, primary, or 13198
special election to be held at a time therein specified. Such 13199
resolution shall not include a levy on the current tax list and 13200
duplicate unless such election is to be held at or prior to the 13201
general election day of the current tax year. Such resolution 13202
shall conform to the requirements of section 5705.19 of the 13203
Revised Code, except that a levy to supplement the general fund 13204
for the purposes of public assistance, human or social services, 13205
relief, welfare, hospitalization, health, or the support of 13206
general or tuberculosis hospitals may not be for a longer period 13207
than ten years. All other levies under this section may not be for 13208
a longer period than five years unless a longer period is 13209
permitted by section 5705.19 of the Revised Code, and the 13210
resolution shall specify the date of holding such election, which 13211
shall not be earlier than seventy-five days after the adoption and 13212
certification of such resolution. The resolution shall go into 13213
immediate effect upon its passage and no publication of the same 13214
is necessary other than that provided for in the notice of 13215
election. A copy of such resolution, immediately after its 13216
passage, shall be certified to the board of elections of the 13217
proper county or counties in the manner provided by section 13218
5705.25 of the Revised Code, and such section shall govern the 13219
arrangements for the submission of such question and other matters 13220

with respect to such election, to which section 5705.25 of the Revised Code refers, excepting that such election shall be held on the date specified in the resolution, which shall be consistent with the requirements of section 3501.01 of the Revised Code, provided that only one special election for the submission of such question may be held in any one calendar year and provided that a special election may be held upon the same day a primary election is held. Publication of notice of ~~such~~ that election shall be made in one or more newspapers of general circulation in the county once a week for ~~four~~ two consecutive weeks prior to the election, and, if the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election.

If a majority of the electors voting on the question vote in favor thereof, the taxing authority of the subdivision may make the necessary levy within such subdivision at the additional rate or at any lesser rate outside the ten-mill limitation on the tax list and duplicate for the purpose stated in the resolution. Such tax levy shall be included in the next annual tax budget that is certified to the county budget commission.

After the approval of such a levy by the electors, the taxing authority of the subdivision may anticipate a fraction of the proceeds of such levy and issue anticipation notes. In the case of a continuing levy that is not levied for the purpose of current expenses, notes may be issued at any time after approval of the levy in an amount not more than fifty per cent of the total estimated proceeds of the levy for the succeeding ten years, less an amount equal to the fraction of the proceeds of the levy previously anticipated by the issuance of anticipation notes. In the case of a levy for a fixed period that is not for the purpose of current expenses, notes may be issued at any time after approval of the levy in an amount not more than fifty per cent of

the total estimated proceeds of the levy throughout the remaining 13253
life of the levy, less an amount equal to the fraction of the 13254
proceeds of the levy previously anticipated by the issuance of 13255
anticipation notes. In the case of a levy for current expenses, 13256
notes may be issued after the approval of the levy by the electors 13257
and prior to the time when the first tax collection from the levy 13258
can be made. Such notes may be issued in an amount not more than 13259
fifty per cent of the total estimated proceeds of the levy 13260
throughout the term of the levy in the case of a levy for a fixed 13261
period, or fifty per cent of the total estimated proceeds for the 13262
first ten years of the levy in the case of a continuing levy. 13263

No anticipation notes that increase the net indebtedness of a 13264
county may be issued without the prior consent of the board of 13265
county commissioners of that county. The notes shall be issued as 13266
provided in section 133.24 of the Revised Code, shall have 13267
principal payments during each year after the year of their 13268
issuance over a period not exceeding the life of the levy 13269
anticipated, and may have a principal payment in the year of their 13270
issuance. 13271

"Taxing authority" and "subdivision" have the same meanings 13272
as in section 5705.01 of the Revised Code. 13273

"Human or social services" includes a county's contributions 13274
to a multicounty board of mental retardation and developmental 13275
disabilities of which the county is a member. 13276

This section is supplemental to and not in derogation of 13277
sections 5705.20, 5705.21, and 5705.22 of the Revised Code. 13278

Sec. 5705.194. The board of education of any city, local, 13279
exempted village, cooperative education, or joint vocational 13280
school district at any time may declare by resolution that the 13281
revenue that will be raised by all tax levies which the district 13282

is authorized to impose, when combined with state and federal 13283
revenues, will be insufficient to provide for the emergency 13284
requirements of the school district or to avoid an operating 13285
deficit, and that it is therefore necessary to levy an additional 13286
tax in excess of the ten-mill limitation. The resolution shall be 13287
confined to a single purpose and shall specify that purpose. If 13288
the levy is proposed to renew all or a portion of the proceeds 13289
derived from one or more existing levies imposed pursuant to this 13290
section, it shall be called a renewal levy and shall be so 13291
designated on the ballot. If two or more existing levies are to be 13292
included in a single renewal levy but are not scheduled to expire 13293
in the same year, the resolution shall specify that the existing 13294
levies to be renewed shall not be levied after the year preceding 13295
the year in which the renewal levy is first imposed. 13296

Notwithstanding the original purpose of any one or more existing 13297
levies that are to be in any single renewal levy, the purpose of 13298
the renewal levy may be either to avoid an operating deficit or to 13299
provide for the emergency requirements of the school district. The 13300
resolution shall further specify the amount of money it is 13301
necessary to raise for the specified purpose for each calendar 13302
year the millage is to be imposed; if a renewal levy, whether the 13303
levy is to renew all, or a portion of, the proceeds derived from 13304
one or more existing levies; and the number of years in which the 13305
millage is to be in effect, which may include a levy upon the 13306
current year's tax list. The number of years may be any number not 13307
exceeding five. 13308

The question shall be submitted at a special election on a 13309
date specified in the resolution. The date shall not be earlier 13310
than eighty days after the adoption and certification of the 13311
resolution to the county auditor and shall be consistent with the 13312
requirements of section 3501.01 of the Revised Code. A resolution 13313
for a renewal levy shall not be placed on the ballot unless the 13314
question is submitted on a date on which a special election may be 13315

held under division (D) of section 3501.01 of the Revised Code, 13316
except for the first Tuesday after the first Monday in February 13317
and August, during the last year the levy to be renewed may be 13318
extended on the real and public utility property tax list and 13319
duplicate, or at any election held in the ensuing year, except 13320
that if the resolution proposes renewing two or more existing 13321
levies, the question shall be submitted on the date of the general 13322
or primary election held during the last year at least one of the 13323
levies to be renewed may be extended on that list and duplicate, 13324
or at any election held during the ensuing year. For purposes of 13325
this section, a levy shall be considered to be an "existing levy" 13326
through the year following the last year it can be placed on the 13327
real and public utility property tax list and duplicate. 13328

The submission of questions to the electors under this 13329
section is subject to the limitation on the number of election 13330
dates established by section 5705.214 of the Revised Code. 13331

The resolution shall go into immediate effect upon its 13332
passage, and no publication of the resolution shall be necessary 13333
other than that provided for in the notice of election. A copy of 13334
the resolution shall immediately after its passing be certified to 13335
the county auditor of the proper county. Section 5705.195 of the 13336
Revised Code shall govern the arrangements for the submission of 13337
questions to the electors under this section and other matters 13338
concerning the election. Publication of notice of the election 13339
shall be made in one or more newspapers of general circulation in 13340
the county once a week for ~~three~~ two consecutive weeks prior to 13341
the election, and, if the board of elections operates and 13342
maintains a web site, the board of elections shall post notice of 13343
the election on its web site for thirty days prior to the 13344
election. If a majority of the electors voting on the question 13345
submitted in an election vote in favor of the levy, the board of 13346
education of the school district may make the additional levy 13347

necessary to raise the amount specified in the resolution for the 13348
purpose stated in the resolution. The tax levy shall be included 13349
in the next tax budget that is certified to the county budget 13350
commission. 13351

After the approval of the levy and prior to the time when the 13352
first tax collection from the levy can be made, the board of 13353
education may anticipate a fraction of the proceeds of the levy 13354
and issue anticipation notes in an amount not exceeding the total 13355
estimated proceeds of the levy to be collected during the first 13356
year of the levy. 13357

The notes shall be issued as provided in section 133.24 of 13358
the Revised Code, shall have principal payments during each year 13359
after the year of their issuance over a period not to exceed five 13360
years, and may have principal payment in the year of their 13361
issuance. 13362

Sec. 5705.196. The election provided for in section 5705.194 13363
of the Revised Code shall be held at the regular places for voting 13364
in the district, and shall be conducted, canvassed, and certified 13365
in the same manner as regular elections in the district for the 13366
election of county officers, provided that in any such election in 13367
which only part of the electors of a precinct are qualified to 13368
vote, the board of elections may assign voters in such part to an 13369
adjoining precinct. Such an assignment may be made to an adjoining 13370
precinct in another county with the consent and approval of the 13371
board of elections of such other county. Notice of the election 13372
shall be published in one or more newspapers of general 13373
circulation in the district once a week for ~~three~~ two consecutive 13374
weeks prior to the election, and, if the board of elections 13375
operates and maintains a web site, the board of elections shall 13376
post notice of the election on its web site for thirty days prior 13377
to the election. Such notice shall state the annual proceeds of 13378

the proposed levy, the purpose for which such proceeds are to be 13379
used, the number of years during which the levy shall run, and the 13380
estimated average additional tax rate expressed in dollars and 13381
cents for each one hundred dollars of valuation as well as in 13382
mills for each one dollar of valuation, outside the limitation 13383
imposed by Section 2 of Article XII, Ohio Constitution, as 13384
certified by the county auditor. 13385

Sec. 5705.21. (A) At any time, the board of education of any 13386
city, local, exempted village, cooperative education, or joint 13387
vocational school district, by a vote of two-thirds of all its 13388
members, may declare by resolution that the amount of taxes which 13389
may be raised within the ten-mill limitation by levies on the 13390
current tax duplicate will be insufficient to provide an adequate 13391
amount for the necessary requirements of the school district, that 13392
it is necessary to levy a tax in excess of such limitation for one 13393
of the purposes specified in division (A), (D), (F), (H), or (DD) 13394
of section 5705.19 of the Revised Code, for general permanent 13395
improvements, for the purpose of operating a cultural center, or 13396
for the purpose of providing education technology, and that the 13397
question of such additional tax levy shall be submitted to the 13398
electors of the school district at a special election on a day to 13399
be specified in the resolution. 13400

As used in this section, "cultural center" means a 13401
freestanding building, separate from a public school building, 13402
that is open to the public for educational, musical, artistic, and 13403
cultural purposes; "education technology" means, but is not 13404
limited to, computer hardware, equipment, materials, and 13405
accessories, equipment used for two-way audio or video, and 13406
software; and "general permanent improvements" means permanent 13407
improvements without regard to the limitation of division (F) of 13408
section 5705.19 of the Revised Code that the improvements be a 13409
specific improvement or a class of improvements that may be 13410

included in a single bond issue. 13411

The submission of questions to the electors under this 13412
section is subject to the limitation on the number of election 13413
dates established by section 5705.214 of the Revised Code. 13414

(B) Such resolution shall be confined to a single purpose and 13415
shall specify the amount of the increase in rate that it is 13416
necessary to levy, the purpose of the levy, and the number of 13417
years during which the increase in rate shall be in effect. The 13418
number of years may be any number not exceeding five or, if the 13419
levy is for current expenses of the district or for general 13420
permanent improvements, for a continuing period of time. The 13421
resolution shall specify the date of holding such election, which 13422
shall not be earlier than seventy-five days after the adoption and 13423
certification of the resolution and which shall be consistent with 13424
the requirements of section 3501.01 of the Revised Code. 13425

The resolution may propose to renew one or more existing 13426
levies imposed under this section or to increase or decrease a 13427
single levy imposed under this section. If the board of education 13428
imposes one or more existing levies for the purpose specified in 13429
division (F) of section 5705.19 of the Revised Code, the 13430
resolution may propose to renew one or more of those existing 13431
levies, or to increase or decrease a single such existing levy, 13432
for the purpose of general permanent improvements. If the 13433
resolution proposes to renew two or more existing levies, the 13434
levies shall be levied for the same purpose. The resolution shall 13435
identify those levies and the rates at which they are levied. The 13436
resolution also shall specify that the existing levies shall not 13437
be extended on the tax lists after the year preceding the year in 13438
which the renewal levy is first imposed, regardless of the years 13439
for which those levies originally were authorized to be levied. 13440

The resolution shall go into immediate effect upon its 13441

passage, and no publication of the resolution shall be necessary
other than that provided for in the notice of election. A copy of
the resolution shall immediately after its passing be certified to
the board of elections of the proper county in the manner provided
by section 5705.25 of the Revised Code, and that section shall
govern the arrangements for the submission of such question and
other matters concerning such election, to which that section
refers, except that such election shall be held on the date
specified in the resolution. Publication of notice of ~~such~~ that
election shall be made in one or more newspapers of general
circulation in the county once a week for ~~four~~ two consecutive
weeks prior to the election, and, if the board of elections
operates and maintains a web site, the board of elections shall
post notice of the election on its web site for thirty days prior
to the election. If a majority of the electors voting on the
question so submitted in an election vote in favor of the levy,
the board of education may make the necessary levy within the
school district at the additional rate, or at any lesser rate in
excess of the ten-mill limitation on the tax list, for the purpose
stated in the resolution. A levy for a continuing period of time
may be reduced pursuant to section 5705.261 of the Revised Code.
The tax levy shall be included in the next tax budget that is
certified to the county budget commission.

(C)(1) After the approval of a levy on the current tax list
and duplicate for current expenses, for recreational purposes, for
community centers provided for in section 755.16 of the Revised
Code, or for a public library of the district and prior to the
time when the first tax collection from the levy can be made, the
board of education may anticipate a fraction of the proceeds of
the levy and issue anticipation notes in a principal amount not
exceeding fifty per cent of the total estimated proceeds of the
levy to be collected during the first year of the levy.

(2) After the approval of a levy for general permanent improvements for a specified number of years, or for permanent improvements having the purpose specified in division (F) of section 5705.19 of the Revised Code, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy remaining to be collected in each year over a period of five years after the issuance of the notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(3) After approval of a levy for general permanent improvements for a continuing period of time, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected in each year over a specified period of years, not exceeding ten, after the issuance of the notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed ten years, and may have a principal payment in the year of their issuance.

Sec. 5705.218. (A) The board of education of a city, local, or exempted village school district, at any time by a vote of two-thirds of all its members, may declare by resolution that it may be necessary for the school district to issue general obligation bonds for permanent improvements. The resolution shall

state all of the following: 13505

(1) The necessity and purpose of the bond issue; 13506

(2) The date of the special election at which the question 13507
shall be submitted to the electors; 13508

(3) The amount, approximate date, estimated rate of interest, 13509
and maximum number of years over which the principal of the bonds 13510
may be paid; 13511

(4) The necessity of levying a tax outside the ten-mill 13512
limitation to pay debt charges on the bonds and any anticipatory 13513
securities. 13514

On adoption of the resolution, the board shall certify a copy 13515
of it to the county auditor. The county auditor promptly shall 13516
estimate and certify to the board the average annual property tax 13517
rate required throughout the stated maturity of the bonds to pay 13518
debt charges on the bonds, in the same manner as under division 13519
(C) of section 133.18 of the Revised Code. 13520

(B) After receiving the county auditor's certification under 13521
division (A) of this section, the board of education of the city, 13522
local, or exempted village school district, by a vote of 13523
two-thirds of all its members, may declare by resolution that the 13524
amount of taxes that can be raised within the ten-mill limitation 13525
will be insufficient to provide an adequate amount for the present 13526
and future requirements of the school district; that it is 13527
necessary to issue general obligation bonds of the school district 13528
for permanent improvements and to levy an additional tax in excess 13529
of the ten-mill limitation to pay debt charges on the bonds and 13530
any anticipatory securities; that it is necessary for a specified 13531
number of years or for a continuing period of time to levy 13532
additional taxes in excess of the ten-mill limitation to provide 13533
funds for the acquisition, construction, enlargement, renovation, 13534
and financing of permanent improvements or to pay for current 13535

operating expenses, or both; and that the question of the bonds 13536
and taxes shall be submitted to the electors of the school 13537
district at a special election, which shall not be earlier than 13538
seventy-five days after certification of the resolution to the 13539
board of elections, and the date of which shall be consistent with 13540
section 3501.01 of the Revised Code. The resolution shall specify 13541
all of the following: 13542

(1) The county auditor's estimate of the average annual 13543
property tax rate required throughout the stated maturity of the 13544
bonds to pay debt charges on the bonds; 13545

(2) The proposed rate of the tax, if any, for current 13546
operating expenses, the first year the tax will be levied, and the 13547
number of years it will be levied, or that it will be levied for a 13548
continuing period of time; 13549

(3) The proposed rate of the tax, if any, for permanent 13550
improvements, the first year the tax will be levied, and the 13551
number of years it will be levied, or that it will be levied for a 13552
continuing period of time. 13553

The resolution shall apportion the annual rate of the tax 13554
between current operating expenses and permanent improvements, if 13555
both taxes are proposed. The apportionment may but need not be the 13556
same for each year of the tax, but the respective portions of the 13557
rate actually levied each year for current operating expenses and 13558
permanent improvements shall be limited by the apportionment. The 13559
resolution shall go into immediate effect upon its passage, and no 13560
publication of it is necessary other than that provided in the 13561
notice of election. The board of education shall certify a copy of 13562
the resolution, along with copies of the auditor's estimate and 13563
its resolution under division (A) of this section, to the board of 13564
elections immediately after its adoption. 13565

(C) The board of elections shall make the arrangements for 13566

the submission of the question to the electors of the school district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers. The resolution shall be put before the electors as one ballot question, with a favorable vote indicating approval of the bond issue, the levy to pay debt charges on the bonds and any anticipatory securities, the current operating expenses levy, and the permanent improvements levy, if either or both levies are proposed. The board of elections shall publish notice of the election in one or more newspapers of general circulation in the school district once a week for ~~four~~ two consecutive weeks prior to the election, and, if a board of elections operates and maintains a web site, that board also shall post notice of the election on its web site for thirty days prior to the election. The notice of election shall state all of the following:

- (1) The principal amount of the proposed bond issue;
- (2) The permanent improvements for which the bonds are to be issued;
- (3) The maximum number of years over which the principal of the bonds may be paid;
- (4) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;
- (5) The proposed rate of the additional tax, if any, for current operating expenses;
- (6) The number of years the current operating expenses tax will be in effect, or that it will be in effect for a continuing period of time;
- (7) The proposed rate of the additional tax, if any, for

permanent improvements;	13597
(8) The number of years the permanent improvements tax will be in effect, or that it will be in effect for a continuing period of time;	13598 13599 13600
(9) The time and place of the special election.	13601
(D) The form of the ballot for an election under this section is as follows:	13602 13603
"Shall the school district be authorized to do the following:	13604 13605
(1) Issue bonds for the purpose of in the principal amount of \$....., to be repaid annually over a maximum period of years, and levy a property tax outside the ten-mill limitation, estimated by the county auditor to average over the bond repayment period mills for each one dollar of tax valuation, which amounts to (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of tax valuation, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?"	13606 13607 13608 13609 13610 13611 13612 13613 13614 13615
If either a levy for permanent improvements or a levy for current operating expenses is proposed, or both are proposed, the ballot also shall contain the following language, as appropriate:	13616 13617 13618
"(2) Levy an additional property tax to provide funds for the acquisition, construction, enlargement, renovation, and financing of permanent improvements at a rate not exceeding mills for each one dollar of tax valuation, which amounts to (rate expressed in cents or dollars and cents) for each \$100 of tax valuation, for (number of years of the levy, or a continuing period of time)?	13619 13620 13621 13622 13623 13624 13625
(3) Levy an additional property tax to pay current operating	13626

expenses at a rate not exceeding mills for each one dollar 13627
of tax valuation, which amounts to (rate expressed in 13628
cents or dollars and cents) for each \$100 of tax valuation, for 13629
..... (number of years of the levy, or a continuing period of 13630
time)? 13631

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)	
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)	"

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(E) The board of elections promptly shall certify the results 13636
of the election to the tax commissioner and the county auditor of 13637
the county in which the school district is located. If a majority 13638
of the electors voting on the question vote for it, the board of 13639
education may proceed with issuance of the bonds and with the levy 13640
and collection of the property tax or taxes at the additional rate 13641
or any lesser rate in excess of the ten-mill limitation. Any 13642
securities issued by the board of education under this section are 13643
Chapter 133. securities, as that term is defined in section 133.01 13644
of the Revised Code. 13645

(F)(1) After the approval of a tax for current operating 13646
expenses under this section and prior to the time the first 13647
collection and distribution from the levy can be made, the board 13648
of education may anticipate a fraction of the proceeds of such 13649
levy and issue anticipation notes in a principal amount not 13650
exceeding fifty per cent of the total estimated proceeds of the 13651
tax to be collected during the first year of the levy. 13652

(2) After the approval of a tax under this section for 13653
permanent improvements having a specific purpose, the board of 13654
education may anticipate a fraction of the proceeds of such tax 13655
and issue anticipation notes in a principal amount not exceeding 13656
fifty per cent of the total estimated proceeds of the tax 13657

remaining to be collected in each year over a period of five years 13658
after issuance of the notes. 13659

(3) After the approval of a tax for general, on-going 13660
permanent improvements under this section, the board of education 13661
may anticipate a fraction of the proceeds of such tax and issue 13662
anticipation notes in a principal amount not exceeding fifty per 13663
cent of the total estimated proceeds of the tax to be collected in 13664
each year over a specified period of years, not exceeding ten, 13665
after issuance of the notes. 13666

Anticipation notes under this section shall be issued as 13667
provided in section 133.24 of the Revised Code. Notes issued under 13668
division (F)(1) or (2) of this section shall have principal 13669
payments during each year after the year of their issuance over a 13670
period not to exceed five years, and may have a principal payment 13671
in the year of their issuance. Notes issued under division (F)(3) 13672
of this section shall have principal payments during each year 13673
after the year of their issuance over a period not to exceed ten 13674
years, and may have a principal payment in the year of their 13675
issuance. 13676

(G) A tax for current operating expenses or for permanent 13677
improvements levied under this section for a specified number of 13678
years may be renewed or replaced in the same manner as a tax for 13679
current operating expenses or for permanent improvements levied 13680
under section 5705.21 of the Revised Code. A tax for current 13681
operating expenses or for permanent improvements levied under this 13682
section for a continuing period of time may be decreased in 13683
accordance with section 5705.261 of the Revised Code. 13684

(H) The submission of a question to the electors under this 13685
section is subject to the limitation on the number of elections 13686
that can be held in a year under section 5705.214 of the Revised 13687
Code. 13688

(I) A school district board of education proposing a ballot 13689
measure under this section to generate local resources for a 13690
project under the school building assistance expedited local 13691
partnership program under section 3318.36 of the Revised Code may 13692
combine the questions under division (D) of this section with a 13693
question for the levy of a property tax to generate moneys for 13694
maintenance of the classroom facilities acquired under that 13695
project as prescribed in section 3318.361 of the Revised Code. 13696

Sec. 5705.25. (A) A copy of any resolution adopted as 13697
provided in section 5705.19 of the Revised Code shall be certified 13698
by the taxing authority to the board of elections of the proper 13699
county not less than seventy-five days before the general election 13700
in any year, and the board shall submit the proposal to the 13701
electors of the subdivision at the succeeding November election. 13702
Except as otherwise provided in this division, a resolution to 13703
renew an existing levy, regardless of the section of the Revised 13704
Code under which the tax was imposed, shall not be placed on the 13705
ballot unless the question is submitted at the general election 13706
held during the last year the tax to be renewed or replaced may be 13707
extended on the real and public utility property tax list and 13708
duplicate, or at any election held in the ensuing year. The 13709
limitation of the foregoing sentence does not apply to a 13710
resolution to renew and increase or to renew part of an existing 13711
levy that was imposed under section 5705.191 of the Revised Code 13712
to supplement the general fund for the purpose of making 13713
appropriations for one or more of the following purposes: for 13714
public assistance, human or social services, relief, welfare, 13715
hospitalization, health, and support of general hospitals. The 13716
limitation of the second preceding sentence also does not apply to 13717
a resolution that proposes to renew two or more existing levies 13718
imposed under section 5705.21 of the Revised Code, in which case 13719
the question shall be submitted on the date of the general or 13720

primary election held during the last year at least one of the 13721
levies to be renewed may be extended on the real and public 13722
utility property tax list and duplicate, or at any election held 13723
during the ensuing year. For purposes of this section, a levy 13724
shall be considered to be an "existing levy" through the year 13725
following the last year it can be placed on that tax list and 13726
duplicate. 13727

The board shall make the necessary arrangements for the 13728
submission of such questions to the electors of such subdivision, 13729
and the election shall be conducted, canvassed, and certified in 13730
the same manner as regular elections in such subdivision for the 13731
election of county officers. Notice of the election shall be 13732
published in a newspaper of general circulation in the subdivision 13733
once a week for ~~four~~ two consecutive weeks prior to the election, 13734
~~stating~~ and, if the board of elections operates and maintains a 13735
web site, the board of elections shall post notice of the election 13736
on its web site for thirty days prior to the election. The notice 13737
shall state the purpose, the proposed increase in rate, expressed 13738
in dollars and cents for each one hundred dollars of valuation as 13739
well as in mills for each one dollar of valuation, the number of 13740
years during which the increase will be in effect, the first month 13741
and year in which the tax will be levied, and the time and place 13742
of the election. 13743

(B) The form of the ballots cast at an election held pursuant 13744
to division (A) of this section shall be as follows: 13745

"An additional tax for the benefit of (name of subdivision or 13746
public library) for the purpose of (purpose stated in 13747
the resolution) at a rate not exceeding mills 13748
for each one dollar of valuation, which amounts to (rate expressed 13749
in dollars and cents) for each one hundred dollars of 13750
valuation, for (life of indebtedness or number of years the 13751
levy is to run). 13752

	For the Tax Levy	
	Against the Tax Levy	"

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(C) If the levy is to be in effect for a continuing period of 13757
time, the notice of election and the form of ballot shall so state 13758
instead of setting forth a specified number of years for the levy. 13759

If the tax is to be placed on the current tax list, the form 13760
of the ballot shall be modified by adding, after the statement of 13761
the number of years the levy is to run, the phrase ", commencing 13762
in (first year the tax is to be levied), first due in 13763
calendar year (first calendar year in which the tax 13764
shall be due)." 13765

If the levy submitted is a proposal to renew, increase, or 13766
decrease an existing levy, the form of the ballot specified in 13767
division (B) of this section may be changed by substituting for 13768
the words "An additional" at the beginning of the form, the words 13769
"A renewal of a" in case of a proposal to renew an existing levy 13770
in the same amount; the words "A renewal of mills and an 13771
increase of mills to constitute a" in the case of an 13772
increase; or the words "A renewal of part of an existing levy, 13773
being a reduction of mills, to constitute a" in the case of 13774
a decrease in the proposed levy. 13775

If the levy submitted is a proposal to renew two or more 13776
existing levies imposed under section 5705.21 of the Revised Code, 13777
the form of the ballot specified in division (B) of this section 13778
shall be modified by substituting for the words "an additional 13779
tax" the words "a renewal of(insert the number of levies to 13780
be renewed) existing taxes." 13781

The question covered by such resolution shall be submitted as 13782
a separate proposition but may be printed on the same ballot with 13783

any other proposition submitted at the same election, other than 13784
the election of officers. More than one such question may be 13785
submitted at the same election. 13786

(D) A levy voted in excess of the ten-mill limitation under 13787
this section shall be certified to the tax commissioner. In the 13788
first year of the levy, it shall be extended on the tax lists 13789
after the February settlement succeeding the election. If the 13790
additional tax is to be placed upon the tax list of the current 13791
year, as specified in the resolution providing for its submission, 13792
the result of the election shall be certified immediately after 13793
the canvass by the board of elections to the taxing authority, who 13794
shall make the necessary levy and certify it to the county 13795
auditor, who shall extend it on the tax lists for collection. 13796
After the first year, the tax levy shall be included in the annual 13797
tax budget that is certified to the county budget commission. 13798

Sec. 5705.251. (A) A copy of a resolution adopted under 13799
section 5705.212 or 5705.213 of the Revised Code shall be 13800
certified by the board of education to the board of elections of 13801
the proper county not less than seventy-five days before the date 13802
of the election specified in the resolution, and the board of 13803
elections shall submit the proposal to the electors of the school 13804
district at a special election to be held on that date. The board 13805
of elections shall make the necessary arrangements for the 13806
submission of the question or questions to the electors of the 13807
school district, and the election shall be conducted, canvassed, 13808
and certified in the same manner as regular elections in the 13809
school district for the election of county officers. Notice of the 13810
election shall be published in a newspaper of general circulation 13811
in the subdivision once a week for ~~four~~ two consecutive weeks 13812
prior to the election, and, if the board of elections operates and 13813
maintains a web site, the board of elections shall post notice of 13814

the election on its web site for thirty days prior to the 13815
election. 13816

(1) In the case of a resolution adopted under section 13817
5705.212 of the Revised Code, the notice shall state separately, 13818
for each tax being proposed, the purpose; the proposed increase in 13819
rate, expressed in dollars and cents for each one hundred dollars 13820
of valuation as well as in mills for each one dollar of valuation; 13821
the number of years during which the increase will be in effect; 13822
and the first calendar year in which the tax will be due. For an 13823
election on the question of a renewal levy, the notice shall state 13824
the purpose; the proposed rate, expressed in dollars and cents for 13825
each one hundred dollars of valuation as well as in mills for each 13826
one dollar of valuation; and the number of years the tax will be 13827
in effect. 13828

(2) In the case of a resolution adopted under section 13829
5705.213 of the Revised Code, the notice shall state the purpose; 13830
the amount proposed to be raised by the tax in the first year it 13831
is levied; the estimated average additional tax rate for the first 13832
year it is proposed to be levied, expressed in mills for each one 13833
dollar of valuation and in dollars and cents for each one hundred 13834
dollars of valuation; the number of years during which the 13835
increase will be in effect; and the first calendar year in which 13836
the tax will be due. The notice also shall state the amount by 13837
which the amount to be raised by the tax may be increased in each 13838
year after the first year. The amount of the allowable increase 13839
may be expressed in terms of a dollar increase over, or a 13840
percentage of, the amount raised by the tax in the immediately 13841
preceding year. For an election on the question of a renewal levy, 13842
the notice shall state the purpose; the amount proposed to be 13843
raised by the tax; the estimated tax rate, expressed in mills for 13844
each one dollar of valuation and in dollars and cents for each one 13845
hundred dollars of valuation; and the number of years the tax will 13846

be in effect. 13847

In any case, the notice also shall state the time and place 13848
of the election. 13849

(B) The form of the ballot in an election on taxes proposed 13850
under section 5705.212 of the Revised Code shall be as follows: 13851

"Shall the school district be authorized to levy 13852
taxes for current expenses, the aggregate rate of which may 13853
increase in (number) increment(s) of not more than 13854
mill(s) for each dollar of valuation, from an original rate of 13855
..... mill(s) for each dollar of valuation, which amounts to 13856
..... (rate expressed in dollars and cents) for each one hundred 13857
dollars of valuation, to a maximum rate of mill(s) for each 13858
dollar of valuation, which amounts to (rate expressed in 13859
dollars and cents) for each one hundred dollars of valuation? The 13860
original tax is first proposed to be levied in (the first 13861
year of the tax), and the incremental tax in (the first 13862
year of the increment) (if more than one incremental tax is 13863
proposed in the resolution, the first year that each incremental 13864
tax is proposed to be levied shall be stated in the preceding 13865
format, and the increments shall be referred to as the first, 13866
second, third, or fourth increment, depending on their number). 13867
The aggregate rate of tax so authorized will (insert 13868
either, "expire with the original rate of tax which shall be in 13869
effect for years" or "be in effect for a continuing period 13870
of time"). 13871

	FOR THE TAX LEVYS <u>LEVIES</u>
	AGAINST THE TAX LEVYS <u>LEVIES</u>

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The form of the ballot in an election on the question of a 13876
renewal levy under section 5705.212 of the Revised Code shall be 13877

as follows:

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"Shall the school district be authorized to renew a tax for current expenses at a rate not exceeding mills for each dollar of valuation, which amounts to (rate expressed in dollars and cents) for each one hundred dollars of valuation, for (number of years the levy shall be in effect, or a continuing period of time)?

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	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

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"

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If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to be in effect, the phrase ", commencing in (first year the tax is to be levied), first due in calendar year (first calendar year in which the tax shall be due)."

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(C) The form of the ballot in an election on a tax proposed under section 5705.213 of the Revised Code shall be as follows:

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"Shall the school district be authorized to levy the following tax for current expenses? The tax will first be levied in (year) to raise (dollars). In the (number of years) following years, the tax will increase by not more than (per cent or dollar amount of increase) each year, so that, during (last year of the tax), the tax will raise approximately (dollars). The county auditor estimates that the rate of the tax per dollar of valuation will be mill(s), which amounts to \$..... per one hundred dollars of valuation, both during (first year of the tax) and mill(s), which amounts to \$..... per one hundred dollars of valuation, during (last year of the tax). The tax will not

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be levied after (year). 13909

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	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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The form of the ballot in an election on the question of a 13914
renewal levy under section 5705.213 of the Revised Code shall be 13915
as follows: 13916

"Shall the school district be authorized to renew a 13917
tax for current expenses which will raise (dollars), 13918
estimated by the county auditor to be mills for each 13919
dollar of valuation, which amounts to (rate expressed in 13920
dollars and cents) for each one hundred dollars of valuation? The 13921
tax shall be in effect for (the number of years the levy 13922
shall be in effect, or a continuing period of time). 13923

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	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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If the tax is to be placed on the current tax list, the form 13928
of the ballot shall be modified by adding, after the statement of 13929
the number of years the levy is to be in effect, the phrase ", 13930
commencing in (first year the tax is to be levied), 13931
first due in calendar year (first calendar year in 13932
which the tax shall be due)." 13933

(D) The question covered by a resolution adopted under 13934
section 5705.212 or 5705.213 of the Revised Code shall be 13935
submitted as a separate question, but may be printed on the same 13936
ballot with any other question submitted at the same election, 13937
other than the election of officers. More than one question may be 13938

submitted at the same election. 13939

(E) Taxes voted in excess of the ten-mill limitation under 13940
division (B) or (C) of this section shall be certified to the tax 13941
commissioner. If an additional tax is to be placed upon the tax 13942
list of the current year, as specified in the resolution providing 13943
for its submission, the result of the election shall be certified 13944
immediately after the canvass by the board of elections to the 13945
board of education. The board of education immediately shall make 13946
the necessary levy and certify it to the county auditor, who shall 13947
extend it on the tax list for collection. After the first year, 13948
the levy shall be included in the annual tax budget that is 13949
certified to the county budget commission. 13950

Sec. 5705.261. The question of decrease of an increased rate 13951
of levy approved for a continuing period of time by the voters of 13952
a subdivision may be initiated by the filing of a petition with 13953
the board of elections of the proper county not less than 13954
seventy-five days before the general election in any year 13955
requesting that an election be held on such question. Such 13956
petition shall state the amount of the proposed decrease in the 13957
rate of levy and shall be signed by qualified electors residing in 13958
the subdivision equal in number to at least ten per cent of the 13959
total number of votes cast in the subdivision for the office of 13960
governor at the most recent general election for that office. Only 13961
one such petition may be filed during each five-year period 13962
following the election at which the voters approved the increased 13963
rate for a continuing period of time. 13964

After determination by it that such petition is valid, the 13965
board of elections shall submit the question to the electors of 13966
the district at the succeeding general election. The election 13967
shall be conducted, canvassed, and certified in the same manner as 13968
regular elections in such subdivision for county offices. Notice 13969

of the election shall be published in a newspaper of general
circulation in the district once a week for ~~four~~ two consecutive
weeks prior to the election, ~~stating and, if the board of~~
elections operates and maintains a web site, the board of
elections shall post notice of the election on its web site for
thirty days prior to the election. The notice shall state the
purpose, the amount of the proposed decrease in rate, and the time
and place of the election. The form of the ballot cast at such
election shall be prescribed by the secretary of state. The
question covered by such petition shall be submitted as a separate
proposition but it may be printed on the same ballot with any
other propositions submitted at the same election other than the
election of officers. If a majority of the qualified electors
voting on the question of a decrease at such election approve the
proposed decrease in rate, the result of the election shall be
certified immediately after the canvass by the board of elections
to the subdivision's taxing authority, which shall thereupon,
after the current year, cease to levy such increased rate or levy
such tax at such reduced rate upon the duplicate of the
subdivision. If notes have been issued in anticipation of the
collection of such levy, the taxing authority shall continue to
levy and collect under authority of the election authorizing the
original levy such amounts as will be sufficient to pay the
principal of and interest on such anticipation notes as the same
fall due.

Sec. 5705.71. (A) The electors of a county may initiate the
question of a tax levy for support of senior citizens services or
facilities by the filing of a petition with the board of elections
of that county not less than seventy-five days before the date of
any primary or general election requesting that an election be
held on such question. The petition shall be signed by at least
ten per cent of the qualified electors residing in the county and

voting for the office of governor at the last general election. 14002

(B) The petition shall state the purpose for which the senior 14003
citizens tax levy is being proposed, shall specify the amount of 14004
the proposed increase in rate, the period of time during which the 14005
increase is to be in effect, and whether the levy is to be imposed 14006
in the current year. The number of years may be any number not 14007
exceeding five, except that when the additional rate is for the 14008
payment of debt charges the increased rate shall be for the life 14009
of the indebtedness. 14010

(C) After determination by it that such petition is valid, 14011
the board of elections shall submit the question to the electors 14012
of the county at the succeeding primary or general election. 14013

(D) The election shall be conducted, canvassed, and certified 14014
in the same manner as regular elections in such county for county 14015
offices. Notice of the election shall be published in a newspaper 14016
of general circulation in the county once a week for ~~four~~ two 14017
consecutive weeks prior to the election, ~~stating and, if the board~~ 14018
of elections operates and maintains a web site, the board of 14019
elections shall post notice of the election on its web site for 14020
thirty days prior to the election. The notice shall state the 14021
purpose, the amount of the proposed increase in rate, and the time 14022
and place of the election. 14023

(E) The form of the ballot cast at such election shall be 14024
prescribed by the secretary of state. If the tax is to be placed 14025
on the tax list of the current tax year, the form of the ballot 14026
shall include a statement to that effect and shall indicate the 14027
first calendar year the tax will be due. The question covered by 14028
such petition shall be submitted as a separate proposition but it 14029
may be printed on the same ballot with any other propositions 14030
submitted at the same election other than the election of 14031
officers. 14032

(F) If a majority of electors voting on the question vote in favor of the levy, the board of county commissioners shall levy a tax, for the period and the purpose stated within the petition. If the tax is to be placed upon the tax list of the current year, as specified in the petition, the result of the election shall be certified immediately after the canvass by the board of elections to the board of county commissioners, which shall forthwith make the necessary levy and certify it to the county auditor, who shall extend it on the tax list for collection. After the first year, the tax levy shall be included in the annual tax budget that is certified to the county budget commission.

Sec. 5739.022. (A) The question of repeal of either a county permissive tax or an increase in the rate of a county permissive tax that was adopted as an emergency measure pursuant to section 5739.021 or 5739.026 of the Revised Code may be initiated by filing with the board of elections of the county not less than seventy-five days before the general election in any year a petition requesting that an election be held on the question. The question of repealing an increase in the rate of the county permissive tax shall be submitted to the electors as a separate question from the repeal of the tax in effect prior to the increase in the rate. Any petition filed under this section shall be signed by qualified electors residing in the county equal in number to ten per cent of those voting for governor at the most recent gubernatorial election.

After determination by it that the petition is valid, the board of elections shall submit the question to the electors of the county at the next general election. The election shall be conducted, canvassed, and certified in the same manner as regular elections for county offices in the county. The board of elections shall notify the tax commissioner, in writing, of the election

upon determining that the petition is valid. Notice of the
election shall also be published in a newspaper of general
circulation in the district once a week for ~~four~~ two consecutive
weeks prior to the election, ~~stating~~ and, if the board of
elections operates and maintains a web site, the board of
elections shall post notice of the election on its web site for
thirty days prior to the election. The notice shall state the
purpose, the time, and the place of the election. The form of the
ballot cast at the election shall be prescribed by the secretary
of state; however, the ballot question shall read, "shall the tax
(or, increase in the rate of the tax) be retained?

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	Yes
	No

"

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The question covered by the petition shall be submitted as a
separate proposition, but it may be printed on the same ballot
with any other proposition submitted at the same election other
than the election of officers.

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(B) If a majority of the qualified electors voting on the
question of repeal of either a county permissive tax or an
increase in the rate of a county permissive tax approve the
repeal, the board of elections shall notify the board of county
commissioners and the tax commissioner of the result of the
election immediately after the result has been declared. The board
of county commissioners shall, on the first day of the calendar
quarter following the expiration of sixty-five days after the date
the board and the tax commissioner receive the notice, in the case
of a repeal of a county permissive tax, cease to levy the tax, or,
in the case of a repeal of an increase in the rate of a county
permissive tax, levy the tax at the rate at which it was imposed

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immediately prior to the increase in rate and cease to levy the 14095
increased rate. 14096

(C) Upon receipt from a board of elections of a notice of the 14097
results of an election required by division (B) of this section, 14098
the tax commissioner shall provide notice of a tax repeal or rate 14099
change in a manner that is reasonably accessible to all affected 14100
vendors. The commissioner shall provide this notice at least sixty 14101
days prior to the effective date of the rate change. The 14102
commissioner, by rule, may establish the method by which notice 14103
will be provided. 14104

(D) If a vendor that is registered with the central 14105
electronic registration system provided for in section 5740.05 of 14106
the Revised Code makes a sale in this state by printed catalog and 14107
the consumer computed the tax on the sale based on local rates 14108
published in the catalog, any tax repealed or rate changed under 14109
this section shall not apply to such a sale until the first day of 14110
a calendar quarter following the expiration of one hundred twenty 14111
days from the date of notice by the tax commissioner pursuant to 14112
division (C) of this section. 14113

Sec. 5748.02. (A) The board of education of any school 14114
district, except a joint vocational school district, may declare, 14115
by resolution, the necessity of raising annually a specified 14116
amount of money for school district purposes. The resolution shall 14117
specify whether the income that is to be subject to the tax is 14118
taxable income of individuals and estates as defined in divisions 14119
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 14120
taxable income of individuals as defined in division (E)(1)(b) of 14121
that section. A copy of the resolution shall be certified to the 14122
tax commissioner no later than eighty-five days prior to the date 14123
of the election at which the board intends to propose a levy under 14124
this section. Upon receipt of the copy of the resolution, the tax 14125

commissioner shall estimate both of the following: 14126

(1) The property tax rate that would have to be imposed in 14127
the current year by the district to produce an equivalent amount 14128
of money; 14129

(2) The income tax rate that would have had to have been in 14130
effect for the current year to produce an equivalent amount of 14131
money from a school district income tax. 14132

Within ten days of receiving the copy of the board's 14133
resolution, the commissioner shall prepare these estimates and 14134
certify them to the board. Upon receipt of the certification, the 14135
board may adopt a resolution proposing an income tax under 14136
division (B) of this section at the estimated rate contained in 14137
the certification rounded to the nearest one-fourth of one per 14138
cent. The commissioner's certification applies only to the board's 14139
proposal to levy an income tax at the election for which the board 14140
requested the certification. If the board intends to submit a 14141
proposal to levy an income tax at any other election, it shall 14142
request another certification for that election in the manner 14143
prescribed in this division. 14144

(B)(1) Upon the receipt of a certification from the tax 14145
commissioner under division (A) of this section, a majority of the 14146
members of a board of education may adopt a resolution proposing 14147
the levy of an annual tax for school district purposes on school 14148
district income. The proposed levy may be for a continuing period 14149
of time or for a specified number of years. The resolution shall 14150
set forth the purpose for which the tax is to be imposed, the rate 14151
of the tax, which shall be the rate set forth in the 14152
commissioner's certification rounded to the nearest one-fourth of 14153
one per cent, the number of years the tax will be levied or that 14154
it will be levied for a continuing period of time, the date on 14155
which the tax shall take effect, which shall be the first day of 14156
January of any year following the year in which the question is 14157

submitted, and the date of the election at which the proposal 14158
shall be submitted to the electors of the district, which shall be 14159
on the date of a primary, general, or special election the date of 14160
which is consistent with section 3501.01 of the Revised Code. The 14161
resolution shall specify whether the income that is to be subject 14162
to the tax is taxable income of individuals and estates as defined 14163
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 14164
Code or taxable income of individuals as defined in division 14165
(E)(1)(b) of that section. The specification shall be the same as 14166
the specification in the resolution adopted and certified under 14167
division (A) of this section. If the board of education currently 14168
imposes an income tax pursuant to this chapter that is due to 14169
expire and a question is submitted under this section for a 14170
proposed income tax to take effect upon the expiration of the 14171
existing tax, the board may specify in the resolution that the 14172
proposed tax renews the expiring tax and is not an additional 14173
income tax, provided that the tax rate being proposed is no higher 14174
than the tax rate that is currently imposed. 14175

(2) A board of education adopting a resolution under division 14176
(B)(1) of this section proposing a school district income tax for 14177
a continuing period of time and limited to the purpose of current 14178
expenses may propose in that resolution to reduce the rate or 14179
rates of one or more of the school district's property taxes 14180
levied for a continuing period of time in excess of the ten-mill 14181
limitation for the purpose of current expenses. The reduction in 14182
the rate of a property tax may be any amount, expressed in mills 14183
per one dollar in valuation, not exceeding the rate at which the 14184
tax is authorized to be levied. The reduction in the rate of a tax 14185
shall first take effect for the tax year that includes the day on 14186
which the school district income tax first takes effect, and shall 14187
continue for each tax year that both the school district income 14188
tax and the property tax levy are in effect. 14189

In addition to the matters required to be set forth in the resolution under division (B)(1) of this section, a resolution containing a proposal to reduce the rate of one or more property taxes shall state for each such tax the maximum rate at which it currently may be levied and the maximum rate at which the tax could be levied after the proposed reduction, expressed in mills per one dollar in valuation, and that the tax is levied for a continuing period of time.

If a board of education proposes to reduce the rate of one or more property taxes under division (B)(2) of this section, the board, when it makes the certification required under division (A) of this section, shall designate the specific levy or levies to be reduced, the maximum rate at which each levy currently is authorized to be levied, and the rate by which each levy is proposed to be reduced. The tax commissioner, when making the certification to the board under division (A) of this section, also shall certify the reduction in the total effective tax rate for current expenses for each class of property that would have resulted if the proposed reduction in the rate or rates had been in effect the previous tax year. As used in this paragraph, "effective tax rate" has the same meaning as in section 323.08 of the Revised Code.

(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Immediately after its adoption and at least seventy-five days prior to the election at which the question will appear on the ballot, a copy of the resolution shall be certified to the board of elections of the proper county, which shall submit the proposal to the electors on the date specified in the resolution. The form of the ballot shall be as provided in section 5748.03 of the Revised Code. Publication

of notice of the election shall be made in one or more newspapers 14222
of general circulation in the county once a week for ~~four~~ two 14223
consecutive weeks prior to the election, and, if the board of 14224
elections operates and maintains a web site, the board of 14225
elections shall post notice of the election on its web site for 14226
thirty days prior to the election. The notice shall contain the 14227
time and place of the election and the question to be submitted to 14228
the electors. The question covered by the resolution shall be 14229
submitted as a separate proposition, but may be printed on the 14230
same ballot with any other proposition submitted at the same 14231
election, other than the election of officers. 14232

(D) No board of education shall submit the question of a tax 14233
on school district income to the electors of the district more 14234
than twice in any calendar year. If a board submits the question 14235
twice in any calendar year, one of the elections on the question 14236
shall be held on the date of the general election. 14237

Sec. 5748.04. (A) The question of the repeal of a school 14238
district income tax levied for more than five years may be 14239
initiated not more than once in any five-year period by filing 14240
with the board of elections of the appropriate counties not later 14241
than seventy-five days before the general election in any year 14242
after the year in which it is approved by the electors a petition 14243
requesting that an election be held on the question. The petition 14244
shall be signed by qualified electors residing in the school 14245
district levying the income tax equal in number to ten per cent of 14246
those voting for governor at the most recent gubernatorial 14247
election. 14248

The board of elections shall determine whether the petition 14249
is valid, and if it so determines, it shall submit the question to 14250
the electors of the district at the next general election. The 14251
election shall be conducted, canvassed, and certified in the same 14252

manner as regular elections for county offices in the county. 14253
Notice of the election shall be published in a newspaper of 14254
general circulation in the district once a week for ~~four~~ two 14255
consecutive weeks prior to the election, ~~stating~~ and, if the board 14256
of elections operates and maintains a web site, the board of 14257
elections shall post notice of the election on its web site for 14258
thirty days prior to the election. The notice shall state the 14259
purpose, ~~the~~ time, and ~~the~~ place of the election. The form of the 14260
ballot cast at the election shall be as follows: 14261

"Shall the annual income tax of per cent, currently 14262
levied on the school district income of individuals and estates by 14263
..... (state the name of the school district) for the purpose 14264
of (state purpose of the tax), be repealed? 14265

	For repeal of the income tax
	Against repeal of the income tax

"

(B)(1) If the tax is imposed on taxable income as defined in 14270
division (E)(1)(b) of section 5748.01 of the Revised Code, the 14271
form of the ballot shall be modified by stating that the tax 14272
currently is levied on the "earned income of individuals residing 14273
in the school district" in lieu of the "school district income of 14274
individuals and estates." 14275

(2) If the rate of one or more property tax levies was 14276
reduced for the duration of the income tax levy pursuant to 14277
division (B)(2) of section 5748.02 of the Revised Code, the form 14278
of the ballot shall be modified by adding the following language 14279
immediately after "repealed": ", and shall the rate of an existing 14280
tax on property for the purpose of current expenses, which rate 14281
was reduced for the duration of the income tax, be INCREASED from 14282
..... mills to mills per one dollar of valuation beginning 14283

in (state the first year for which the rate of the property
tax will increase)." In lieu of "for repeal of the income tax" and
"against repeal of the income tax," the phrases "for the issue"
and "against the issue," respectively, shall be substituted.

(3) If the rate of more than one property tax was reduced for
the duration of the income tax, the ballot language shall be
modified accordingly to express the rates at which those taxes
currently are levied and the rates to which the taxes would be
increased.

(C) The question covered by the petition shall be submitted
as a separate proposition, but it may be printed on the same
ballot with any other proposition submitted at the same election
other than the election of officers. If a majority of the
qualified electors voting on the question vote in favor of it, the
result shall be certified immediately after the canvass by the
board of elections to the board of education of the school
district and the tax commissioner, who shall thereupon, after the
current year, cease to levy the tax, except that if notes have
been issued pursuant to section 5748.05 of the Revised Code the
tax commissioner shall continue to levy and collect under
authority of the election authorizing the levy an annual amount,
rounded upward to the nearest one-fourth of one per cent, as will
be sufficient to pay the debt charges on the notes as they fall
due.

(D) If a school district income tax repealed pursuant to this
section was approved in conjunction with a reduction in the rate
of one or more school district property taxes as provided in
division (B)(2) of section 5748.02 of the Revised Code, then each
such property tax may be levied after the current year at the rate
at which it could be levied prior to the reduction, subject to any
adjustments required by the county budget commission pursuant to
Chapter 5705. of the Revised Code. Upon the repeal of a school

district income tax under this section, the board of education may
resume levying a property tax, the rate of which has been reduced
pursuant to a question approved under section 5748.02 of the
Revised Code, at the rate the board originally was authorized to
levy the tax. A reduction in the rate of a property tax under
section 5748.02 of the Revised Code is a reduction in the rate at
which a board of education may levy that tax only for the period
during which a school district income tax is levied prior to any
repeal pursuant to this section. The resumption of the authority
to levy the tax upon such a repeal does not constitute a tax
levied in excess of the one per cent limitation prescribed by
Section 2 of Article XII, Ohio Constitution, or in excess of the
ten-mill limitation.

(E) This section does not apply to school district income tax
levies that are levied for five or fewer years.

Sec. 5748.08. (A) The board of education of a city, local, or
exempted village school district, at any time by a vote of
two-thirds of all its members, may declare by resolution that it
may be necessary for the school district to do all of the
following:

(1) Raise a specified amount of money for school district
purposes by levying an annual tax on school district income;

(2) Issue general obligation bonds for permanent
improvements, stating in the resolution the necessity and purpose
of the bond issue and the amount, approximate date, estimated rate
of interest, and maximum number of years over which the principal
of the bonds may be paid;

(3) Levy a tax outside the ten-mill limitation to pay debt
charges on the bonds and any anticipatory securities;

(4) Submit the question of the school district income tax and

bond issue to the electors of the district at a special election. 14346

The resolution shall specify whether the income that is to be 14347
subject to the tax is taxable income of individuals and estates as 14348
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 14349
Revised Code or taxable income of individuals as defined in 14350
division (E)(1)(b) of that section. 14351

On adoption of the resolution, the board shall certify a copy 14352
of it to the tax commissioner and the county auditor no later than 14353
ninety days prior to the date of the special election at which the 14354
board intends to propose the income tax and bond issue. Not later 14355
than ten days of receipt of the resolution, the tax commissioner, 14356
in the same manner as required by division (A) of section 5748.02 14357
of the Revised Code, shall estimate the rates designated in 14358
~~division~~ divisions (A)(1) and (2) of that section and certify them 14359
to the board. Not later than ten days of receipt of the 14360
resolution, the county auditor shall estimate and certify to the 14361
board the average annual property tax rate required throughout the 14362
stated maturity of the bonds to pay debt charges on the bonds, in 14363
the same manner as under division (C) of section 133.18 of the 14364
Revised Code. 14365

(B) On receipt of the tax commissioner's and county auditor's 14366
certifications prepared under division (A) of this section, the 14367
board of education of the city, local, or exempted village school 14368
district, by a vote of two-thirds of all its members, may adopt a 14369
resolution proposing for a specified number of years or for a 14370
continuing period of time the levy of an annual tax for school 14371
district purposes on school district income and declaring that the 14372
amount of taxes that can be raised within the ten-mill limitation 14373
will be insufficient to provide an adequate amount for the present 14374
and future requirements of the school district; that it is 14375
necessary to issue general obligation bonds of the school district 14376
for specified permanent improvements and to levy an additional tax 14377

in excess of the ten-mill limitation to pay the debt charges on
the bonds and any anticipatory securities; and that the question
of the bonds and taxes shall be submitted to the electors of the
school district at a special election, which shall not be earlier
than seventy-five days after certification of the resolution to
the board of elections, and the date of which shall be consistent
with section 3501.01 of the Revised Code. The resolution shall
specify all of the following:

(1) The purpose for which the school district income tax is
to be imposed and the rate of the tax, which shall be the rate set
forth in the tax commissioner's certification rounded to the
nearest one-fourth of one per cent;

(2) Whether the income that is to be subject to the tax is
taxable income of individuals and estates as defined in divisions
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or
taxable income of individuals as defined in division (E)(1)(b) of
that section. The specification shall be the same as the
specification in the resolution adopted and certified under
division (A) of this section.

(3) The number of years the tax will be levied, or that it
will be levied for a continuing period of time;

(4) The date on which the tax shall take effect, which shall
be the first day of January of any year following the year in
which the question is submitted;

(5) The county auditor's estimate of the average annual
property tax rate required throughout the stated maturity of the
bonds to pay debt charges on the bonds.

(C) A resolution adopted under division (B) of this section
shall go into immediate effect upon its passage, and no
publication of the resolution shall be necessary other than that
provided for in the notice of election. Immediately after its

adoption and at least seventy-five days prior to the election at 14409
which the question will appear on the ballot, the board of 14410
education shall certify a copy of the resolution, along with 14411
copies of the auditor's estimate and its resolution under division 14412
(A) of this section, to the board of elections of the proper 14413
county. The board of education shall make the arrangements for the 14414
submission of the question to the electors of the school district, 14415
and the election shall be conducted, canvassed, and certified in 14416
the same manner as regular elections in the district for the 14417
election of county officers. 14418

The resolution shall be put before the electors as one ballot 14419
question, with a majority vote indicating approval of the school 14420
district income tax, the bond issue, and the levy to pay debt 14421
charges on the bonds and any anticipatory securities. The board of 14422
elections shall publish the notice of the election in one or more 14423
newspapers of general circulation in the school district once a 14424
week for ~~four~~ two consecutive weeks prior to the election and, if 14425
the board of elections operates and maintains a web site, also 14426
shall post notice of the election on its web site for thirty days 14427
prior to the election. The notice of election shall state all of 14428
the following: 14429

- (1) The questions to be submitted to the electors; 14430
- (2) The rate of the school district income tax; 14431
- (3) The principal amount of the proposed bond issue; 14432
- (4) The permanent improvements for which the bonds are to be 14433
issued; 14434
- (5) The maximum number of years over which the principal of 14435
the bonds may be paid; 14436
- (6) The estimated additional average annual property tax rate 14437
to pay the debt charges on the bonds, as certified by the county 14438

auditor; 14439

(7) The time and place of the special election. 14440

(D) The form of the ballot on a question submitted to the 14441
electors under this section shall be as follows: 14442

"Shall the school district be authorized to do both 14443
of the following: 14444

(1) Impose an annual income tax of (state the proposed 14445
rate of tax) on the school district income of individuals and of 14446
estates, for (state the number of years the tax would be 14447
levied, or that it would be levied for a continuing period of 14448
time), beginning (state the date the tax would first take 14449
effect), for the purpose of (state the purpose of the 14450
tax)? 14451

(2) Issue bonds for the purpose of in the principal 14452
amount of \$....., to be repaid annually over a maximum period of 14453
..... years, and levy a property tax outside the ten-mill 14454
limitation estimated by the county auditor to average over the 14455
bond repayment period mills for each one dollar of tax 14456
valuation, which amounts to (rate expressed in cents or 14457
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 14458
tax valuation, to pay the annual debt charges on the bonds, and to 14459
pay debt charges on any notes issued in anticipation of those 14460
bonds? 14461

14462

	FOR THE INCOME TAX AND BOND ISSUE		14463
	AGAINST THE INCOME TAX AND BOND ISSUE	"	14464

14465

(E) If the question submitted to electors proposes a school 14466
district income tax only on the taxable income of individuals as 14467
defined in division (E)(1)(b) of section 5748.01 of the Revised 14468

Code, the form of the ballot shall be modified by stating that the
tax is to be levied on the "earned income of individuals residing
in the school district" in lieu of the "school district income of
individuals and of estates."

(F) The board of elections promptly shall certify the results
of the election to the tax commissioner and the county auditor of
the county in which the school district is located. If a majority
of the electors voting on the question vote in favor of it, the
income tax and the applicable provisions of Chapter 5747. of the
Revised Code shall take effect on the date specified in the
resolution, and the board of education may proceed with issuance
of the bonds and with the levy and collection of the property
taxes to pay debt charges on the bonds, at the additional rate or
any lesser rate in excess of the ten-mill limitation. Any
securities issued by the board of education under this section are
Chapter 133. securities, as that term is defined in section 133.01
of the Revised Code.

(G) After approval of a question under this section, the
board of education may anticipate a fraction of the proceeds of
the school district income tax in accordance with section 5748.05
of the Revised Code. Any anticipation notes under this division
shall be issued as provided in section 133.24 of the Revised Code,
shall have principal payments during each year after the year of
their issuance over a period not to exceed five years, and may
have a principal payment in the year of their issuance.

(H) The question of repeal of a school district income tax
levied for more than five years may be initiated and submitted in
accordance with section 5748.04 of the Revised Code.

(I) No board of education shall submit a question under this
section to the electors of the school district more than twice in
any calendar year. If a board submits the question twice in any

calendar year, one of the elections on the question shall be held 14500
on the date of the general election. 14501

Sec. 6119.18. The board of trustees of a regional water and 14502
sewer district, by a vote of two-thirds of all its members, may 14503
declare by resolution that it is necessary to levy a tax in excess 14504
of the ten-mill limitation for the purpose of providing funds to 14505
pay current expenses of the district or for the purpose of paying 14506
any portion of the cost of one or more water resource projects or 14507
parts thereof or for both of such purposes, and that the question 14508
of such tax levy shall be submitted to the electors of the 14509
district at a general or primary election. Such resolution shall 14510
conform to the requirements of section 5705.19 of the Revised 14511
Code, except as otherwise permitted by this section and except 14512
that such levy may be for a period not longer than ten years. The 14513
resolution shall go into immediate effect upon its passage and no 14514
publication of the resolution is necessary other than that 14515
provided for in the notice of election. A copy of such resolution 14516
shall, immediately after its passage, be certified to the board of 14517
elections of the proper county or counties in the manner provided 14518
by section 5705.25 of the Revised Code, and such section shall 14519
govern the arrangements for the submission of such question and 14520
other matters with respect to such election to which such section 14521
refers. Publication of the notice of ~~such~~ that election shall be 14522
made in one or more newspapers having a general circulation in the 14523
district once a week for ~~four~~ two consecutive weeks prior to the 14524
election, and, if the board of elections operates and maintains a 14525
web site, the board of elections shall post notice of the election 14526
on its web site for thirty days prior to the election. 14527

If a majority of the electors voting on the question vote in 14528
favor thereof, the board may make the necessary levy within the 14529
district at the additional rate or at any lesser rate on the tax 14530

list and duplicate for the purpose or purposes stated in the 14531
resolution. 14532

The taxes realized from such levy shall be collected at the 14533
same time and in the same manner as other taxes on such tax list 14534
and duplicate and such taxes, when collected, shall be paid to the 14535
district and deposited by it in a special fund which shall be 14536
established by the district for all revenues derived from such 14537
levy and for the proceeds of anticipation notes which shall be 14538
deposited in such fund. 14539

After the approval of such levy, the district may anticipate 14540
a fraction of the proceeds of such levy and, from time to time, 14541
during the life of such levy, issue anticipation notes in an 14542
amount not exceeding fifty per cent of the estimated proceeds of 14543
such levy to be collected in each year up to a period of five 14544
years after the date of issuance of such notes, less an amount 14545
equal to the proceeds of such levy previously obligated for each 14546
year by the issuance of anticipation notes, provided that the 14547
total amount maturing in any one year shall not exceed fifty per 14548
cent of the anticipated proceeds of such levy for that year. Each 14549
issue of notes shall be sold as provided in Chapter 133. of the 14550
Revised Code, and shall, except for such limitation that the total 14551
amount of such notes maturing in any one year shall not exceed 14552
fifty per cent of the anticipated proceeds of such levy for that 14553
year, mature serially in substantially equal installments during 14554
each year over a period not to exceed five years after their 14555
issuance. 14556

Section 2. That existing sections 131.23, 145.38, 303.12, 14557
306.70, 307.791, 322.021, 324.021, 503.162, 504.02, 504.03, 14558
511.28, 511.34, 513.14, 519.12, 745.07, 747.11, 1901.07, 1901.10, 14559
1901.31, 2961.01, 2967.17, 3311.21, 3311.50, 3311.73, 3349.29, 14560
3354.12, 3355.09, 3375.03, 3501.01, 3501.05, 3501.10, 3501.11, 14561

3501.13, 3501.17, 3501.26, 3501.30, 3501.33, 3501.35, 3501.38, 14562
3501.39, 3503.02, 3503.06, 3503.11, 3503.13, 3503.14, 3503.16, 14563
3503.19, 3503.21, 3503.23, 3503.24, 3505.062, 3505.063, 3505.16, 14564
3505.18, 3505.19, 3505.20, 3505.21, 3505.22, 3505.25, 3505.26, 14565
3505.27, 3505.32, 3506.01, 3506.05, 3506.12, 3506.13, 3506.18, 14566
3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.08, 14567
3509.09, 3511.02, 3511.09, 3511.13, 3513.04, 3513.041, 3513.05, 14568
3513.052, 3513.07, 3513.09, 3513.19, 3513.20, 3513.22, 3513.257, 14569
3513.259, 3513.261, 3513.30, 3515.03, 3515.04, 3515.07, 3515.08, 14570
3515.13, 3517.01, 3517.081, 3517.092, 3517.10, 3517.106, 14571
3517.1011, 3517.12, 3517.13, 3517.153, 3519.01, 3519.03, 3519.04, 14572
3519.05, 3523.05, 3599.11, 3599.111, 3599.13, 3599.14, 3599.21, 14573
3599.24, 3599.38, 4113.52, 4301.33, 4301.331, 4301.332, 4301.333, 14574
4301.334, 4305.14, 4504.021, 5705.191, 5705.194, 5705.196, 14575
5705.21, 5705.218, 5705.25, 5705.251, 5705.261, 5705.71, 5739.022, 14576
5748.02, 5748.04, 5748.08, and 6119.18 and section 3503.27 of the 14577
Revised Code are hereby repealed. 14578

Section 3. Notwithstanding any provision of this act to the 14579
contrary, the amendments made to sections 131.23, 306.70, 307.791, 14580
322.021, 324.021, 503.162, 504.02, 504.03, 511.28, 511.34, 513.14, 14581
745.07, 747.11, 3311.21, 3311.50, 3311.73, 3349.29, 3354.12, 14582
3355.09, 4504.021, 5705.191, 5705.194, 5705.196, 5705.21, 14583
5705.218, 5705.25, 5705.251, 5705.261, 5705.71, 5739.022, 5748.02, 14584
5748.04, 5748.08, and 6119.18 of the Revised Code by this act that 14585
require a board of elections that operates and maintains a web 14586
site to post, on that web site, notices of certain elections for 14587
thirty days prior to the day of an election shall take effect on 14588
June 1, 2006. 14589

Section 4. Notwithstanding any provision of this act to the 14590
contrary, the amendments made to sections 303.12, 519.12, 3375.03, 14591

3501.38, 3505.18, 3513.07, 3513.09, and 3513.261 and the enactment 14592
of section 3501.382 of the Revised Code by this act that permit a 14593
disabled voter to appoint an attorney in fact and authorize an 14594
attorney in fact to sign election documents on behalf of that 14595
voter shall take effect on June 1, 2006. 14596

Section 5. Notwithstanding any provision of this act to the 14597
contrary, the amendments made to sections 3501.26, 3501.30, 14598
3501.33, 3501.35, 3505.16, 3505.25, 3505.26, 3505.27, 3505.32, 14599
3506.12, 3506.13, 3509.06, 3515.04, 3515.13, 3523.05, and 3599.38 14600
and the provisions enacted in sections 3501.90, 3505.183, and 14601
3505.21 of the Revised Code by this act that permit the 14602
appointment of election observers and eliminate the appointment of 14603
election challengers and witnesses shall take effect on June 1, 14604
2006. 14605

Section 6. Notwithstanding any provision of this act to the 14606
contrary, the amendments made to sections 3501.01, 3503.14, 14607
3503.16, 3503.19, 3503.28, 3505.18, 3509.03, 3509.031, 3509.04, 14608
3509.05, 3511.02, and 3511.09 and the provisions enacted in 14609
3501.19, sections 3505.181, 3505.182, and 3505.183 of Revised Code 14610
by this act that require a voter to provide identification and 14611
that specify the acceptable forms of identification shall take 14612
effect on June 1, 2006. 14613

Section 7. Notwithstanding any provision of this act to the 14614
contrary, the amendments made to section 3501.10 of the Revised 14615
Code establishing restrictions on the number of branch offices at 14616
which boards of elections may permit a voter to cast a ballot 14617
shall take effect on June 1, 2006. 14618

Section 8. Notwithstanding any provision of this act to the 14619
contrary, the provisions enacted in section 3503.15 of the Revised 14620

Code that require the statewide voter registration database to be 14621
made available on a web site of the office of the Secretary of 14622
State shall take effect on June 1, 2006. 14623

Section 9. (A) Notwithstanding any provision of this act to 14624
the contrary, the amendments made to sections 3501.05, 3503.16, 14625
3503.19, 3503.24, 3505.18, 3505.20, 3505.22, 3509.09, 3511.13, and 14626
3513.20 and the provisions enacted in sections 3501.19, 3503.28, 14627
3505.181, 3505.182, and 3505.183 of the Revised Code that permit 14628
individuals to cast provisional ballots in an election or that 14629
otherwise specify election processes regarding provisional ballots 14630
shall take effect June 1, 2006. 14631

(B) For the primary election conducted on May 2, 2006, and 14632
for any special election conducted on the day of that primary 14633
election, provisional ballots that meet the requirements of the 14634
Help America Vote Act of 2002, Pub. L. No. 107-252, 116 Stat. 14635
1666, shall be made available to voters for all elections for 14636
statewide office, county office, township office, and for all 14637
elections on questions and issues, as if the ballots for those 14638
offices, questions, or issues were ballots for an election for 14639
federal office. 14640

(C) Notwithstanding any provision of section 3505.20, 14641
3505.22, or 3513.20 of the Revised Code to the contrary, for the 14642
primary election conducted on May 2, 2006, provisional ballots 14643
that meet the requirements of the Help America Vote Act of 2002, 14644
Pub. L. No. 107-252, 116 Stat. 1666, shall be made available to 14645
all voters for an election for federal office in the manner 14646
provided in that act. 14647

Section 10. That section 3501.19 of the Revised Code, as 14648
enacted by this act, is hereby repealed effective January 1, 2009. 14649

Section 11. The General Assembly, applying the principle 14650
stated in division (B) of section 1.52 of the Revised Code that 14651
amendments are to be harmonized if reasonably capable of 14652
simultaneous operation, finds that the following sections, 14653
presented in this act as composites of the sections as amended by 14654
the acts indicated, are the resulting versions of the sections in 14655
effect prior to the effective date of the sections as presented in 14656
this act: 14657

Section 3517.10 of the Revised Code as amended by both Sub. 14658
S.B. 107 and Am. Sub. S.B. 115 of the 126th General Assembly. 14659

Section 12. It is the intention of the General Assembly, in 14660
enacting section 3501.052 of the Revised Code in this act, to 14661
recognize that the Secretary of State's involvement with campaigns 14662
committees, committees named in initiative and referendum 14663
petitions, and persons making disbursements for the direct costs 14664
of producing or airing electioneering communications affects the 14665
Campaign Finance Law, since the Secretary of State makes decisions 14666
regarding compliance with, and alleged violations of, the Campaign 14667
Finance Law by campaign committees, committees named in initiative 14668
and referendum petitions, and persons making disbursements for the 14669
direct costs of producing or airing electioneering communications. 14670

Section 13. The amendments made to sections 3505.062, 14671
3519.01, 3519.04, and 3519.05 by this act and the enactment of 14672
section 3519.07 of the Revised Code by this act do not affect any 14673
initiative or referendum petition already filed with the Attorney 14674
General's office pursuant to section 3519.01 of the Revised Code 14675
on the effective date of this act. 14676

Section 14. The amendments made to section 3503.06 of the 14677
Revised Code are intended to clarify that Ohio law requires the 14678

circulators of initiative and referendum petitions to be residents 14679
of this state. Those amendments shall not be construed to mean 14680
that Ohio law did not prior to the effective date of this act 14681
require circulators to be residents of this state. 14682

Section 15. If any item of law that constitutes the whole or 14683
part of a codified section of law contained in this act, or if any 14684
application of any item of law that constitutes the whole or part 14685
of a codified section of law contained in this act, is held 14686
invalid, the invalidity does not affect other items of law or 14687
applications of items of law that can be given effect without the 14688
invalid item of law or application. To this end, the items of law 14689
of which the codified sections contained in this act are composed, 14690
and their applications, are independent and severable. 14691