

**As Introduced**

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

**H. B. No. 3**

**Representative DeWine**

—

**A BILL**

To amend sections 3501.05, 3505.18, 3506.01, 3515.03, 1  
3515.06, and 3515.07 and to enact sections 2  
3505.181 and 3506.21 of the Revised Code to 3  
require the Secretary of State to establish a 4  
computerized statewide voter registration database 5  
in compliance with the Help America Vote Act of 6  
2002; to require electors who register to vote by 7  
mail and have not previously voted in an election 8  
to provide identification before being permitted 9  
to cast a ballot; to permit certain electors to 10  
vote by provisional ballot in federal, state, and 11  
local elections; to specify counting standards for 12  
optical scan ballots; and to require that the 13  
applicant for a non-automatic recount pay the 14  
entire cost of the recount if its results do not 15  
change the result of the election. 16

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

**Section 1.** That sections 3501.05, 3505.18, 3506.01, 3515.03, 17  
3515.06, and 3515.07 be amended and sections 3505.181 and 3506.21 18  
of the Revised Code be enacted to read as follows: 19

**Sec. 3501.05.** The secretary of state shall do all of the 20

following:	21
(A) Appoint all members of boards of elections;	22
(B) Issue instructions by directives and advisories to members of the boards as to the proper methods of conducting elections;	23 24 25
(C) Prepare rules and instructions for the conduct of elections;	26 27
(D) Publish and furnish to the boards from time to time a sufficient number of indexed copies of all election laws then in force;	28 29 30
(E) Edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters;	31 32
(F) Prescribe the form of registration cards, blanks, and records;	33 34
(G) Determine and prescribe the forms of ballots and the forms of all blanks, cards of instructions, pollbooks, tally sheets, certificates of election, and forms and blanks required by law for use by candidates, committees, and boards;	35 36 37 38
(H) Prepare the ballot title or statement to be placed on the ballot for any proposed law or amendment to the constitution to be submitted to the voters of the state;	39 40 41
(I) Certify to the several boards the forms of ballots and names of candidates for state offices, and the form and wording of state referendum questions and issues, as they shall appear on the ballot;	42 43 44 45
(J) Give final approval to ballot language for any local question or issue approved and transmitted by boards of elections under section 3501.11 of the Revised Code;	46 47 48
(K) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency	49 50

of those petitions;	51
(L) Require such reports from the several boards as are provided by law, or as the secretary of state considers necessary;	52 53
(M) Compel the observance by election officers in the several counties of the requirements of the election laws;	54 55
(N)(1) Except as otherwise provided in division (N)(2) of this section, investigate the administration of election laws, frauds, and irregularities in elections in any county, and report violations of election laws to the attorney general or prosecuting attorney, or both, for prosecution;	56 57 58 59 60
(2) On and after August 24, 1995, report a failure to comply with or a violation of a 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, whenever the secretary of state has or should have knowledge of a failure to comply with or a violation of a provision in one of those sections, by filing a complaint with the Ohio elections commission under section 3517.153 of the Revised Code;	61 62 63 64 65 66 67 68
(O) Make an annual report to the governor containing the results of elections, the cost of elections in the various counties, a tabulation of the votes in the several political subdivisions, and other information and recommendations relative to elections the secretary of state considers desirable;	69 70 71 72 73
(P) Prescribe and distribute to boards of elections a list of instructions indicating all legal steps necessary to petition successfully for local option elections under sections 4301.32 to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code;	74 75 76 77
(Q) Prescribe a general program to remove ineligible voters from official registration lists by reason of change of residence, which shall be uniform, nondiscriminatory, and in compliance with	78 79 80

the Voting Rights Act of 1965 and the National Voter Registration Act of 1993, including a program that uses the national change of address service provided by the United States postal system through its licensees;

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

(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) Establish a computerized statewide database of all legally registered voters that complies with the requirements of the "Help America Vote Act of 2002," Public Law 107-252, 116 Stat. 1666;

(X) Perform other duties required by law.

Whenever a primary election is held under section 3513.32 of the Revised Code or a special election is held under section 3521.03 of the Revised Code to fill a vacancy in the office of representative to congress, the secretary of state shall establish a deadline, notwithstanding any other deadline required under the Revised Code, by which any or all of the following shall occur: the filing of a declaration of candidacy and petitions or a statement of candidacy and nominating petition together with the applicable filing fee; the filing of protests against the candidacy of any person filing a declaration of candidacy or nominating petition; the filing of a declaration of intent to be a write-in candidate; the filing of campaign finance reports; the preparation of, and the making of corrections or challenges to, precinct voter registration lists; the receipt of applications for absent voter's ballots or armed service absent voter's ballots; the supplying of election materials to precincts by boards of elections; the holding of hearings by boards of elections to consider challenges to the right of a person to appear on a voter registration list; and the scheduling of programs to instruct or

reinstruct election officers. 142

In the performance of the secretary of state's duties as the 143  
chief election officer, the secretary of state may administer 144  
oaths, issue subpoenas, summon witnesses, compel the production of 145  
books, papers, records, and other evidence, and fix the time and 146  
place for hearing any matters relating to the administration and 147  
enforcement of the election laws. 148

In any controversy involving or arising out of the adoption 149  
of registration or the appropriation of funds for registration, 150  
the secretary of state may, through the attorney general, bring an 151  
action in the name of the state in the court of common pleas of 152  
the county where the cause of action arose or in an adjoining 153  
county, to adjudicate the question. 154

In any action involving the laws in Title XXXV of the Revised 155  
Code wherein the interpretation of those laws is in issue in such 156  
a manner that the result of the action will affect the lawful 157  
duties of the secretary of state or of any board of elections, the 158  
secretary of state may, on the secretary of state's motion, be 159  
made a party. 160

The secretary of state may apply to any court that is hearing 161  
a case in which the secretary of state is a party, for a change of 162  
venue as a substantive right, and the change of venue shall be 163  
allowed, and the case removed to the court of common pleas of an 164  
adjoining county named in the application or, if there are cases 165  
pending in more than one jurisdiction that involve the same or 166  
similar issues, the court of common pleas of Franklin county. 167

Public high schools and vocational schools, public libraries, 168  
and the office of a county treasurer shall implement voter 169  
registration programs as directed by the secretary of state 170  
pursuant to this section. 171

Sec. 3505.18. When (A)(1) Except as otherwise provided in 172  
division (A)(2) of this section, when an elector appears in a 173  
polling place to vote he, the elector shall announce his to the 174  
precinct election officials the elector's full name and address to 175  
the precinct election officials. He 176

(2)(a) If the election for which the elector appears in a 177  
polling place to vote is an election for federal office, if the 178  
elector registered to vote by mail, and if the elector has not 179  
previously voted in an election for federal office in this state, 180  
the elector shall announce to the precinct election officials the 181  
elector's full name and address and provide to them proof of the 182  
elector's identity in the form of a current valid photo 183  
identification or a copy of a current utility bill, bank 184  
statement, government check, paycheck, or other government 185  
document that shows the name and address of the elector. If such 186  
an elector does not provide to the precinct election officials any 187  
of the forms of identification specified in division (A)(2)(a) of 188  
this section, the elector may cast a provisional ballot in that 189  
federal election as provided in division (A) of section 3505.181 190  
of the Revised Code. 191

(b) If the election for which the elector appears in a 192  
polling place to vote is an election other than an election for 193  
federal office, if the elector registered to vote by mail, and if 194  
the elector has not previously voted in an election for federal 195  
office or an election other than an election for federal office in 196  
this state, the elector shall announce to the precinct election 197  
officials the elector's full name and address and provide to them 198  
proof of the elector's identity in the form of a current valid 199  
photo identification or a copy of a current utility bill, bank 200  
statement, government check, paycheck, or other government 201  
document that shows the name and address of the elector. If such 202

an elector does not provide to the precinct election officials any 203  
of the forms of identification specified in division (A)(2)(b) of 204  
this section, the elector may cast a provisional ballot in that 205  
election as provided in division (B) of section 3505.181 of the 206  
Revised Code. 207

(B) After the elector has announced the elector's full name 208  
and address and, if applicable, provided identification under 209  
division (A)(2)(a) or (b) of this section, the elector shall then 210  
write his the elector's name and address at the proper place in 211  
the poll lists or signature pollbooks provided therefor for the 212  
purpose, except that if, for any reason, an elector shall be is 213  
unable to write his the elector's name and address in the poll 214  
list or signature pollbook, the elector may make his the elector's 215  
mark at the place intended for his the elector's name, and a 216  
precinct election official shall write the name of the elector at 217  
the proper place on the poll list or signature pollbook following 218  
the elector's mark, upon the presentation of proper 219  
identification. The making of such a mark shall be attested by the 220  
precinct election official, who shall evidence the same by signing 221  
his the precinct election official's name on the poll list or 222  
signature pollbook as a witness to such the mark. 223

The elector's signature in the poll lists or signature 224  
pollbooks shall then shall be compared with his the elector's 225  
signature on his the elector's registration form or a digitized 226  
signature list as provided for in section 3503.13 of the Revised 227  
Code, and if, in the opinion of a majority of the precinct 228  
election officials, the signatures are the signatures of the same 229  
person, the clerks shall enter the date of the election on the 230  
registration form or shall record the date by such other means as 231  
may be prescribed by the secretary of state. If the right of the 232  
elector to vote is not then challenged, or, if being challenged, 233  
he the elector establishes his the elector's right to vote, he the 234

elector shall be allowed to proceed ~~into~~ to use the voting 235  
machine. If voting machines are not being used in that precinct, 236  
the judge in charge of ballots shall then detach the next ballots 237  
to be issued to the elector from Stub B attached to each ballot, 238  
leaving Stub A attached to each ballot, hand the ballots to the 239  
elector, and call ~~his~~ the elector's name and the stub number on 240  
each of the ballots. The clerk shall enter the stub numbers 241  
opposite the signature of the elector in the pollbook. The elector 242  
shall then retire to one of the voting compartments to mark ~~his~~ 243  
the elector's ballots. No mark shall be made on any ballot which 244  
would in any way enable any person to identify the person who 245  
voted the ballot. 246

Sec. 3505.181. (A) If an individual declares that the 247  
individual is a registered voter in the jurisdiction in which the 248  
individual desires to vote and that the individual is eligible to 249  
vote in an election for federal office, but the name of the 250  
individual does not appear on the official list of eligible voters 251  
for the polling place or an election official asserts that the 252  
individual is not eligible to vote, the individual shall be 253  
permitted to cast a provisional ballot as follows: 254

(1) An election official at the polling place shall notify 255  
the individual that the individual may cast a provisional ballot 256  
in that election. 257

(2) The individual shall be permitted to cast a provisional 258  
ballot at that polling place upon the execution of a written 259  
affirmation by the individual before an election official at the 260  
polling place stating that the individual is both of the 261  
following: 262

(a) A registered voter in the jurisdiction in which the 263  
individual desires to vote; 264

(b) Eligible to vote in that election. 265

(3) An election official at the polling place shall transmit 266  
the ballot cast by the individual or the voter information 267  
contained in the written affirmation executed by the individual 268  
under division (A)(2) of this section to an appropriate state or 269  
local election official for prompt verification under division 270  
(A)(4) of this section. 271

(4) If the appropriate state or local election official to 272  
whom the ballot or voter information is transmitted under division 273  
(A)(3) of this section determines that the individual is eligible 274  
to vote, the individual's provisional ballot shall be counted as a 275  
vote in that election. 276

(5)(a) At the time that an individual casts a provisional 277  
ballot, the appropriate state or local election official shall 278  
give the individual written information that states that any 279  
individual who casts a provisional ballot will be able to 280  
ascertain under the system established under division (A)(5)(b) of 281  
this section whether the vote was counted, and, if the vote was 282  
not counted, the reason that the vote was not counted. 283

(b) The appropriate state or local election official shall 284  
establish a free access system, such as a toll-free telephone 285  
number or an internet web site, that any individual who casts a 286  
provisional ballot may access to discover whether the vote of that 287  
individual was counted, and, if the vote was not counted, the 288  
reason that the vote was not counted. 289

The appropriate state or local election official shall 290  
establish and maintain reasonable procedures necessary to protect 291  
the security, confidentiality, and integrity of personal 292  
information collected, stored, or otherwise used by the free 293  
access system established under this division. Access to 294  
information about an individual ballot shall be restricted to the 295  
individual who cast the ballot. 296

(B) If an individual declares that the individual is a 297  
registered voter in the jurisdiction in which the individual 298  
desires to vote and that the individual is eligible to vote in an 299  
election for an office other than a federal office or for state or 300  
local questions and issues, but the name of the individual does 301  
not appear on the official list of eligible voters for the polling 302  
place or an election official asserts that the individual is not 303  
eligible to vote, the individual shall be permitted to cast a 304  
provisional ballot as follows: 305

(1) An election official at the polling place shall notify 306  
the individual that the individual may cast a provisional ballot 307  
in that election. 308

(2) The individual shall be permitted to cast a provisional 309  
ballot at that polling place upon the execution of a written 310  
affirmation by the individual before an election official at the 311  
polling place stating that the individual is both of the 312  
following: 313

(a) A registered voter in the jurisdiction in which the 314  
individual desires to vote; 315

(b) Eligible to vote in that election. 316

(3) An election official at the polling place shall transmit 317  
the ballot cast by the individual or the voter information 318  
contained in the written affirmation executed by the individual 319  
under division (B)(2) of this section to an appropriate state or 320  
local election official for prompt verification under division 321  
(B)(4) of this section. 322

(4) If the appropriate state or local election official to 323  
whom the ballot or voter information is transmitted under division 324  
(B)(3) of this section determines that the individual is eligible 325  
to vote, the individual's provisional ballot shall be counted as a 326  
vote in that election. 327

(5)(a) At the time that an individual casts a provisional ballot, the appropriate state or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under division (B)(5)(b) of this section whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted. 328  
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(b) The appropriate state or local election official shall establish a free access system, such as a toll-free telephone number or an internet web site, that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted. 335  
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The appropriate state or local election official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under this division. Access to information about an individual ballot shall be restricted to the individual who cast the ballot. 341  
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(C) The appropriate state or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for federal office, the day of each election for an office other than a federal office, and the day of each election for state or local questions and issues. 348  
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(D) As used in this section: 353

(1) "Jurisdiction" means the precinct in which a person is a legally qualified elector. 354  
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(2) "Voting information" means all of the following: 356

(a) A sample version of the ballot that will be used for that 357

<u>election;</u>	358
<u>(b) Information regarding the date of the election and the hours during which polling places will be open;</u>	359 360
<u>(c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;</u>	361 362
<u>(d) Instructions for mail-in registrants and first-time voters under applicable federal and state laws;</u>	363 364
<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>	365 366 367 368 369
<u>(f) General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.</u>	370 371
 <b>Sec. 3506.01.</b> As used in this chapter and Chapters 3501., 3503., 3505., 3509., 3511., 3513., 3515., 3517., 3519., 3521., 3523., and 3599. of the Revised Code:	372 373 374
(A) "Marking device" means an apparatus operated by a voter to record the voter's choices through the piercing or marking of ballots enabling them to be examined and counted by automatic tabulating equipment.	375 376 377 378
(B) "Ballot" means the official election presentation of offices and candidates, including write-in candidates, and of questions and issues, and the means by which votes are recorded.	379 380 381
(C) "Automatic tabulating equipment" means a machine <u>or electronic device</u> , or interconnected or interrelated machines <u>or electronic devices</u> , that will automatically examine and count votes recorded on ballots.	382 383 384 385
(D) "Central counting station" means a location, or one of a	386

number of locations, designated by the board of elections for the 387  
automatic examining, sorting, or counting of ballots. 388

(E) "Voting machines" means mechanical or electronic 389  
equipment for the direct recording and tabulation of votes. 390

(F) "Direct recording electronic voting machine" means a 391  
voting machine that records votes by means of a ballot display 392  
provided with mechanical or electro-optical components that can be 393  
actuated by the voter, that processes the data by means of a 394  
computer program, and that records voting data and ballot images 395  
in internal or external memory components. A "direct recording 396  
electronic voting machine" produces a tabulation of the voting 397  
data stored in a removable memory component and in printed copy. 398

(G) "Help America Vote Act of 2002" means the "Help America 399  
Vote Act of 2002," Public Law 107-252, 116 Stat. 1666. 400

(H) "Voter verified paper audit trail" means a physical paper 401  
printout on which the voter's ballot choices, as registered by a 402  
direct recording electronic voting machine, are recorded. The 403  
voter shall be permitted to visually or audibly inspect the 404  
contents of the physical paper printout. The physical paper 405  
printout shall be securely retained at the polling place until the 406  
close of the polls on the day of the election; the secretary of 407  
state shall adopt rules under Chapter 119. of the Revised Code 408  
specifying the manner of storing the physical paper printout at 409  
the polling place. After the physical paper printout is produced, 410  
but before the voter's ballot is recorded, the voter shall have an 411  
opportunity to accept or reject the contents of the printout as 412  
matching the voter's ballot choices. If a voter rejects the 413  
contents of the physical paper printout, the system that produces 414  
the voter verified paper audit trail shall invalidate the printout 415  
and permit the voter to recast the voter's ballot. On and after 416  
the first federal election that occurs after January 1, 2006, 417

unless required sooner by the Help America Vote Act of 2002, any  
system that produces a voter verified paper audit trail shall be  
accessible to disabled voters, including visually impaired voters,  
in the same manner as the direct recording electronic voting  
machine that produces it.

(I) "Blank ballot" means either of the following: 423

(1) A ballot on which no vote is marked for any candidate,  
question, or issue choice; 424  
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(2) A ballot that is improperly marked so that automatic  
tabulating equipment is unable to detect or record a vote for any  
candidate, question, or issue choice. 426  
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**Sec. 3506.21.** (A) As used in this section, "optical scan  
ballot" means a ballot that is marked by using a specified writing  
instrument to fill in a designated position to record a voter's  
candidate, question, or issue choice and that can be scanned and  
electronically read in order to tabulate the vote. 429  
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(B)(1) In addition to marks that can be scanned and  
electronically read by automatic tabulating equipment, any of the  
following marks, if made on an optical scan ballot, shall be  
counted as a valid vote: 434  
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(a) A candidate, question, or issue choice that has been  
underlined by the voter; 438  
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(b) A candidate, question, or issue choice that has been  
circled by the voter; 440  
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(c) An arrow or oval beside the candidate, question, or issue  
choice that has been circled by the voter; 442  
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(d) An arrow or oval beside the candidate, question, or issue  
choice that has been marked by the voter with an "x," a check  
mark, or other recognizable mark; 444  
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(e) A candidate, question, or issue choice that has been 447  
marked with a writing instrument that cannot be recognized by 448  
automatic tabulating equipment. 449

(2) The secretary of state may adopt rules under Chapter 119. 450  
of the Revised Code to authorize additional types of optical scan 451  
ballots and to specify the types of marks on those ballots that 452  
shall be counted as a valid vote to ensure consistency in the 453  
counting of ballots throughout the state. 454

(C)(1) In counties where optical scan ballots are used, for 455  
the count of the voted ballots conducted on election day after the 456  
time for the closing of the polls under section 3505.26 of the 457  
Revised Code, the board of elections or employees of the board of 458  
elections designated by the board under division (E) of this 459  
section either shall visually inspect the voted ballots for blank 460  
ballots before counting the voted ballots with automatic 461  
tabulating equipment, or shall set the automatic tabulating 462  
equipment to reject blank ballots. 463

(2)(a) Employees of the board of elections designated by the 464  
board under division (E) of this section shall inspect ballots 465  
identified as blank ballots by a visual inspection, or rejected as 466  
blank ballots by automatic tabulating equipment, under division 467  
(C)(1) of this section. Those designees shall determine whether 468  
the intent of the voter can be determined under the criteria for a 469  
valid vote listed or referred to in division (B) of this section, 470  
if the ballot has been improperly marked so that the automatic 471  
tabulating equipment is or would be unable to detect or record a 472  
vote for any candidate, question, or issue choice. 473

(b) If it is clear to those designees that the intent of the 474  
voter can be so determined and that the ballot has been so 475  
improperly marked, those designees shall remake and count as a 476  
valid ballot that optical scan ballot. The designees shall remake 477

and count an optical scan ballot under this division whether the 478  
voter voted for one office, question, or issue, more than one but 479  
not all offices, questions, or issues, or all offices, questions, 480  
and issues. 481

(D) For the official canvass of election returns conducted 482  
under section 3505.32 of the Revised Code, the automatic 483  
tabulating equipment shall be set to reject blank ballots and over 484  
votes. 485

(E) The board of elections of a county where optical scan 486  
ballots are used shall designate teams to inspect those ballots 487  
under division (C)(2) of this section, and may designate teams to 488  
visually inspect those ballots under division (C)(1) of this 489  
section. Those teams shall consist of two employees of the board, 490  
one from each major political party. The board may designate as 491  
many teams as the board considers necessary to visually inspect 492  
those ballots for blank ballots, or to efficiently inspect those 493  
ballots rejected as blank ballots by automatic tabulating 494  
equipment, under division (C)(1) of this section. 495

**Sec. 3515.03.** Each application for a recount shall ~~separately~~ 496  
~~include a list of~~ each precinct ~~as to~~ in which a recount of the 497  
~~votes therein~~ is requested, ~~and the person filing an application~~ 498  
~~shall at the same time deposit with the board of elections ten~~ 499  
~~dollars in currency, bank money order, bank cashier's check, or~~ 500  
~~certified check for each precinct so listed in such application as~~ 501  
~~security for the payment of charges for making the recount therein~~ 502  
~~applied for, which charges shall be fixed by the board as provided~~ 503  
~~in section 3515.07 of the Revised Code. When such~~ 504

~~Upon the filing of an application, or upon declaration by~~ is 506  
filed or when the board of elections or the secretary of state 507  
declares that the number of votes cast in any election for the 508

declared winning nominee, candidate, question, or issue does not 509  
exceed the number of votes cast for the defeated nominee, 510  
candidate, question, or issue, by the margins set forth in section 511  
3515.011 of the Revised Code, the board of elections shall 512  
promptly fix the time at which, method by which, and ~~the~~ place at 513  
which ~~the~~ a recount will be made, which time shall be not later 514  
than ten days after the day ~~upon~~ on which ~~such~~ the application is 515  
filed or ~~such~~ the declaration is made. If the recount involves a 516  
candidate for election to an office comprising more than one 517  
county, the director of the board of elections shall promptly mail 518  
notice of the time and place for ~~such~~ the recount to the board of 519  
elections of the most populous county of the district. If the 520  
contest involves a state office, the director of the board of 521  
elections shall promptly notify the secretary of state of ~~the~~ a 522  
filing for such a recount. 523

The director of the board of elections shall mail notice of 524  
the time and place so fixed to any applicant and to each person 525  
for whom votes were cast for ~~such~~ the nomination or election. ~~Such~~ 526  
The notice shall be mailed by certified mail not later than the 527  
fifth day before the day fixed for the commencement of the 528  
recount. Persons entitled to have ~~such~~ the notice mailed to them 529  
may waive their right to have it mailed by filing with the 530  
director of the board of elections a written waiver to that 531  
effect. Each person entitled to receive ~~such~~ the notice may attend 532  
and witness the recount and may have any person ~~whom~~ the candidate 533  
designates attend and witness the recount. ~~At~~ 534

At any time after a winning nominee or candidate is declared 535  
but before the time for a recount pursuant to section 3515.011 of 536  
the Revised Code commences, the declared losing nominee or 537  
candidate may file with the board a written request to stop the 538  
recount from commencing. In the case of more than one declared 539  
losing candidate or nominee, each of whom is entitled to a recount 540

pursuant to section 3515.011 of the Revised Code, each such 541  
declared losing candidate or nominee must file with the board ~~such~~ 542  
a written request to stop the recount from commencing. The board 543  
shall grant such a request and shall not commence the recount. 544

In the case of a recount of votes cast upon a question or 545  
issue, any group of five or more qualified electors<sup>7</sup> who voted 546  
~~upon such~~ on the question or issue and whose votes were in 547  
opposition to the votes of the members of the group of electors 548  
who applied for ~~such the~~ recount<sup>7</sup> or for whom ~~such the~~ recount was 549  
required by section 3515.011 of the Revised Code<sup>7</sup> may file with 550  
the board of elections a written statement to that effect<sup>7</sup>. In the 551  
statement, the group shall designate ~~therein~~ one of their number 552  
as ~~chairman~~ chairperson of ~~such the~~ group ~~and~~, may appoint an 553  
attorney at law as their legal counsel, and may request that the 554  
persons ~~so~~ designated in the statement be permitted to attend and 555  
witness the recount. ~~Thereupon the~~ The persons so designated then 556  
may attend and witness the recount. 557

**Sec. 3515.06.** If, pursuant to section 3515.04 of the Revised 558  
Code, a person was declared nominated as a candidate for election 559  
to an office or elected to an office or position in an election 560  
and if it ~~subsequently~~ appears by ~~the~~ an amended declaration of 561  
the results of ~~such the~~ election made following a recount of votes 562  
cast in ~~such the~~ election that ~~such that~~ person was not so 563  
nominated or elected, ~~such that~~ person ~~may~~, within five days after 564  
the date of ~~such the~~ amended declaration of the results of ~~such~~ 565  
the election, may file an application with the board of elections 566  
for a recount of the votes cast at ~~such the~~ election for ~~such the~~ 567  
nomination or election in any precinct, the ballots of which have 568  
not been recounted. 569

If, following a recount of votes cast in an election upon any 570  
question or issue, the amended declaration of the results of ~~such~~ 571

~~the~~ election shows the result of ~~such~~ the election to be contrary 572  
to the result ~~thereof~~ as declared in the original declaration of 573  
~~the results thereof~~, any group of five or more qualified electors 574  
which has filed a statement with the board as provided in the 575  
~~third~~ fourth paragraph of section 3515.03 of the Revised Code ~~may~~, 576  
within five days after the date of the amended declaration, may 577  
file an application with the board for a recount of the votes cast 578  
at ~~such~~ the election upon ~~such~~ the question or issue in any 579  
precinct of the county, the votes of which have not been 580  
recounted. 581

Sections 3515.01 and 3515.02 to 3515.05 of the Revised Code 582  
are applicable to any application provided for in this section and 583  
to the recount had pursuant ~~thereto~~ to the application. 584

**Sec. 3515.07.** The board of elections shall determine the 585  
charges for making a recount of votes of precincts listed in an 586  
application for a recount filed with the board ~~of elections shall~~ 587  
~~be fixed by the board and.~~ In determining the charges, the board 588  
shall include all expenses it incurred ~~by such board~~ because of 589  
~~such~~ the application other than the regular operating expenses 590  
~~which~~ the board would have incurred if the application had not 591  
been filed. ~~The total amount of charges so fixed divided by the~~ 592  
~~number of precincts listed in such application, the votes of which~~ 593  
~~were recounted, shall be the charge per precinct for the recount~~ 594  
~~of the votes of the precincts listed in such application, the~~ 595  
~~votes of which were recounted; provided that the charges per~~ 596  
~~precinct so fixed shall not be more than ten nor less than five~~ 597  
~~dollars for each precinct the votes of which were recounted~~ The 598  
applicant for a recount shall be required to pay the charges 599  
determined by the board for the recount if, upon the completion of 600  
a recount concerning a nomination or election, the board declares 601  
the applicant not to be nominated or elected, or, upon completion 602  
of a recount concerning a question or issue, the board declares 603

the result of the election to be the same as the original 604  
declaration of its result. 605

~~Such charge per precinct shall be deducted by the board from~~ 606  
~~the money deposited with the board by the applicant for the~~ 607  
~~recount at the time of filing his application, and the balance of~~ 608  
~~the money so deposited shall be returned to such applicant;~~ 609  
~~provided that no such charge per precinct shall be deducted by the~~ 610  
~~board from the money deposited for a recount of votes cast for a~~ 611  
~~nomination or for an election to an office or position in any~~ 612  
~~precinct, if the total number of votes cast in such precinct for~~ 613  
~~the applicant, as recorded by such recount, is more than four per~~ 614  
~~cent larger than the number of votes for such applicant in such~~ 615  
~~precinct recorded in the original certified abstract thereof, nor~~ 616  
~~shall any charge per precinct be deducted for a recount of votes~~ 617  
~~east in any precinct upon a question or issue if the total number~~ 618  
~~of votes in such precinct on the same side of such question or~~ 619  
~~issue as the side represented by the applicant, as recorded by~~ 620  
~~such recount, is more than four per cent larger than the number of~~ 621  
~~votes in such precinct on the same side of such question or issue~~ 622  
~~recorded in the original certified abstract thereof. No such~~ 623  
~~charge per precinct shall be deducted if upon the completion of a~~ 624  
~~recount concerning a nomination or election the applicant is~~ 625  
~~declared nominated or elected, or if upon the completion of a~~ 626  
~~recount concerning a question or issue the result of such election~~ 627  
~~is declared to be opposite to the original declaration of the~~ 628  
~~result of such election. All moneys deposited with a board by an~~ 629  
~~applicant shall be deposited in a special depository fund with the~~ 630  
~~county treasurer. The expenses of the recount and refunds shall be~~ 631  
~~paid from said fund upon order of the board of elections. Any~~ 632  
~~balance remaining in such fund shall be paid into the general fund~~ 633  
~~of the county.~~ 634

**Section 2.** That existing sections 3501.05, 3505.18, 3506.01, 635

3515.03, 3515.06, and 3515.07 of the Revised Code are hereby  
repealed.

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