

As Reported by the House Elections and Ethics Committee

126th General Assembly

Regular Session

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Sub. H. B. No. 3

Representatives DeWine, Trakas, White, Brown, Law, Uecker

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A B I L L

To amend sections 131.23, 145.38, 305.31, 306.70, 1
307.791, 322.021, 324.021, 503.162, 504.02, 2
504.03, 511.28, 511.34, 513.14, 731.28, 731.29, 3
745.07, 747.11, 1901.07, 1901.10, 1901.31, 4
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3354.12, 3355.09, 3501.05, 3501.11, 3501.13, 6
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3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 13
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3511.09, 3513.04, 3513.041, 3513.05, 3513.052, 15
3513.19, 3513.20, 3513.22, 3513.257, 3513.259, 16
3513.261, 3513.30, 3515.03, 3515.04, 3515.07, 17
3515.08, 3515.13, 3517.01, 3517.10, 3517.106, 18
3517.1011, 3519.05, 3523.05, 3599.11, 3599.111, 19
3599.12, 3599.21, 3599.24, 3599.38, 4301.33, 20
4301.331, 4301.332, 4301.333, 4301.334, 4305.14, 21
4504.021, 5705.191, 5705.194, 5705.196, 5705.21, 22
5705.218, 5705.25, 5705.251, 5705.261, 5705.71, 23
5739.022, 5748.02, 5748.04, 5748.08, and 6119.18, 24
to enact sections 3501.19, 3501.24, 3501.90, 25

3503.15, 3503.20, 3503.28, 3503.29, 3505.181, 26
3505.182, 3505.183, 3506.21, 3509.09, 3511.13, 27
3515.041, and 3515.072, and to repeal section 28
3503.27 of the Revised Code to revise the Election 29
Law. 30

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

Section 1. That sections 131.23, 145.38, 305.31, 306.70, 31
307.791, 322.021, 324.021, 503.162, 504.02, 504.03, 511.28, 32
511.34, 513.14, 731.28, 731.29, 745.07, 747.11, 1901.07, 1901.10, 33
1901.31, 1901.33, 3311.21, 3311.50, 3311.73, 3349.29, 3354.12, 34
3355.09, 3501.05, 3501.11, 3501.13, 3501.26, 3501.30, 3501.33, 35
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3505.32, 3506.01, 3506.05, 3506.12, 3506.13, 3506.19, 3509.02, 39
3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.07, 3509.08, 40
3511.02, 3511.04, 3511.09, 3513.04, 3513.041, 3513.05, 3513.052, 41
3513.19, 3513.20, 3513.22, 3513.257, 3513.259, 3513.261, 3513.30, 42
3515.03, 3515.04, 3515.07, 3515.08, 3515.13, 3517.01, 3517.10, 43
3517.106, 3517.1011, 3519.05, 3523.05, 3599.11, 3599.111, 3599.12, 44
3599.21, 3599.24, 3599.38, 4301.33, 4301.331, 4301.332, 4301.333, 45
4301.334, 4305.14, 4504.021, 5705.191, 5705.194, 5705.196, 46
5705.21, 5705.218, 5705.25, 5705.251, 5705.261, 5705.71, 5739.022, 47
5748.02, 5748.04, 5748.08, and 6119.18 be amended and sections 48
3501.19, 3501.24, 3501.90, 3503.15, 3503.20, 3503.28, 3503.29, 49
3505.181, 3505.182, 3505.183, 3506.21, 3509.09, 3511.13, 3515.041, 50
and 3515.072 of the Revised Code be enacted to read as follows: 51

Sec. 131.23. The various political subdivisions of this state 52
may issue bonds, and any indebtedness created by such issuance 53
shall not be subject to the limitations or included in the 54

calculation of indebtedness prescribed by sections 133.05, 133.06, 55
133.07, and 133.09 of the Revised Code, but such bonds may be 56
issued only under the following conditions: 57

(A) The subdivision desiring to issue such bonds shall obtain 58
from the county auditor a certificate showing the total amount of 59
delinquent taxes due and unpayable to such subdivision at the last 60
semiannual tax settlement. 61

(B) The fiscal officer of that subdivision shall prepare a 62
statement, from the books of the subdivision, verified by the 63
fiscal officer under oath, which shall contain the following facts 64
of such subdivision: 65

(1) The total bonded indebtedness; 66

(2) The aggregate amount of notes payable or outstanding 67
accounts of the subdivision, incurred prior to the commencement of 68
the current fiscal year, which shall include all evidences of 69
indebtedness issued by the subdivision except notes issued in 70
anticipation of bond issues and the indebtedness of any 71
nontax-supported public utility; 72

(3) Except in the case of school districts, the aggregate 73
current year's requirement for disability financial assistance and 74
disability medical assistance provided under Chapter 5115. of the 75
Revised Code that the subdivision is unable to finance except by 76
the issue of bonds; 77

(4) The indebtedness outstanding through the issuance of any 78
bonds or notes pledged or obligated to be paid by any delinquent 79
taxes; 80

(5) The total of any other indebtedness; 81

(6) The net amount of delinquent taxes unpledged to pay any 82
bonds, notes, or certificates, including delinquent assessments on 83
improvements on which the bonds have been paid; 84

(7) The budget requirements for the fiscal year for bond and note retirement;	85 86
(8) The estimated revenue for the fiscal year.	87
(C) The certificate and statement provided for in divisions (A) and (B) of this section shall be forwarded to the tax commissioner together with a request for authority to issue bonds of such subdivision in an amount not to exceed seventy per cent of the net unobligated delinquent taxes and assessments due and owing to such subdivision, as set forth in division (B)(6) of this section.	88 89 90 91 92 93 94
(D) No subdivision may issue bonds under this section in excess of a sufficient amount to pay the indebtedness of the subdivision as shown by division (B)(2) of this section and, except in the case of school districts, to provide funds for disability financial assistance and disability medical assistance, as shown by division (B)(3) of this section.	95 96 97 98 99 100
(E) The tax commissioner shall grant to such subdivision authority requested by such subdivision as restricted by divisions (C) and (D) of this section and shall make a record of the certificate, statement, and grant in a record book devoted solely to such recording and which shall be open to inspection by the public.	101 102 103 104 105 106
(F) The commissioner shall immediately upon issuing the authority provided in division (E) of this section notify the proper authority having charge of the retirement of bonds of such subdivision by forwarding a copy of such grant of authority and of the statement provided for in division (B) of this section.	107 108 109 110 111
(G) Upon receipt of authority, the subdivision shall proceed according to law to issue the amount of bonds authorized by the commissioner, and authorized by the taxing authority, provided the taxing authority of that subdivision may by resolution submit to	112 113 114 115

the electors of that subdivision the question of issuing such
bonds. Such resolution shall make the declarations and statements
required by section 133.18 of the Revised Code. The county auditor
and taxing authority shall thereupon proceed as set forth in
divisions (C) and (D) of such section. The election on the
question of issuing such bonds shall be held under divisions (E),
(F), and (G) of such section, except that publication of the
notice of such election shall be made on ~~four~~ two separate days
prior to such election in one or more newspapers of general
circulation in the subdivisions. Such bonds may be exchanged at
their face value with creditors of the subdivision in liquidating
the indebtedness described and enumerated in division (B)(2) of
this section or may be sold as provided in Chapter 133. of the
Revised Code, and in either event shall be uncontestable.

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

(I) This section is for the sole purpose of assisting the
various subdivisions in paying their unsecured indebtedness, and
providing funds for disability financial assistance and disability
medical assistance. The bonds issued under authority of this
section shall not be used for any other purpose and any exchange
for other purposes, or the use of the money derived from the sale
of such bonds by the subdivision for any other purpose, is
misapplication of funds.

(J) The bonds authorized by this section shall be redeemable

or payable in not to exceed ten years from date of issue and shall 148
not be subject to or considered in calculating the net 149
indebtedness of the subdivision. The budget commission of the 150
county in which the subdivision is located shall annually allocate 151
such portion of the then delinquent levy due such subdivision 152
which is unpledged for other purposes to the payment of debt 153
charges on the bonds issued under authority of this section. 154

(K) The issue of bonds under this section shall be governed 155
by Chapter 133. of the Revised Code, respecting the terms used, 156
forms, manner of sale, and redemption except as otherwise provided 157
in this section. 158

The board of county commissioners of any county may issue 159
bonds authorized by this section and distribute the proceeds of 160
such bond issues to any or all of the cities and townships of such 161
counties, according to their relative needs for disability 162
financial assistance and disability medical assistance as 163
determined by such county. 164

All sections of the Revised Code inconsistent with or 165
prohibiting the exercise of the authority conferred by this 166
section are inoperative respecting bonds issued under this 167
section. 168

Sec. 145.38. (A) As used in this section and sections 145.381 169
and 145.384 of the Revised Code: 170

(1) "PERS retirant" means a former member of the public 171
employees retirement system who is receiving one of the following: 172

(a) Age and service retirement benefits under section 145.32, 173
145.33, 145.331, 145.34, or 145.46 of the Revised Code; 174

(b) Age and service retirement benefits paid by the public 175
employees retirement system under section 145.37 of the Revised 176
Code; 177

(c) Any benefit paid under a PERS defined contribution plan.	178
(2) "Other system retirant" means both of the following:	179
(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;	180 181 182 183 184 185 186
(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.	187 188 189 190 191
(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.	192 193 194 195 196 197 198
(2) A public employer that employs a PERS retirant or other system retirant, or enters into a contract for services as an independent contractor with a PERS retirant, shall notify the retirement board of the employment or contract not later than the end of the month in which the employment or contract commences. Any overpayment of benefits to a PERS retirant by the retirement system resulting from delay or failure of the employer to give the notice shall be repaid to the retirement system by the employer.	199 200 201 202 203 204 205 206
(3) On receipt of notice from a public employer that a person who is an other system retirant has been employed, the retirement	207 208

system shall notify the retirement system of which the other 209
system retirant was a member of such employment. 210

(4)(a) A PERS retirant who has received a retirement 211
allowance for less than two months when employment subject to this 212
section commences shall forfeit the retirement allowance for any 213
month the PERS retirant is employed prior to the expiration of the 214
two-month period. Service and contributions for that period shall 215
not be included in calculation of any benefits payable to the PERS 216
retirant, and those contributions shall be refunded on the 217
retirant's death or termination of the employment. 218

(b) An other system retirant who has received a retirement 219
allowance or disability benefit for less than two months when 220
employment subject to this section commences shall forfeit the 221
retirement allowance or disability benefit for any month the other 222
system retirant is employed prior to the expiration of the 223
two-month period. Service and contributions for that period shall 224
not be included in the calculation of any benefits payable to the 225
other system retirant, and those contributions shall be refunded 226
on the retirant's death or termination of the employment. 227

(c) Contributions made on compensation earned after the 228
expiration of the two-month period shall be used in the 229
calculation of the benefit or payment due under section 145.384 of 230
the Revised Code. 231

(5) On receipt of notice from the Ohio police and fire 232
pension fund, school employees retirement system, or state 233
teachers retirement system of the re-employment of a PERS 234
retirant, the public employees retirement system shall not pay, or 235
if paid, shall recover, the amount to be forfeited by the PERS 236
retirant in accordance with section 742.26, 3307.35, or 3309.341 237
of the Revised Code. 238

(6) A PERS retirant who enters into a contract to provide 239

services as an independent contractor to the employer by which the 240
retirant was employed at the time of retirement or, less than two 241
months after the retirement allowance commences, begins providing 242
services as an independent contractor pursuant to a contract with 243
another public employer, shall forfeit the pension portion of the 244
retirement benefit for the period beginning the first day of the 245
month following the month in which the services begin and ending 246
on the first day of the month following the month in which the 247
services end. The annuity portion of the retirement allowance 248
shall be suspended on the day services under the contract begin 249
and shall accumulate to the credit of the retirant to be paid in a 250
single payment after services provided under the contract 251
terminate. A PERS retirant subject to division (B)(6) of this 252
section shall not contribute to the retirement system and shall 253
not become a member of the system. 254

(7) As used in this division, "employment" includes service 255
for which a PERS retirant or other system retirant, the retirant's 256
employer, or both, have waived any earnable salary for the 257
service. 258

(C)(1) Except as provided in division (C)(3) of this section, 259
this division applies to both of the following: 260

(a) A PERS retirant who, prior to September 14, 2000, was 261
subject to division (C)(1)(b) of this section as that division 262
existed immediately prior to September 14, 2000, and has not 263
elected pursuant to Am. Sub. S.B. 144 of the 123rd general 264
assembly to cease to be subject to that division; 265

(b) A PERS retirant to whom both of the following apply: 266

(i) The retirant held elective office in this state, or in 267
any municipal corporation, county, or other political subdivision 268
of this state at the time of retirement under this chapter. 269

(ii) The retirant was elected or appointed to the same office 270

for the remainder of the term or the term immediately following 271
the term during which the retirement occurred. 272

(2) A PERS retirant who is subject to this division is a 273
member of the public employees retirement system with all the 274
rights, privileges, and obligations of membership, except that the 275
membership does not include survivor benefits provided pursuant to 276
section 145.45 of the Revised Code or, beginning on the ninetieth 277
day after September 14, 2000, any amount calculated under section 278
145.401 of the Revised Code. The pension portion of the PERS 279
retirant's retirement allowance shall be forfeited until the first 280
day of the first month following termination of the employment. 281
The annuity portion of the retirement allowance shall accumulate 282
to the credit of the PERS retirant to be paid in a single payment 283
after termination of the employment. The retirement allowance 284
shall resume on the first day of the first month following 285
termination of the employment. On termination of the employment, 286
the PERS retirant shall elect to receive either a refund of the 287
retirant's contributions to the retirement system during the 288
period of employment subject to this section or a supplemental 289
retirement allowance based on the retirant's contributions and 290
service credit for that period of employment. 291

(3) This division does not apply to any of the following: 292

(a) A PERS retirant elected to office who, at the time of the 293
election for the retirant's current term, was not retired but, not 294
less than ninety days prior to the primary election for the term 295
or the date on which a primary for the term would have been held, 296
filed a written declaration of intent to retire before the end of 297
the term with the director of the board of elections of the county 298
in which petitions for nomination or election to the office are 299
filed; 300

(b) A PERS retirant elected to office who, at the time of the 301

election for the retirant's current term, was a retirant and had 302
been retired for not less than ninety days; 303

(c) A PERS retirant appointed to office who, at the time of 304
appointment to the retirant's current term, notified the person or 305
entity making the appointment that the retirant was already 306
retired or intended to retire before the end of the term. 307

(D)(1) Except as provided in division (C) of this section, a 308
PERS retirant or other system retirant subject to this section is 309
not a member of the public employees retirement system, and, 310
except as specified in this section does not have any of the 311
rights, privileges, or obligations of membership. Except as 312
specified in division (D)(2) of this section, the retirant is not 313
eligible to receive health, medical, hospital, or surgical 314
benefits under section 145.58 of the Revised Code for employment 315
subject to this section. 316

(2) A PERS retirant subject to this section shall receive 317
primary health, medical, hospital, or surgical insurance coverage 318
from the retirant's employer, if the employer provides coverage to 319
other employees performing comparable work. Neither the employer 320
nor the PERS retirant may waive the employer's coverage, except 321
that the PERS retirant may waive the employer's coverage if the 322
retirant has coverage comparable to that provided by the employer 323
from a source other than the employer or the public employees 324
retirement system. If a claim is made, the employer's coverage 325
shall be the primary coverage and shall pay first. The benefits 326
provided under section 145.58 of the Revised Code shall pay only 327
those medical expenses not paid through the employer's coverage or 328
coverage the PERS retirant receives through a source other than 329
the retirement system. 330

(E) If the disability benefit of an other system retirant 331
employed under this section is terminated, the retirant shall 332

become a member of the public employees retirement system, 333
effective on the first day of the month next following the 334
termination with all the rights, privileges, and obligations of 335
membership. If such person, after the termination of the 336
disability benefit, earns two years of service credit under this 337
system or under the Ohio police and fire pension fund, state 338
teachers retirement system, school employees retirement system, or 339
state highway patrol retirement system, the person's prior 340
contributions as an other system retirant under this section shall 341
be included in the person's total service credit as a public 342
employees retirement system member, and the person shall forfeit 343
all rights and benefits of this section. Not more than one year of 344
credit may be given for any period of twelve months. 345

(F) This section does not affect the receipt of benefits by 346
or eligibility for benefits of any person who on August 20, 1976, 347
was receiving a disability benefit or service retirement pension 348
or allowance from a state or municipal retirement system in Ohio 349
and was a member of any other state or municipal retirement system 350
of this state. 351

(G) The public employees retirement board may adopt rules to 352
carry out this section. 353

Sec. 305.31. The procedure for submitting to a referendum any 354
resolution adopted by a board of county commissioners pursuant to 355
division (D)(1) of section 307.697, section 322.02, 322.06, or 356
324.02, sections 1515.22 and 1515.24, division (B)(1) of section 357
4301.421, section 4504.02, 5739.021, 5739.026, 5741.021, or 358
5741.023, or division (C)(1) of section 5743.024 of the Revised 359
Code or rule adopted pursuant to section 307.79 of the Revised 360
Code shall be as prescribed by this section. 361

Except as otherwise provided in this paragraph, when a 362
petition, signed by ten per cent of the number of electors who 363

voted for governor at the most recent general election for the 364
office of governor in the county, is filed with the county auditor 365
within thirty days after the date the resolution is passed or rule 366
is adopted by the board of county commissioners, or is filed 367
within forty-five days after the resolution is passed, in the case 368
of a resolution adopted pursuant to section 5739.021 of the 369
Revised Code that is passed within one year after a resolution 370
adopted pursuant to that section has been rejected or repealed by 371
the electors, requesting that the resolution be submitted to the 372
electors of the county for their approval or rejection, the county 373
auditor shall, after ten days following the filing of the 374
petition, and not later than four p.m. of the seventy-fifth day 375
before the day of election, transmit a certified copy of the text 376
of the resolution or rule to the board of elections. In the case 377
of a petition requesting that a resolution adopted under division 378
(D)(1) of section 307.697, division (B)(1) of section 4301.421, or 379
division (C)(1) of section 5743.024 of the Revised Code be 380
submitted to electors for their approval or rejection, the 381
petition shall be signed by seven per cent of the number of 382
electors who voted for governor at the most recent election for 383
the office of governor in the county. The county auditor shall 384
transmit the petition to the board together with the certified 385
copy of the resolution or rule. The board shall examine all 386
signatures on the petition to determine the number of electors of 387
the county who signed the petition. The board shall return the 388
petition to the auditor within ~~ten~~ seven days after receiving it, 389
together with a statement attesting to the number of such electors 390
who signed the petition. The board shall submit the resolution or 391
rule to the electors of the county, for their approval or 392
rejection, at the succeeding general election held in the county 393
in any year, or on the day of the succeeding primary election held 394
in the county in even-numbered years, occurring subsequent to 395
seventy-five days after the auditor certifies the sufficiency and 396

validity of the petition to the board of elections. 397

No resolution shall go into effect until approved by the 398
majority of those voting upon it. However, a rule shall take 399
effect and remain in effect unless and until a majority of the 400
electors voting on the question of repeal approve the repeal. 401
Sections 305.31 to 305.41 of the Revised Code do not prevent a 402
county, after the passage of any resolution or adoption of any 403
rule, from proceeding at once to give any notice or make any 404
publication required by the resolution or rule. 405

The board of county commissioners shall make available to any 406
person, upon request, a certified copy of any resolution or rule 407
subject to the procedure for submitting a referendum under 408
sections 305.31 to 305.42 of the Revised Code beginning on the 409
date the resolution or rule is adopted by the board. The board may 410
charge a fee for the cost of copying the resolution or rule. 411

As used in this section, "certified copy" means a copy 412
containing a written statement attesting that it is a true and 413
exact reproduction of the original resolution or rule. 414

Sec. 306.70. A tax proposed to be levied by a board of county 415
commissioners or by the board of trustees of a regional transit 416
authority pursuant to sections 5739.023 and 5741.022 of the 417
Revised Code shall not become effective until it is submitted to 418
the electors residing within the county or within the territorial 419
boundaries of the regional transit authority and approved by a 420
majority of the electors voting thereon. Such question shall be 421
submitted at a general election or at a special election on a day 422
specified in the resolution levying the tax and occurring not less 423
than seventy-five days after such resolution is certified to the 424
board of elections, in accordance with section 3505.071 of the 425
Revised Code. 426

The board of elections of the county or of each county in 427

which any territory of the regional transit authority is located 428
shall make the necessary arrangements for the submission of such 429
question to the electors of the county or regional transit 430
authority, and the election shall be held, canvassed, and 431
certified in the same manner as regular elections for the election 432
of county officers. Notice of the election shall be published in 433
one or more newspapers which in the aggregate are of general 434
circulation in the territory of the county or of the regional 435
transit authority once a week for ~~four~~ two consecutive weeks prior 436
to the election stating the type, rate and purpose of the tax to 437
be levied, the length of time during which the tax will be in 438
effect, and the time and place of the election. 439

More than one such question may be submitted at the same 440
election. The form of the ballots cast at such election shall be: 441

"Shall a(n) (sales and use) 442
tax be levied for all transit purposes of the 443
(here insert name of the county or regional transit authority) at 444
a rate not exceeding (here insert percentage) 445
per cent for (here insert number of years the tax 446
is to be in effect, or that it is to be in effect for a continuing 447
period of time)?" 448

If the tax proposed to be levied is a continuation of an 449
existing tax, whether at the same rate or at an increased or 450
reduced rate, or an increase in the rate of an existing tax, the 451
notice and ballot form shall so state. 452

The board of elections to which the resolution was certified 453
shall certify the results of the election to the county auditor of 454
the county or secretary-treasurer of the regional transit 455
authority levying the tax and to the tax commissioner of the 456
state. 457

Sec. 307.791. The question of repeal of a county sediment control rule adopted under section 307.79 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 or primary 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 in the county.

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 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 the purpose, the time, the 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.

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 489
days before the general election in any year a petition requesting 490
that an election be held on such question. Such petition shall be 491
signed by qualified electors residing in the county equal in 492
number to ten per cent of those voting for governor at the most 493
recent gubernatorial election. 494

After determination by it that such petition is valid, the 495
board of elections shall submit the question to the electors of 496
the county at the next general election. The election shall be 497
conducted, canvassed, and certified in the same manner as regular 498
elections for county offices in the county. Notice of the election 499
shall be published in a newspaper of general circulation in the 500
district once a week for ~~four~~ two consecutive weeks prior to the 501
election, stating the purpose, time, and place of the election. 502
The form of the ballot cast at such election shall be prescribed 503
by the secretary of state. The question covered by such petition 504
shall be submitted as a separate proposition, but it may be 505
printed on the same ballot with any other proposition submitted at 506
the same election other than the election of officers. If a 507
majority of the qualified electors voting on the question of 508
repeal approve the repeal, the result of the election shall be 509
certified immediately after the canvass by the board of elections 510
to the county commissioners, who shall thereupon, after the 511
current year, cease to levy the tax. 512

Sec. 324.021. The question of repeal of a county permissive 513
tax adopted as an emergency measure pursuant to section 324.02 of 514
the Revised Code may be initiated by filing with the board of 515
elections of the county not less than seventy-five days before the 516
general election in any year a petition requesting that an 517
election be held on such question. Such petition shall be signed 518
by qualified electors residing in the county equal in number to 519
ten per cent of those voting for governor at the most recent 520

gubernatorial election. 521

After determination by it that such petition is valid, the 522
board of elections shall submit the question to the electors of 523
the county at the next general election. The election shall be 524
conducted, canvassed, and certified in the same manner as regular 525
elections for county offices in the county. Notice of the election 526
shall be published in a newspaper of general circulation in the 527
district once a week for ~~four~~ two consecutive weeks prior to the 528
election, stating the purpose, the time, and the place of the 529
election. The form of the ballot cast at such election shall be 530
prescribed by the secretary of state. The question covered by such 531
petition shall be submitted as a separate proposition, but it may 532
be printed on the same ballot with any other proposition submitted 533
at the same election other than the election of officers. If a 534
majority of the qualified electors voting on the question of 535
repeal approve the repeal, the result of the election shall be 536
certified immediately after the canvass by the board of elections 537
to the county commissioners, who shall thereupon, after the 538
current year, cease to levy the tax. 539

Sec. 503.162. (A) After certification of a resolution as 540
provided in section 503.161 of the Revised Code, the board of 541
elections shall submit the question of whether the township's name 542
shall be changed to the electors of the unincorporated area of the 543
township in accordance with division (C) of that section, and the 544
ballot language shall be substantially as follows: 545

"Shall the township of (name) change its name to 546
..... (proposed name)? 547

..... For name change 548

..... Against name change" 549

(B) At least forty-five days before the election on this 550

question, the board of township trustees shall provide notice of
the election and an explanation of the proposed name change in a
newspaper of general circulation in the township for ~~three~~ two
consecutive weeks and shall post the notice and explanation in
five conspicuous places in the unincorporated area of the
township.

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

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

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

"Shall the township of (name) adopt a limited
home rule government, under which government the board of township
trustees, by resolution, may exercise limited powers of local
self-government and limited police powers?
..... For adoption of a limited home rule government
..... Against adoption of a limited home rule government"

(B) 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 581
township for ~~three~~ two consecutive weeks and have the notice and 582
description posted in five conspicuous places in the 583
unincorporated area of the township. 584

(C) If a majority of the votes cast on the proposition of 585
adopting a limited home rule government is in the affirmative, 586
that government is adopted and becomes the government of the 587
township on the first day of January immediately following the 588
election. 589

Sec. 504.03. (A)(1) If a limited home rule government is 590
adopted pursuant to section 504.02 of the Revised Code, it shall 591
remain in effect for at least three years except as otherwise 592
provided in division (B) of this section. At the end of that 593
period, if the board of township trustees determines that that 594
government is not in the best interests of the township, it may 595
adopt a resolution causing the board of elections to submit to the 596
electors of the unincorporated area of the township the question 597
of whether the township should continue the limited home rule 598
government. The question shall be voted upon at the next general 599
election occurring at least seventy-five days after the 600
certification of the resolution to the board of elections. After 601
certification of the resolution, the board of elections shall 602
submit the question to the electors of the unincorporated area of 603
the township, and the ballot language shall be substantially as 604
follows: 605

"Shall the township of (name) continue the 606
limited home rule government under which it is operating? 607
..... For continuation of the limited home rule government 608
..... Against continuation of the limited home rule government" 609

(2) At least forty-five days before the election on the 610
question of continuing the limited home rule government, the board 611

of township trustees shall have notice of the election published 612
in a newspaper of general circulation in the township for ~~three~~ 613
two consecutive weeks and have the notice posted in five 614
conspicuous places in the unincorporated area of the township. 615

(B) The electors of a township that has adopted a limited 616
home rule government may propose at any time by initiative 617
petition, in accordance with section 504.14 of the Revised Code, a 618
resolution submitting to the electors in the unincorporated area 619
of the township, in an election, the question set forth in 620
division (A)(1) of this section. 621

(C) If a majority of the votes cast under division (A) or (B) 622
of this section on the proposition of continuing the limited home 623
rule government is in the negative, that government is terminated 624
effective on the first day of January immediately following the 625
election, and a limited home rule government shall not be adopted 626
in the unincorporated area of the township pursuant to section 627
504.02 of the Revised Code for at least three years after that 628
date. 629

(D) If a limited home rule government is terminated under 630
this section, the board of township trustees immediately shall 631
adopt a resolution repealing all resolutions adopted pursuant to 632
this chapter that are not authorized by any other section of the 633
Revised Code outside this chapter, effective on the first day of 634
January immediately following the election described in division 635
(A) or (B) of this section. However, no resolution adopted under 636
this division shall affect or impair the obligations of the 637
township under any security issued or contracts entered into by 638
the township in connection with the financing of any water supply 639
facility or sewer improvement under sections 504.18 to 504.20 of 640
the Revised Code or the authority of the township to collect or 641
enforce any assessments or other revenues constituting security 642
for or source of payments of debt service charges of those 643

securities.

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

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Sec. 511.28. A copy of any resolution for a tax levy adopted
by the township board of park commissioners as provided in section
511.27 of the Revised Code shall be certified by the clerk of the
board of park commissioners to the board of elections of the
proper county, together with a certified copy of the resolution
approving the levy, passed by the board of township trustees if
such a resolution is required by division (C) of section 511.27 of
the Revised Code, not less than seventy-five days before a general
or primary election in any year. The board of elections shall
submit the proposal to the electors as provided in section 511.27
of the Revised Code at the succeeding general or primary election.
A resolution to renew an existing levy may not be placed on the
ballot unless the question is submitted at the general election
held during the last year the tax to be renewed may be extended on
the real and public utility property tax list and duplicate, or at
any election held in the ensuing year. The board of park
commissioners shall cause notice that the vote will be taken to be

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published once a week for ~~four~~ two consecutive weeks prior to the 675
election in a newspaper of general circulation in the county 676
within which the park district is located. The notice shall state 677
the purpose of the proposed levy, the annual rate proposed 678
expressed in dollars and cents for each one hundred dollars of 679
valuation as well as in mills for each one dollar of valuation, 680
the number of consecutive years during which the levy shall be in 681
effect, and the time and place of the election. 682

The form of the ballots cast at the election shall be: "An 683
additional tax for the benefit of (name of township park district) 684
..... for the purpose of (purpose stated in the order of the 685
board) at a rate not exceeding mills for 686
each one dollar of valuation, which amounts to (rate expressed in 687
dollars and cents) for each one hundred dollars of 688
valuation, for (number of years the levy is to run)

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	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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If the levy submitted is a proposal to renew, increase, or 694
decrease an existing levy, the form of the ballot specified in 695
this section may be changed by substituting for the words "An 696
additional" at the beginning of the form, the words "A renewal of 697
a" in the case of a proposal to renew an existing levy in the same 698
amount; the words "A renewal of mills and an increase 699
of mills to constitute a" in the case of an increase; 700
or the words "A renewal of part of an existing levy, being a 701
reduction of mills, to constitute a" in the case of a 702
decrease in the rate of the existing levy. 703

If the tax is to be placed on the current tax list, the form 704
of the ballot shall be modified by adding, after the statement of 705

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 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).

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	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

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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.

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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.

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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, otherwise, in one newspaper, published or of general circulation in the proposed township hospital district, once a week for ~~three~~ two weeks immediately preceding such election.

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Sec. 731.28. Ordinances and other measures providing for the 798
exercise of any powers of government granted by the constitution 799
or delegated to any municipal corporation by the general assembly 800
may be proposed by initiative petition. Such initiative petition 801
must contain the signatures of not less than ten per cent of the 802
number of electors who voted for governor at the most recent 803
general election for the office of governor in the municipal 804
corporation. 805

When a petition is filed with the city auditor or village 806
clerk, signed by the required number of electors proposing an 807
ordinance or other measure, such auditor or clerk shall, after ten 808
days, transmit a certified copy of the text of the proposed 809
ordinance or measure to the board of elections. The auditor or 810
clerk shall transmit the petition to the board together with the 811
certified copy of the proposed ordinance or other measure. The 812
board shall examine all signatures on the petition to determine 813
the number of electors of the municipal corporation who signed the 814
petition. The board shall return the petition to the auditor or 815
clerk within ~~ten~~ seven days after receiving it, together with a 816
statement attesting to the number of such electors who signed the 817
petition. 818

The board shall submit such proposed ordinance or measure for 819
the approval or rejection of the electors of the municipal 820
corporation at the next general election occurring subsequent to 821
seventy-five days after the auditor or clerk certifies the 822
sufficiency and validity of the initiative petition to the board 823
of elections. No ordinance or other measure proposed by initiative 824
petition and approved by a majority of the electors voting upon 825
the measure in such municipal corporation shall be subject to the 826
veto of the mayor. 827

As used in this section, "certified copy" means a copy 828

containing a written statement attesting it is a true and exact 829
reproduction of the original proposed ordinance or other measure. 830

Sec. 731.29. Any ordinance or other measure passed by the 831
legislative authority of a municipal corporation shall be subject 832
to the referendum except as provided by section 731.30 of the 833
Revised Code. No ordinance or other measure shall go into effect 834
until thirty days after it is filed with the mayor of a city or 835
passed by the legislative authority in a village, except as 836
provided by such section. 837

When a petition, signed by ten per cent of the number of 838
electors who voted for governor at the most recent general 839
election for the office of governor in the municipal corporation, 840
is filed with the city auditor or village clerk within thirty days 841
after any ordinance or other measure is filed with the mayor or 842
passed by the legislative authority of a village, or in case the 843
mayor has vetoed the ordinance or any measure and returned it to 844
council, such petition may be filed within thirty days after the 845
council has passed the ordinance or measure over ~~his~~ the veto, 846
ordering that such ordinance or measure be submitted to the 847
electors of such municipal corporation for their approval or 848
rejection, such auditor or clerk shall, after ten days, and not 849
later than four p.m. of the seventy-fifth day before the day of 850
election, transmit a certified copy of the text of the ordinance 851
or measure to the board of elections. The auditor or clerk shall 852
transmit the petition to the board together with the certified 853
copy of the ordinance or measure. The board shall examine all 854
signatures on the petition to determine the number of electors of 855
the municipal corporation who signed the petition. The board shall 856
return the petition to the auditor or clerk within ~~ten~~ seven days 857
after receiving it, together with a statement attesting to the 858
number of such electors who signed the petition. The board shall 859

submit the ordinance or measure to the electors of the municipal 860
corporation, for their approval or rejection, at the next general 861
election occurring subsequent to seventy-five days after the 862
auditor or clerk certifies the sufficiency and validity of the 863
petition to the board of elections. 864

No such ordinance or measure shall go into effect until 865
approved by the majority of those voting upon it. Sections 731.28 866
to 731.41 of the Revised Code do not prevent a municipal 867
corporation, after the passage of any ordinance or other measure, 868
from proceeding at once to give any notice or make any publication 869
required by such ordinance or other measure. 870

As used in this section, "certified copy" means a copy 871
containing a written statement attesting that it is a true and 872
exact reproduction of the original ordinance or other measure. 873

Sec. 745.07. An ordinance passed pursuant to section 745.06 874
of the Revised Code, shall not take effect until submitted to the 875
electors of the municipal corporation, at a special or general 876
election held therein at such time as the legislative authority 877
thereof determines, and approved by a majority of the electors 878
voting thereon. The ordinance shall be passed by an affirmative 879
vote of not less than a majority of the members of the legislative 880
authority, and shall be subject to the approval of the mayor as 881
provided by law. The ordinance shall specify the form or phrasing 882
of the question to be placed upon the ballot. Thirty days' notice 883
of the election shall be given by publication once a week for ~~four~~ 884
two consecutive weeks in two daily or weekly newspapers published 885
or circulated in the municipal corporation, which notice shall 886
contain the full form or phrasing of the question to be submitted. 887
The clerk of the legislative authority shall certify the passage 888
of such ordinance to the officers having control of elections in 889
such municipal corporation, who shall cause such question to be 890

voted on at the general or special election as specified in the 891
ordinance. 892

Sec. 747.11. The board of rapid transit commissioners may 893
grant to any corporation organized for street or interurban 894
railway purposes the right to operate, by lease or otherwise, the 895
depots, terminals, and railways mentioned in section 747.08 of the 896
Revised Code upon such terms as the board is authorized by 897
ordinance to agree upon with such corporation, subject to the 898
approval of a majority of the electors of the city voting thereon. 899

The board of rapid transit commissioners shall certify such 900
lease or agreement to the board of elections, which shall then 901
submit the question of the approval of such lease or agreement to 902
the qualified electors of the city at either a special or general 903
election as the ordinance specifies. Thirty days' notice of the 904
election shall be given in one or more of the newspapers published 905
in the city, once a week for ~~four~~ two consecutive weeks prior to 906
the time of holding such election, setting forth the terms of the 907
lease or agreement and the time of holding the election. On the 908
approval by a majority of the voters voting at such election, the 909
corporation may operate such depots, terminals, and railways as 910
provided in the lease or agreement, and corporations organized 911
under the laws of this state for street or interurban railway 912
purposes may lease and operate such depots, terminals, and 913
railways. 914

Sec. 1901.07. (A) All municipal court judges shall be elected 915
on the nonpartisan ballot for terms of six years. In a municipal 916
court in which only one judge is to be elected in any one year, 917
that judge's term commences on the first day of January after the 918
election. In a municipal court in which two or more judges are to 919
be elected in any one year, their terms commence on successive 920
days beginning the first day of January, following the election, 921

unless otherwise provided by section 1901.08 of the Revised Code. 922

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(B) All candidates for municipal court judge may be nominated 924
either by nominating petition or by primary election, except that 925
if the jurisdiction of a municipal court extends only to the 926
corporate limits of the municipal corporation in which the court 927
is located and that municipal corporation operates under a 928
charter, all candidates shall be nominated in the same manner 929
provided in the charter for the office of municipal court judge, 930
or, if no specific provisions are made in the charter for the 931
office of municipal court judge, in the same manner as the charter 932
prescribes for the nomination and election of the legislative 933
authority of the municipal corporation. 934

~~If a municipal corporation that has a municipal court has a 935
charter that specifies a primary date other than the date 936
specified in division (E) of section 3501.01 of the Revised Code, 937
and if the jurisdiction of the a municipal court extends beyond 938
the corporate limits of the municipal corporation, all candidates 939
for the office of municipal judge of that court shall be nominated 940
only by petition. 941~~

If in which it is located or if the jurisdiction of the court 942
does not extend beyond the corporate limits of the municipal 943
corporation in which it is located and no charter provisions 944
apply, all candidates for party nomination to the office of 945
municipal court judge shall file a declaration of candidacy and 946
petition not later than four p.m. of the seventy-fifth day before 947
the day of the primary election, or if the primary election is a 948
presidential primary election, not later than four p.m. of the 949
sixtieth day before the day of the presidential primary election, 950
in the form prescribed by section 3513.07 of the Revised Code. The 951
petition shall conform to the requirements provided for ~~such~~ those 952
petitions of candidacy contained in section 3513.05 of the Revised 953

Code, except that the petition shall be signed by at least fifty 954
electors of the territory of the court. If no valid declaration of 955
candidacy is filed for nomination as a candidate of a political 956
party for election to the office of municipal court judge, or if 957
the number of persons filing the declarations of candidacy for 958
nominations as candidates of one political party for election to 959
the office does not exceed the number of candidates that that 960
party is entitled to nominate as its candidates for election to 961
the office, no primary election shall be held for the purpose of 962
nominating candidates of that party for election to the office, 963
and the candidates shall be issued certificates of nomination in 964
the manner set forth in section 3513.02 of the Revised Code. 965

If the jurisdiction of a municipal court extends beyond the 966
corporate limits of the municipal corporation in which it is 967
located or if the jurisdiction of the court does not extend beyond 968
the corporate limits of the municipal corporation in which it is 969
located and no charter provisions apply, nonpartisan candidates 970
filing for the office of municipal court judge shall file 971
~~nominating petitions for the office of municipal judge shall file~~ 972
~~them~~ not later than four p.m. of the day before the day of the 973
primary election~~7~~, in the form prescribed by section 3513.261 of 974
the Revised Code. The petition shall conform to the requirements 975
provided for ~~such~~ those petitions of candidacy contained in 976
section 3513.257 of the Revised Code, except that the petition 977
shall be signed by at least fifty electors of the territory of the 978
court. 979

The nominating petition or declaration of candidacy for a 980
municipal court judge shall contain a designation of the term for 981
which the candidate seeks election. At the following regular 982
municipal election, the candidacies of the judges nominated shall 983
be submitted to the electors of the territory on a nonpartisan, 984
judicial ballot in the same manner as provided for judges of the 985

court of common pleas, except that, in a municipal corporation 986
operating under a charter, all candidates for municipal court 987
judge shall be elected in conformity with the charter if 988
provisions are made in the charter for the election of municipal 989
court judges. 990

~~(C) Notwithstanding divisions (A) and (B) of this section, in 991
the following municipal courts, the judges shall be nominated and 992
elected as follows: 993~~

~~(1) In the Cleveland municipal court, the judges shall be 994
nominated only by petition. The petition shall be signed by at 995
least one thousand electors of the territory of the court. It 996
shall be in the statutory form and shall be filed in the manner 997
and within the time prescribed by the charter of the city of 998
Cleveland for filing petitions of candidates for municipal 999
offices. Each elector shall have the right to sign petitions for 1000
as many candidates as are to be elected, but no more. The judges 1001
shall be elected by the electors of the territory of the court in 1002
the manner provided by law for the election of judges of the court 1003
of common pleas. 1004~~

~~(2) In the Toledo municipal court, the judges shall be 1005
nominated only by petition. The petition shall be signed by at 1006
least one thousand electors of the territory of the court. It 1007
shall be in the statutory form and shall be filed in the manner 1008
and within the time prescribed by the charter of the city of 1009
Toledo for filing nominating petitions for city council. Each 1010
elector shall have the right to sign petitions for as many 1011
candidates as are to be elected, but no more. The judges shall be 1012
elected by the electors of the territory of the court in the 1013
manner provided by law for the election of judges of the court of 1014
common pleas. 1015~~

~~(3) In the Akron municipal court, the judges shall be 1016
nominated only by petition. The petition shall be signed by at 1017~~

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

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

~~(5) In the Franklin county municipal court, the judges shall be nominated only by petition. The petition shall be signed by at least one thousand electors of the territory of the court. The petition 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 Columbus for filing petitions of candidates for municipal offices. 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.~~

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

~~the provisions of this section.~~

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

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Sec. 1901.10. (A)(1)(a) The judges of the municipal court and officers of the court shall take an oath of office, as provided in section 3.23 of the Revised Code. The office of judge of the municipal court is subject to forfeiture, and the judge may be removed from office, for the causes and by the procedure provided in sections 3.07 to 3.10 of the Revised Code. A vacancy in the office of judge exists upon the death, resignation, forfeiture, removal from office, or absence from official duties for a period of six consecutive months, as determined under this section, of the judge and also by reason of the expiration of the term of an incumbent when no successor has been elected or qualified. The chief justice of the supreme court may designate a judge of another municipal court to act until that vacancy is filled in accordance with section 107.08 of the Revised Code. A vacancy resulting from the absence of a ~~municipal~~ judge from official duties for a period of six consecutive months shall be determined and declared by the legislative authority.

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(b) If a vacancy occurs in the office of judge or clerk of the municipal court after the one-hundredth day before the first Tuesday after the first Monday in May and prior to the fortieth day before the day of the general election, all candidates for election to ~~such the~~ unexpired term ~~for the office of the~~ judge or clerk ~~of the municipal court~~ shall file nominating petitions with the board of elections not later than four p.m. on the tenth day following the day on which the vacancy occurs, ~~provided~~ except that, when the vacancy occurs fewer than six days before the

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fortieth day before the general election, the deadline for filing 1081
shall be four p.m. on the thirty-sixth day before the day of the 1082
general election. 1083

~~(c) Except as otherwise provided in division (A)(1)(d) of 1084
this section, each Each nominating petition referred to in 1085
division (A)(1)(b) of this section shall be in the form prescribed 1086
in section 3513.261 of the Revised Code and shall be signed by at 1087
least fifty qualified electors of the territory of the municipal 1088
court ~~not less in number than one per cent of the number of~~ 1089
~~electors who voted for governor at the most recent regular state~~ 1090
~~election in the territory over which such court has jurisdiction,~~ 1091
~~or twenty five hundred electors, whichever is the lesser number.~~ 1092~~

~~(d) For any such vacancy occurring in the office of judge or 1093
clerk of a municipal court named in division (C)(1), (2), (3), 1094
(4), (5), or (6) of section 1901.07 of the Revised Code, each 1095
nominating petition shall be signed by qualified electors of the 1096
territory of the municipal court not less in number than one per 1097
cent of the number of electors who voted for governor at the most 1098
recent regular state election in the territory over which the 1099
court has jurisdiction, or the number of qualified electors 1100
required to sign a nominating petition in each of those divisions, 1101
as applicable to each particular court, whichever is the lesser 1102
number.~~ 1103

~~(e) No. No nominating petition shall be accepted for filing 1104
or filed if it appears on its face to contain signatures 1105
aggregating in number more than twice the minimum aggregate number 1106
of signatures required by this section. 1107~~

(2) If a judge of a municipal court that has only one judge 1108
is temporarily absent, incapacitated, or otherwise unavailable, 1109
the judge may appoint a substitute who has the qualifications 1110
required by section 1901.06 of the Revised Code or a retired judge 1111
of a court of record who is a qualified elector and a resident of 1112

the territory of the court. If the judge is unable to make the
appointment, the chief justice of the supreme court shall appoint
a substitute. The appointee shall serve during the absence,
incapacity, or unavailability of the incumbent, shall have the
jurisdiction and powers conferred upon the judge of the municipal
court, and shall be styled "acting judge." During that time of
service, the acting judge shall sign all process and records and
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,~~ Medina, ~~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 1176
Revised Code. 1177

The clerk so elected shall hold office for a term of six 1178
years, which term shall commence on the first day of January 1179
following the clerk's election and continue until the clerk's 1180
successor is elected and qualified. 1181

(b) In the Hamilton county municipal court, the clerk of 1182
courts of Hamilton county shall be the clerk of the municipal 1183
court and may appoint an assistant clerk who shall receive the 1184
compensation, payable out of the treasury of Hamilton county in 1185
semimonthly installments, that the board of county commissioners 1186
prescribes. The clerk of courts of Hamilton county, acting as the 1187
clerk of the Hamilton county municipal court and assuming the 1188
duties of that office, shall receive compensation at one-fourth 1189
the rate that is prescribed for the clerks of courts of common 1190
pleas as determined in accordance with the population of the 1191
county and the rates set forth in sections 325.08 and 325.18 of 1192
the Revised Code. This compensation shall be paid from the county 1193
treasury in semimonthly installments and is in addition to the 1194
annual compensation that is received for the performance of the 1195
duties of the clerk of courts of Hamilton county, as provided in 1196
sections 325.08 and 325.18 of the Revised Code. 1197

(c) In the Portage county and Wayne county municipal courts, 1198
the clerks of courts of Portage county and Wayne county shall be 1199
the clerks, respectively, of the Portage county and Wayne county 1200
municipal courts and may appoint a chief deputy clerk for each 1201
branch that is established pursuant to section 1901.311 of the 1202
Revised Code and assistant clerks as the judges of the municipal 1203
court determine are necessary, all of whom shall receive the 1204
compensation that the legislative authority prescribes. The clerks 1205
of courts of Portage county and Wayne county, acting as the clerks 1206
of the Portage county and Wayne county municipal courts and 1207

assuming the duties of these offices, shall receive compensation 1208
payable from the county treasury in semimonthly installments at 1209
one-fourth the rate that is prescribed for the clerks of courts of 1210
common pleas as determined in accordance with the population of 1211
the county and the rates set forth in sections 325.08 and 325.18 1212
of the Revised Code. 1213

~~(d) Except as otherwise provided in division (A)(1)(d) of 1214
this section, in the Akron municipal court, candidates for 1215
election to the office of clerk of the court shall be nominated by 1216
primary election. The primary election shall be held on the day 1217
specified in the charter of the city of Akron for the nomination 1218
of municipal officers. Notwithstanding section 3513.257 of the 1219
Revised Code, the nominating petitions of independent candidates 1220
shall be signed by at least two hundred fifty qualified electors 1221
of the territory of the court. 1222~~

~~The candidates shall file a declaration of candidacy and 1223
petition, or a nominating petition, whichever is applicable, not 1224
later than four p.m. of the seventy fifth day before the day of 1225
the primary election, in the form prescribed by section 3513.07 or 1226
3513.261 of the Revised Code. The declaration of candidacy and 1227
petition, or the nominating petition, shall conform to the 1228
applicable requirements of section 3513.05 or 3513.257 of the 1229
Revised Code. 1230~~

~~If no valid declaration of candidacy and petition is filed by 1231
any person for nomination as a candidate of a particular political 1232
party for election to the office of clerk of the Akron municipal 1233
court, a primary election shall not be held for the purpose of 1234
nominating a candidate of that party for election to that office. 1235
If only one person files a valid declaration of candidacy and 1236
petition for nomination as a candidate of a particular political 1237
party for election to that office, a primary election shall not be 1238
held for the purpose of nominating a candidate of that party for 1239~~

~~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 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) Irrespective of the population of the territory of the
Medina municipal court, the clerk of that court shall be appointed
pursuant to division (A)(2)(a) of this section by the judges of
that court, shall hold office until the clerk's successor is
similarly appointed and qualified, and shall receive pursuant to
division (C) of this section the annual compensation that the
legislative authority prescribes and that is payable in
semimonthly installments from the same sources and in the same
manner as provided in section 1901.11 of the Revised Code.~~

~~(f) Except as otherwise provided in division (A)(1)(f) 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 section 3513.257
of the Revised Code, the nominating petitions of independent
candidates shall be signed by at least two hundred fifty qualified~~

~~electors of the territory of the court.~~ 1272

~~The candidates shall file a declaration of candidacy and 1273
petition, or a nominating petition, whichever is applicable, not 1274
later than four p.m. of the seventy fifth day before the day of 1275
the primary election, in the form prescribed by section 3513.07 or 1276
3513.261 of the Revised Code. The declaration of candidacy and 1277
petition, or the nominating petition, shall conform to the 1278
applicable requirements of section 3513.05 or 3513.257 of the 1279
Revised Code. 1280~~

~~If no valid declaration of candidacy and petition is filed by 1281
any person for nomination as a candidate of a particular political 1282
party for election to the office of clerk of the Barberton 1283
municipal court, a primary election shall not be held for the 1284
purpose of nominating a candidate of that party for election to 1285
that office. If only one person files a valid declaration of 1286
candidacy and petition for nomination as a candidate of a 1287
particular political party for election to that office, a primary 1288
election shall not be held for the purpose of nominating a 1289
candidate of that party for election to that office, and the 1290
candidate shall be issued a certificate of nomination in the 1291
manner set forth in section 3513.02 of the Revised Code. 1292~~

~~Declarations of candidacy and petitions, nominating 1293
petitions, and certificates of nomination for the office of clerk 1294
of the Barberton municipal court shall contain a designation of 1295
the term for which the candidate seeks election. At the following 1296
regular municipal election, all candidates for the office shall be 1297
submitted to the qualified electors of the territory of the court 1298
in the manner that is provided in section 1901.07 of the Revised 1299
Code for the election of the judges of the court. The clerk so 1300
elected shall hold office for a term of six years, which term 1301
shall commence on the first day of January following the clerk's 1302
election and continue until the clerk's successor is elected and 1303~~

qualified. 1304

~~(g) Except as otherwise provided in division (A)(1)(g) of 1305
this section, in the Cuyahoga Falls municipal court, candidates 1306
for election to the office of clerk of the court shall be 1307
nominated by primary election. The primary election shall be held 1308
on the day specified in the charter of the city of Cuyahoga Falls 1309
for the nomination of municipal officers. Notwithstanding section 1310
3513.257 of the Revised Code, the nominating petitions of 1311
independent candidates shall be signed by at least two hundred 1312
fifty qualified electors of the territory of the court. 1313~~

~~The candidates shall file a declaration of candidacy and 1314
petition, or a nominating petition, whichever is applicable, not 1315
later than four p.m. of the seventy fifth day before the day of 1316
the primary election, in the form prescribed by section 3513.07 or 1317
3513.261 of the Revised Code. The declaration of candidacy and 1318
petition, or the nominating petition, shall conform to the 1319
applicable requirements of section 3513.05 or 3513.257 of the 1320
Revised Code. 1321~~

~~If no valid declaration of candidacy and petition is filed by 1322
any person for nomination as a candidate of a particular political 1323
party for election to the office of clerk of the Cuyahoga Falls 1324
municipal court, a primary election shall not be held for the 1325
purpose of nominating a candidate of that party for election to 1326
that office. If only one person files a valid declaration of 1327
candidacy and petition for nomination as a candidate of a 1328
particular political party for election to that office, a primary 1329
election shall not be held for the purpose of nominating a 1330
candidate of that party for election to that office, and the 1331
candidate shall be issued a certificate of nomination in the 1332
manner set forth in section 3513.02 of the Revised Code. 1333~~

~~Declarations of candidacy and petitions, nominating 1334~~

~~petitions, and certificates of nomination for the office of clerk
of the Cuyahoga Falls 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.~~

~~(h) Except as otherwise provided in division (A)(1)(h) of
this section, in the Toledo 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 Toledo for the nomination
of municipal officers. Notwithstanding section 3513.257 of the
Revised Code, the nominating petitions of independent candidates
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 Toledo municipal
court, a primary election shall not be held for the purpose of~~

~~nominating a candidate of that party for election to that office. 1367
If only one person files a valid declaration of candidacy and 1368
petition for nomination as a candidate of a particular political 1369
party for election to that office, a primary election shall not be 1370
held for the purpose of nominating a candidate of that party for 1371
election to that office, and the candidate shall be issued a 1372
certificate of nomination in the manner set forth in section 1373
3513.02 of the Revised Code. 1374~~

~~Declarations of candidacy and petitions, nominating 1375
petitions, and certificates of nomination for the office of clerk 1376
of the Toledo municipal court shall contain a designation of the 1377
term for which the candidate seeks election. At the following 1378
regular municipal election, all candidates for the office shall be 1379
submitted to the qualified electors of the territory of the court 1380
in the manner that is provided in section 1901.07 of the Revised 1381
Code for the election of the judges of the court. The clerk so 1382
elected shall hold office for a term of six years, which term 1383
shall commence on the first day of January following the clerk's 1384
election and continue until the clerk's successor is elected and 1385
qualified. 1386~~

~~(2)(a) Except for the Alliance, Auglaize county, Brown 1387
county, Columbiana county, Lorain, Massillon, and Youngstown 1388
municipal courts, in a municipal court for which the population of 1389
the territory is less than one hundred thousand and in the Medina 1390
municipal court, the clerk shall be appointed by the court, and 1391
the clerk shall hold office until the clerk's successor is 1392
appointed and qualified. 1393~~

~~(b) In the Alliance, Lorain, Massillon, and Youngstown 1394
municipal courts, the clerk shall be elected for a term of office 1395
as described in division (A)(1)(a) of this section. 1396~~

~~(c) In the Auglaize county and Brown county municipal courts, 1397~~

the clerks of courts of Auglaize county and Brown county shall be 1398
the clerks, respectively, of the Auglaize county and Brown county 1399
municipal courts and may appoint a chief deputy clerk for each 1400
branch that is established pursuant to section 1901.311 of the 1401
Revised Code, and assistant clerks as the judge of the court 1402
determines are necessary, all of whom shall receive the 1403
compensation that the legislative authority prescribes. The clerks 1404
of courts of Auglaize county and Brown county, acting as the 1405
clerks of the Auglaize county and Brown county municipal courts 1406
and assuming the duties of these offices, shall receive 1407
compensation payable from the county treasury in semimonthly 1408
installments at one-fourth the rate that is prescribed for the 1409
clerks of courts of common pleas as determined in accordance with 1410
the population of the county and the rates set forth in sections 1411
325.08 and 325.18 of the Revised Code. 1412

(d) In the Columbiana county municipal court, the clerk of 1413
courts of Columbiana county shall be the clerk of the municipal 1414
court, may appoint a chief deputy clerk for each branch office 1415
that is established pursuant to section 1901.311 of the Revised 1416
Code, and may appoint any assistant clerks that the judges of the 1417
court determine are necessary. All of the chief deputy clerks and 1418
assistant clerks shall receive the compensation that the 1419
legislative authority prescribes. The clerk of courts of 1420
Columbiana county, acting as the clerk of the Columbiana county 1421
municipal court and assuming the duties of that office, shall 1422
receive compensation payable from the county treasury in 1423
semimonthly installments at one-fourth the rate that is prescribed 1424
for the clerks of courts of common pleas as determined in 1425
accordance with the population of the county and the rates set 1426
forth in sections 325.08 and 325.18 of the Revised Code. 1427

(3) During the temporary absence of the clerk due to illness, 1428
vacation, or other proper cause, the court may appoint a temporary 1429

clerk, who shall be paid the same compensation, have the same
authority, and perform the same duties as the clerk.

(B) Except in the Hamilton county, Medina, Portage county,
and Wayne county municipal courts, if a vacancy occurs in the
office of the clerk of the Alliance, Lorain, Massillon, or
Youngstown municipal court or occurs in the office of the clerk of
a municipal court for which the population of the territory equals
or exceeds one hundred thousand because the clerk ceases to hold
the office before the end of the clerk's term or because a
clerk-elect fails to take office, the vacancy shall be filled,
until a successor is elected and qualified, by a person chosen by
the residents of the territory of the court who are members of the
county central committee of the political party by which the last
occupant of that office or the clerk-elect was nominated. Not less
than five nor more than fifteen days after a vacancy occurs, those
members of that county central committee shall meet to make an
appointment to fill the vacancy. At least four days before the
date of the meeting, the chairperson or a secretary of the county
central committee shall notify each such member of that county
central committee by first class mail of the date, time, and place
of the meeting and its purpose. A majority of all such members of
that county central committee constitutes a quorum, and a majority
of the quorum is required to make the appointment. If the office
so vacated was occupied or was to be occupied by a person not
nominated at a primary election, or if the appointment was not
made by the committee members in accordance with this division,
the court shall make an appointment to fill the vacancy. A
successor shall be elected to fill the office for the unexpired
term at the first municipal election that is held more than one
hundred twenty days after the vacancy occurred.

(C)(1) In a municipal court, other than the Auglaize county,
the Brown county, the Columbiana county, and the Lorain municipal

courts, for which the population of the territory is less than one hundred thousand and in the Medina municipal court, the clerk of the municipal court shall receive the annual compensation that the presiding judge of the court prescribes, if the revenue of the court for the preceding calendar year, as certified by the auditor or chief fiscal officer of the municipal corporation in which the court is located or, in the case of a county-operated municipal court, the county auditor, is equal to or greater than the expenditures, including any debt charges, for the operation of the court payable under this chapter from the city treasury or, in the case of a county-operated municipal court, the county treasury for that calendar year, as also certified by the auditor or chief fiscal officer. If the revenue of a municipal court, other than the Auglaize county, the Brown county, the Columbiana county, and the Lorain municipal courts, for which the population of the territory is less than one hundred thousand or the revenue of the Medina municipal court for the preceding calendar year as so certified is not equal to or greater than those expenditures for the operation of the court for that calendar year as so certified, the clerk of a municipal court shall receive the annual compensation that the legislative authority prescribes. As used in this division, "revenue" means the total of all costs and fees that are collected and paid to the city treasury or, in a county-operated municipal court, the county treasury by the clerk of the municipal court under division (F) of this section and all interest received and paid to the city treasury or, in a county-operated municipal court, the county treasury in relation to the costs and fees under division (G) of this section.

(2) In a municipal court, other than the Hamilton county, Medina, Portage county, and Wayne county municipal courts, for which the population of the territory is one hundred thousand or more, and in the Lorain municipal court, the clerk of the

municipal court shall receive annual compensation in a sum equal 1494
to eighty-five per cent of the salary of a judge of the court. 1495

(3) The compensation of a clerk described in division (C)(1) 1496
or (2) of this section is payable in semimonthly installments from 1497
the same sources and in the same manner as provided in section 1498
1901.11 of the Revised Code. 1499

(D) Before entering upon the duties of the clerk's office, 1500
the clerk of a municipal court shall give bond of not less than 1501
six thousand dollars to be determined by the judges of the court, 1502
conditioned upon the faithful performance of the clerk's duties. 1503

(E) The clerk of a municipal court may do all of the 1504
following: administer oaths, take affidavits, and issue executions 1505
upon any judgment rendered in the court, including a judgment for 1506
unpaid costs; issue, sign, and attach the seal of the court to all 1507
writs, process, subpoenas, and papers issuing out of the court; 1508
and approve all bonds, sureties, recognizances, and undertakings 1509
fixed by any judge of the court or by law. The clerk may refuse to 1510
accept for filing any pleading or paper submitted for filing by a 1511
person who has been found to be a vexatious litigator under 1512
section 2323.52 of the Revised Code and who has failed to obtain 1513
leave to proceed under that section. The clerk shall do all of the 1514
following: file and safely keep all journals, records, books, and 1515
papers belonging or appertaining to the court; record the 1516
proceedings of the court; perform all other duties that the judges 1517
of the court may prescribe; and keep a book showing all receipts 1518
and disbursements, which book shall be open for public inspection 1519
at all times. 1520

The clerk shall prepare and maintain a general index, a 1521
docket, and other records that the court, by rule, requires, all 1522
of which shall be the public records of the court. In the docket, 1523
the clerk shall enter, at the time of the commencement of an 1524

action, the names of the parties in full, the names of the
counsel, and the nature of the proceedings. Under proper dates,
the clerk shall note the filing of the complaint, issuing of
summons or other process, returns, and any subsequent pleadings.
The clerk also shall enter all reports, verdicts, orders,
judgments, and proceedings of the court, clearly specifying the
relief granted or orders made in each action. The court may order
an extended record of any of the above to be made and entered,
under the proper action heading, upon the docket at the request of
any party to the case, the expense of which record may be taxed as
costs in the case or may be required to be prepaid by the party
demanding the record, upon order of the court.

(F) The clerk of a municipal court shall receive, collect,
and issue receipts for all costs, fees, fines, bail, and other
moneys payable to the office or to any officer of the court. The
clerk shall each month disburse to the proper persons or officers,
and take receipts for, all costs, fees, fines, bail, and other
moneys that the clerk collects. Subject to sections 3375.50 and
4511.193 of the Revised Code and to any other section of the
Revised Code that requires a specific manner of disbursement of
any moneys received by a municipal court and except for the
Hamilton county, Lawrence county, and Ottawa county municipal
courts, the clerk shall pay all fines received for violation of
municipal ordinances into the treasury of the municipal
corporation the ordinance of which was violated and shall pay all
fines received for violation of township resolutions adopted
pursuant to Chapter 504. of the Revised Code into the treasury of
the township the resolution of which was violated. Subject to
sections 1901.024 and 4511.193 of the Revised Code, in the
Hamilton county, Lawrence county, and Ottawa county municipal
courts, the clerk shall pay fifty per cent of the fines received
for violation of municipal ordinances and fifty per cent of the

1557 fines received for violation of township resolutions adopted
1558 pursuant to Chapter 504. of the Revised Code into the treasury of
1559 the county. Subject to sections 3375.50, 3375.53, 4511.19, and
1560 5503.04 of the Revised Code and to any other section of the
1561 Revised Code that requires a specific manner of disbursement of
1562 any moneys received by a municipal court, the clerk shall pay all
1563 fines collected for the violation of state laws into the county
1564 treasury. Except in a county-operated municipal court, the clerk
1565 shall pay all costs and fees the disbursement of which is not
1566 otherwise provided for in the Revised Code into the city treasury.
1567 The clerk of a county-operated municipal court shall pay the costs
1568 and fees the disbursement of which is not otherwise provided for
1569 in the Revised Code into the county treasury. Moneys deposited as
1570 security for costs shall be retained pending the litigation. The
1571 clerk shall keep a separate account of all receipts and
1572 disbursements in civil and criminal cases, which shall be a
1573 permanent public record of the office. On the expiration of the
1574 term of the clerk, the clerk shall deliver the records to the
1575 clerk's successor. The clerk shall have other powers and duties as
1576 are prescribed by rule or order of the court.

(G) 1577 All moneys paid into a municipal court shall be noted on
1578 the record of the case in which they are paid and shall be
1579 deposited in a state or national bank, or a domestic savings and
1580 loan association, as defined in section 1151.01 of the Revised
1581 Code, that is selected by the clerk. Any interest received upon
1582 the deposits shall be paid into the city treasury, except that, in
1583 a county-operated municipal court, the interest shall be paid into
1584 the treasury of the county in which the court is located.

1585 On the first Monday in January of each year, the clerk shall
1586 make a list of the titles of all cases in the court that were
1587 finally determined more than one year past in which there remains
1588 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 1589
case. The clerk shall give notice of the moneys to the parties who 1590
are entitled to the moneys or to their attorneys of record. All 1591
the moneys remaining unclaimed on the first day of April of each 1592
year shall be paid by the clerk to the city treasurer, except 1593
that, in a county-operated municipal court, the moneys shall be 1594
paid to the treasurer of the county in which the court is located. 1595
The treasurer shall pay any part of the moneys at any time to the 1596
person who has the right to the moneys upon proper certification 1597
of the clerk. 1598

(H) Deputy clerks may be appointed by the clerk and shall 1599
receive the compensation, payable in semimonthly installments out 1600
of the city treasury, that the clerk may prescribe, except that 1601
the compensation of any deputy clerk of a county-operated 1602
municipal court shall be paid out of the treasury of the county in 1603
which the court is located. Each deputy clerk shall take an oath 1604
of office before entering upon the duties of the deputy clerk's 1605
office and, when so qualified, may perform the duties appertaining 1606
to the office of the clerk. The clerk may require any of the 1607
deputy clerks to give bond of not less than three thousand 1608
dollars, conditioned for the faithful performance of the deputy 1609
clerk's duties. 1610

(I) For the purposes of this section, whenever the population 1611
of the territory of a municipal court falls below one hundred 1612
thousand but not below ninety thousand, and the population of the 1613
territory prior to the most recent regular federal census exceeded 1614
one hundred thousand, the legislative authority of the municipal 1615
corporation may declare, by resolution, that the territory shall 1616
be considered to have a population of at least one hundred 1617
thousand. 1618

(J) The clerk or a deputy clerk shall be in attendance at all 1619
sessions of the municipal court, although not necessarily in the 1620

courtroom, and may administer oaths to witnesses and jurors and
receive verdicts. 1621
1622

Sec. 1901.33. (A) The judge or judges of a municipal court 1623
may appoint one or more interpreters, one or more mental health 1624
professionals, one or more probation officers, an assignment 1625
commissioner, deputy assignment commissioners, and other court 1626
aides on a full-time, part-time, hourly, or other basis. Each 1627
appointee shall receive the compensation out of the city treasury 1628
that the legislative authority prescribes, except that, in a 1629
county-operated municipal court, they shall receive the 1630
compensation out of the treasury of the county in which the court 1631
is located that the board of county commissioners prescribes. 1632
Probation officers have all the powers of regular police officers 1633
and shall perform any duties that are designated by the judge or 1634
judges of the court. Assignment commissioners shall assign cases 1635
for trial and perform any other duties that the court directs. 1636

The judge or judges may appoint one or more typists, 1637
stenographers, statistical clerks, and official court reporters, 1638
each of whom shall be paid the compensation out of the city 1639
treasury that the legislative authority prescribes, except that, 1640
in a county-operated municipal court, they shall be paid the 1641
compensation out of the treasury of the county in which the court 1642
is located that the board of county commissioners prescribes. 1643

(B) If a municipal court appoints one or more probation 1644
officers, those officers shall constitute the municipal court 1645
department of probation unless the court designates other 1646
employees as the department of probation for the court. 1647

(C) The chief probation officer may grant permission to a 1648
probation officer to carry firearms when required in the discharge 1649
of the probation officer's official duties if the probation 1650
officer has successfully completed a basic firearm training 1651

program that is approved by the executive director of the Ohio
peace officer training commission. A probation officer who has
been granted permission to carry a firearm in the discharge of the
probation officer's official duties annually shall successfully
complete a firearms requalification program in accordance with
section 109.801 of the Revised Code.

(D) The judge or judges of a municipal court in which the
clerk of the court is elected as provided in division (A)(1)(a) ~~or~~
~~(d)~~ or ~~(A)~~(2)(b) of section 1901.31 of the Revised Code may
appoint an administrative assistant. The administrative assistant
shall have charge of personnel-related matters of the court and
shall perform any other administrative duties assigned by the
court. The administrative assistant shall receive the compensation
out of the city treasury that the court prescribes, except that,
in a county-operated municipal court, the administrative assistant
shall receive the compensation out of the treasury of the county
in which the court is located that the court prescribes.

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
or more of the following purposes, which may be stated in the
following manner in such resolution, the ballot, and the notice of
election: purchasing a site or enlargement thereof and for the
erection and equipment of buildings; for the purpose of enlarging,
improving, or rebuilding thereof; for the purpose of providing for
the current expenses of the joint vocational or cooperative school
district; or for a continuing period for the purpose of providing

for the current expenses of the joint vocational or cooperative 1683
education school district. The resolution shall specify the amount 1684
of the proposed rate and, if a renewal, whether the levy is to 1685
renew all, or a portion of, the existing levy, and shall specify 1686
the first year in which the levy will be imposed. If the levy 1687
provides for but is not limited to current expenses, the 1688
resolution shall apportion the annual rate of the levy between 1689
current expenses and the other purpose or purposes. Such 1690
apportionment may but need not be the same for each year of the 1691
levy, but the respective portions of the rate actually levied each 1692
year for current expenses and the other purpose or purposes shall 1693
be limited by such apportionment. The portion of any such rate 1694
actually levied for current expenses of a joint vocational or 1695
cooperative education school district shall be used in applying 1696
division (A) of section 3317.01 of the Revised Code. The portion 1697
of any such rate not apportioned to the current expenses of a 1698
joint vocational or cooperative education school district shall be 1699
used in applying division (B) of this section. On the adoption of 1700
such resolution, the joint vocational or cooperative education 1701
school district board of education shall certify the resolution to 1702
the board of elections of the county containing the most populous 1703
portion of the district, which board shall receive resolutions for 1704
filing and send them to the boards of elections of each county in 1705
which territory of the district is located, furnish all ballots 1706
for the election as provided in section 3505.071 of the Revised 1707
Code, and prepare the election notice; and the board of elections 1708
of each county in which the territory of such district is located 1709
shall make the other necessary arrangements for the submission of 1710
the question to the electors of the joint vocational or 1711
cooperative education school district at the next primary or 1712
general election occurring not less than seventy-five days after 1713
the resolution was received from the joint vocational or 1714
cooperative education school district board of education, or at a 1715

special election to be held at a time designated by the district 1716
board of education consistent with the requirements of section 1717
3501.01 of the Revised Code, which date shall not be earlier than 1718
seventy-five days after the adoption and certification of the 1719
resolution. 1720

The board of elections of the county or counties in which 1721
territory of the joint vocational or cooperative education school 1722
district is located shall cause to be published in one or more 1723
newspapers of general circulation in such district an 1724
advertisement of the proposed tax levy question together with a 1725
statement of the amount of the proposed levy once each week for 1726
~~three~~ two consecutive weeks, prior to the election at which the 1727
question is to appear on the ballot. 1728

If a majority of the electors voting on the question of 1729
levying such tax vote in favor of the levy, the joint vocational 1730
or cooperative education school district board of education shall 1731
annually make the levy within the district at the rate specified 1732
in the resolution and ballot or at any lesser rate, and the county 1733
auditor of each affected county shall annually place the levy on 1734
the tax list and duplicate of each school district in ~~his~~ the 1735
county having territory in the joint vocational or cooperative 1736
education school district. The taxes realized from the levy shall 1737
be collected at the same time and in the same manner as other 1738
taxes on the duplicate, and the taxes, when collected, shall be 1739
paid to the treasurer of the joint vocational or cooperative 1740
education school district and deposited ~~by him~~ to a special fund, 1741
which shall be established by the joint vocational or cooperative 1742
education school district board of education for all revenue 1743
derived from any tax levied pursuant to this section and for the 1744
proceeds of anticipation notes which shall be deposited in such 1745
fund. After the approval of the levy, the joint vocational or 1746
cooperative education school district board of education may 1747

anticipate a fraction of the proceeds of the levy and from time to 1748
time, during the life of the levy, but in any year prior to the 1749
time when the tax collection from the levy so anticipated can be 1750
made for that year, issue anticipation notes in an amount not 1751
exceeding fifty per cent of the estimated proceeds of the levy to 1752
be collected in each year up to a period of five years after the 1753
date of the issuance of the notes, less an amount equal to the 1754
proceeds of the levy obligated for each year by the issuance of 1755
anticipation notes, provided that the total amount maturing in any 1756
one year shall not exceed fifty per cent of the anticipated 1757
proceeds of the levy for that year. Each issue of notes shall be 1758
sold as provided in Chapter 133. of the Revised Code, and shall, 1759
except for such limitation that the total amount of such notes 1760
maturing in any one year shall not exceed fifty per cent of the 1761
anticipated proceeds of the levy for that year, mature serially in 1762
substantially equal installments, during each year over a period 1763
not to exceed five years after their issuance. 1764

(B) Prior to the application of section 319.301 of the 1765
Revised Code, the rate of a levy that is limited to, or to the 1766
extent that it is apportioned to, purposes other than current 1767
expenses shall be reduced in the same proportion in which the 1768
district's total valuation increases during the life of the levy 1769
because of additions to such valuation that have resulted from 1770
improvements added to the tax list and duplicate. 1771

(C) The form of ballot cast at an election under division (A) 1772
of this section shall be as prescribed by section 5705.25 of the 1773
Revised Code. 1774

Sec. 3311.50. (A) As used in this section, "county school 1775
financing district" means a taxing district consisting of the 1776
following territory: 1777

(1) The territory that constitutes the educational service 1778

center on the date that the governing board of that educational
service center adopts a resolution under division (B) of this
section declaring that the territory of the educational service
center is a county school financing district, exclusive of any
territory subsequently withdrawn from the district under division
(D) of this section;

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

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

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

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

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

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

The governing board of the educational service center that
creates a county school financing district shall serve as the

taxing authority of the district and may use educational service 1809
center governing board employees to perform any of the functions 1810
necessary in the performance of its duties as a taxing authority. 1811
A county school financing district shall not employ any personnel. 1812

With the approval of a majority of the members of the board 1813
of education of each school district within the territory of the 1814
county school financing district, the taxing authority of the 1815
financing district may amend the resolution creating the district 1816
to broaden or narrow the purposes for which it was created. 1817

A governing board of an educational service center may create 1818
more than one county school financing district. If a governing 1819
board of an educational service center creates more than one such 1820
district, it shall clearly distinguish among the districts it 1821
creates by including a designation of each district's purpose in 1822
the district's name. 1823

(C) A majority of the members of a board of education of a 1824
city, local, or exempted village school district may adopt a 1825
resolution requesting that its territory be joined with the 1826
territory of any county school financing district. Copies of the 1827
resolution shall be filed with the state board of education and 1828
the taxing authority of the county school financing district. 1829
Within sixty days of its receipt of such a resolution, the county 1830
school financing district's taxing authority shall vote on the 1831
question of whether to accept the school district's territory as 1832
part of the county school financing district. If a majority of the 1833
members of the taxing authority vote to accept the territory, the 1834
school district's territory shall thereupon become a part of the 1835
county school financing district unless the county school 1836
financing district has in effect a tax imposed under section 1837
5705.211 of the Revised Code. If the county school financing 1838
district has such a tax in effect, the taxing authority shall 1839
certify a copy of its resolution accepting the school district's 1840

territory to the school district's board of education, which may
then adopt a resolution, with the affirmative vote of a majority
of its members, proposing the submission to the electors of the
question of whether the district's territory shall become a part
of the county school financing district and subject to the taxes
imposed by the financing district. The resolution shall set forth
the date on which the question shall be submitted to the electors,
which shall be at a special election held on a date specified in
the resolution, which shall not be earlier than seventy-five days
after the adoption and certification of the resolution. A copy of
the resolution shall immediately be certified to the board of
elections of the proper county, which shall make arrangements for
the submission of the proposal to the electors of the school
district. The board of the joining district shall publish notice
of the election in one or more newspapers of general circulation
in the county once a week for ~~four~~ two consecutive weeks. The
question appearing on the ballot shall read:

"Shall the territory within (name of the school
district proposing to join the county school financing district)
..... be added to (name) county school
financing district, and a property tax for the purposes of
..... (here insert purposes) at a rate of taxation
not exceeding (here insert the outstanding tax rate)
..... be in effect for (here insert the number of
years the tax is to be in effect or "a continuing period of time,"
as applicable)?"

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

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

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

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

(B) At the general election held in the first even-numbered year occurring at least four years after the date the new board

assumed control of a municipal school district pursuant to 1904
division (B) of section 3311.71 of the Revised Code, the following 1905
question shall be submitted to the electors residing in the school 1906
district: 1907

"Shall the mayor of (here insert the name of the 1908
applicable municipal corporation)~~.....~~ continue to appoint the 1909
members of the board of education of the (here insert the 1910
name of the municipal school district)~~.....~~?" 1911

The board of elections of the county in which the majority of 1912
the school district's territory is located shall make all 1913
necessary arrangements for the submission of the question to the 1914
electors, and the election shall be conducted, canvassed, and 1915
certified in the same manner as regular elections in the district 1916
for the election of county officers, provided that in any such 1917
election in which only part of the electors of a precinct are 1918
qualified to vote, the board of elections may assign voters in 1919
such part to an adjoining precinct. Such an assignment may be made 1920
to an adjoining precinct in another county with the consent and 1921
approval of the board of elections of such other county. Notice of 1922
the election shall be published in a newspaper of general 1923
circulation in the school district once a week for ~~three~~ two 1924
consecutive weeks prior to the election stating the question on 1925
which the election is being held. The ballot shall be in the form 1926
prescribed by the secretary of state. Costs of submitting the 1927
question to the electors shall be charged to the municipal school 1928
district in accordance with section 3501.17 of the Revised Code. 1929

(C) If a majority of electors voting on the issue proposed in 1930
division (B) of this section approve the question, the mayor shall 1931
appoint a new board on the immediately following first day of July 1932
pursuant to division (F) of section 3311.71 of the Revised Code. 1933

(D) If a majority of electors voting on the issue proposed in 1934

division (B) of this section disapprove the question, a new 1935
seven-member board of education shall be elected at the next 1936
regular election occurring in November of an odd-numbered year. At 1937
such election, four members shall be elected for terms of four 1938
years and three members shall be elected for terms of two years. 1939
Thereafter, their successors shall be elected in the same manner 1940
and for the same terms as members of boards of education of a city 1941
school district. All members of the board of education of a 1942
municipal school district appointed pursuant to division (B) of 1943
section 3311.71 of the Revised Code shall continue to serve after 1944
the end of the terms to which they were appointed until their 1945
successors are qualified and assume office in accordance with 1946
section 3313.09 of the Revised Code. 1947

Sec. 3349.29. An agreement made pursuant to sections 3349.27 1948
and 3349.28 of the Revised Code is not effective unless it has 1949
been approved by the legislative authority of the municipal 1950
corporation with which the municipal university is identified, 1951
upon such legislative authority's determination that such 1952
agreement will be beneficial to the municipal corporation, and 1953
also approved by the Ohio board of regents, and, if required by 1954
any applicable appropriation measure, by the state controlling 1955
board, and any payment from state tax moneys provided for in the 1956
agreement will be subject to appropriations made by the general 1957
assembly. If provision is to be made under such agreement for the 1958
transfer of, or grant of the right to use, all or a substantial 1959
part of the assets of the municipal university to the state 1960
university and assumption by the state university of educational 1961
functions of the municipal university, such agreement shall not 1962
become effective, under sections 3349.27 to 3349.30, ~~inclusive,~~ of 1963
the Revised Code until the electors of the municipal corporation 1964
have approved such transfer or grant. 1965

The legislative authority of the municipal corporation shall, 1966
by ordinance, submit the question to the electors at a general, 1967
primary, or a special election to be held on the date specified in 1968
said ordinance. Such ordinance shall be certified to the board of 1969
elections not later than on the forty-fifth day preceding the date 1970
of such election. Notice of such election shall be published in 1971
one or more newspapers of general circulation in the municipal 1972
corporation once a week for ~~four~~ two consecutive weeks. The form 1973
of the ballot to be used at said election shall be substantially 1974
as follows, with such variations as may be appropriate to reflect 1975
the general nature of the transfer or grant of use of assets and 1976
the transfer of educational functions contemplated: 1977

"Shall assets of the municipal university known as 1978
..... be transferred to (make available for 1979
use by) a state university known as 1980
and the state university assume educational functions of the 1981
municipal university and provide higher education in (or in close 1982
proximity to) the city of to the 1983
residents of the city of and of the state 1984
of Ohio and such others as shall be admitted?" 1985

The favorable vote of a majority of those voting on the 1986
proposition constitutes such approval as is required by this 1987
section. 1988

Sec. 3354.12. (A) Upon the request by resolution approved by 1989
the board of trustees of a community college district, and upon 1990
certification to the board of elections not less than seventy-five 1991
days prior to the election, the boards of elections of the county 1992
or counties comprising such district shall place upon the ballot 1993
in their respective counties the question of levying a tax on all 1994
the taxable property in the community college district outside the 1995
ten-mill limitation, for a specified period of years or for a 1996

continuing period of time, to provide funds for any one or more of 1997
the following purposes: the acquisition of sites, the erection, 1998
furnishing, and equipment of buildings, the acquisition, 1999
construction, or improvement of any property which the board of 2000
trustees of a community college district is authorized to acquire, 2001
construct, or improve and which has an estimated life of 2002
usefulness of five years or more as certified by the fiscal 2003
officer, and the payment of operating costs. Not more than two 2004
special elections shall be held in any one calendar year. Levies 2005
for a continuing period of time adopted under this section may be 2006
reduced in accordance with section 5705.261 of the Revised Code. 2007

If such proposal is to be or include the renewal of an 2008
existing levy at the expiration thereof, the ballot for such 2009
election shall state whether it is a renewal of a tax; a renewal 2010
of a stated number of mills and an increase of a stated number of 2011
mills, or a renewal of a part of an existing levy with a reduction 2012
of a stated number of mills; the year of the tax duplicate on 2013
which such renewal will first be made; and if earlier, the year of 2014
the tax duplicate on which such additional levy will first be 2015
made, which may include the tax duplicate for the current year 2016
unless the election is to be held after the first Tuesday after 2017
the first Monday in November of the current tax year. The ballot 2018
shall also state the period of years for such levy or that it is 2019
for a continuing period of time. If a levy for a continuing period 2020
of time provides for but is not limited to current expenses, the 2021
resolution of the board of trustees providing for the election on 2022
such levy shall apportion the annual rate of the levy between 2023
current expenses and the other purpose or purposes. Such 2024
apportionment need not be the same for each year of the levy, but 2025
the respective portions of the rate actually levied each year for 2026
current expenses and the other purpose or purposes shall be 2027
limited by such apportionment. The portion of the rate apportioned 2028
to the other purpose or purposes shall be reduced as provided in 2029

division (B) of this section. 2030

If a majority of the electors in such district voting on such 2031
question approve thereof, the county auditor or auditors of the 2032
county or counties comprising such district shall annually, for 2033
the applicable years, place such levy on the tax duplicate in such 2034
district, in an amount determined by the board of trustees, but 2035
not to exceed the amount set forth in the proposition approved by 2036
the electors. 2037

The boards of trustees of a community college district shall 2038
establish a special fund for all revenue derived from any tax 2039
levied pursuant to this section. 2040

The boards of elections of the county or counties comprising 2041
the district shall cause to be published in a newspaper of general 2042
circulation in each such county, an advertisement of the proposed 2043
tax levy question, once each week for ~~three~~ two weeks immediately 2044
preceding the election at which the question is to appear on the 2045
ballot. 2046

After the approval of such levy by vote the board of trustees 2047
of a community college district may anticipate a fraction of the 2048
proceeds of such levy and from time to time issue anticipation 2049
notes having such maturity or maturities that the aggregate 2050
principal amount of all such notes maturing in any calendar year 2051
shall not exceed seventy-five per cent of the anticipated proceeds 2052
from such levy for such year, and that no note shall mature later 2053
than the thirty-first day of December of the tenth calendar year 2054
following the calendar year in which such note is issued. Each 2055
issue of notes shall be sold as provided in Chapter 133. of the 2056
Revised Code. 2057

The amount of bonds or anticipatory notes authorized pursuant 2058
to Chapter 3354. of the Revised Code, may include sums to repay 2059
moneys previously borrowed, advanced, or granted and expended for 2060

the purposes of such bond or anticipatory note issues, whether
such moneys were advanced from the available funds of the
community college district or by other persons, and the community
college district may restore and repay to such funds or persons
from the proceeds of such issues the moneys so borrowed, advanced
or granted.

All operating costs of such community college may be paid out
of any gift or grant from the state, pursuant to division (K) of
section 3354.09 of the Revised Code; out of student fees and
tuition collected pursuant to division (G) of section 3354.09 of
the Revised Code; or out of unencumbered funds from any other
source of the community college income not prohibited by law.

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

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

(A) Purchasing a site or enlargement thereof;

(B) The erection and equipment of buildings;

(C) Enlarging, improving, or rebuilding buildings;

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

If a majority of the electors in such district voting on such question approve, the county auditor of the county or counties comprising such district shall annually place such levy on the tax duplicate in such district, in the amount set forth in the proposition approved by the electors.

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

The boards of election of the county or counties comprising the district shall cause to be published in a newspaper of general circulation in each such county, an advertisement of the proposed tax levy question, once each week for ~~three~~ two weeks immediately preceding the election at which the question is to appear on the ballot.

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

that year.	2122
Each issue of notes shall be sold as provided in Chapter 133.	2123
of the Revised Code and shall mature serially in substantially	2124
equal amounts, during each remaining year of the levy, not to	2125
exceed five, after their issuance.	2126
Sec. 3501.05. The secretary of state shall do all of the	2127
following:	2128
(A) Appoint all members of boards of elections;	2129
(B) Issue instructions by directives and advisories to	2130
members of the boards as to the proper methods of conducting	2131
elections ; . <u>In addition to any other publication of those</u>	2132
<u>directives and advisories, the secretary of state shall publish</u>	2133
<u>those directives and advisories on a web site of the office of the</u>	2134
<u>secretary of state within twenty-four hours after they are issued.</u>	2135
<u>The secretary of state shall not remove from the web site any</u>	2136
<u>directives and advisories so posted. The secretary of state shall</u>	2137
<u>provide on that web site access to all directives and advisories</u>	2138
<u>currently in effect and to an archive of all directives and</u>	2139
<u>advisories previously published on that web site.</u>	2140
(C) Prepare rules and instructions for the conduct of	2141
elections;	2142
(D) Publish and furnish to the boards from time to time a	2143
sufficient number of indexed copies of all election laws then in	2144
force;	2145
(E) Edit and issue all pamphlets concerning proposed laws or	2146
amendments required by law to be submitted to the voters;	2147
(F) Prescribe the form of registration cards, blanks, and	2148
records;	2149
(G) Determine and prescribe the forms of ballots and the	2150

forms of all blanks, cards of instructions, pollbooks, tally	2151
sheets, certificates of election, and forms and blanks required by	2152
law for use by candidates, committees, and boards;	2153
(H) Prepare the ballot title or statement to be placed on the	2154
ballot for any proposed law or amendment to the constitution to be	2155
submitted to the voters of the state;	2156
(I) Certify to the several boards the forms of ballots and	2157
names of candidates for state offices, and the form and wording of	2158
state referendum questions and issues, as they shall appear on the	2159
ballot;	2160
(J) Give final approval to ballot language for any local	2161
question or issue approved and transmitted by boards of elections	2162
under section 3501.11 of the Revised Code;	2163
(K) Receive all initiative and referendum petitions on state	2164
questions and issues and determine and certify to the sufficiency	2165
of those petitions;	2166
(L) Require such reports from the several boards as are	2167
provided by law, or as the secretary of state considers necessary;	2168
(M) Compel the observance by election officers in the several	2169
counties of the requirements of the election laws;	2170
(N)(1) Except as otherwise provided in division (N)(2) of	2171
this section, investigate the administration of election laws,	2172
frauds, and irregularities in elections in any county, and report	2173
violations of election laws to the attorney general or prosecuting	2174
attorney, or both, for prosecution;	2175
(2) On and after August 24, 1995, report a failure to comply	2176
with or a violation of a provision in sections 3517.08 to 3517.13,	2177
3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the	2178
Revised Code, whenever the secretary of state has or should have	2179
knowledge of a failure to comply with or a violation of a	2180

provision in one of those sections, by filing a complaint with the
Ohio elections commission under section 3517.153 of the Revised
Code;

(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;

(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;

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

(1) A process for the removal of voters who have changed
residence, which shall be uniform, nondiscriminatory, and in
compliance with 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;

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

(3) A uniform system for marking or removing the name of an
ineligible voter from the statewide voter registration database
and, if already prepared for a particular election, from the poll
list or signature pollbook used in each precinct and noting the

<u>reason for that mark or removal.</u>	2212
(R) Prescribe a general program for registering voters or updating voter registration information, such as name and <u>changes</u> , residence changes, <u>or political party affiliations</u> , 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;	2213 2214 2215 2216 2217 2218 2219 2220 2221 2222
(S) To the extent feasible, provide copies, at no cost and upon request, of the voter registration form in post offices in this state;	2223 2224 2225
(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;	2226 2227 2228 2229
(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;	2230 2231 2232 2233
(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:	2234 2235 2236
(1) Assist the secretary of state with ensuring that there is equal access to polling places for persons with disabilities;	2237 2238
(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	2239 2240 2241

and independence, as for other voters;	2242
(3) Advise the secretary of state in the development of standards for the certification of voting machines, marking devices, and automatic tabulating equipment.	2243 2244 2245
<u>(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;</u>	2246 2247 2248 2249 2250
<u>(W) Ensure that scheduled conference calls with boards of elections to discuss the proper methods and procedures for conducting elections, to answer questions regarding elections, or to discuss the interpretation of directives, advisories, or other instructions issued by the secretary of state comply with section 121.22 of the Revised Code. The secretary of state shall provide all of the following for all such conference calls:</u>	2251 2252 2253 2254 2255 2256 2257
<u>(1) A method for the public to listen to the conference call at the time the call is made;</u>	2258 2259
<u>(2) The posting of a complete audio recording of the conference call on a web site of the office of the secretary of state within twenty-four hours after the completion of the call;</u>	2260 2261 2262
<u>(3) The posting of a complete transcript of the conference call on a web site of the office of the secretary of state within twenty-four hours after the completion of the call.</u>	2263 2264 2265
<u>(X) Adopt rules pursuant to Chapter 119. of the Revised Code to permit boards of elections to appoint judges of elections in such a manner that those judges may serve in split shifts on the day of an election;</u>	2266 2267 2268 2269
<u>(Y) Publish a report on a web site of the office of the secretary of state not later than one month after the completion</u>	2270 2271

of the canvass of the election returns for each primary and 2272
general election, identifying, by county, the number of absent 2273
voter's ballots cast and the number of those ballots that were 2274
counted and the number of provisional ballots cast and the number 2275
of those ballots that were counted, for that election. The 2276
secretary of state shall maintain the information on the web site 2277
in an archive format for each subsequent election. 2278

(Z) Perform other duties required by law. 2279

Whenever a primary election is held under section 3513.32 of 2280
the Revised Code or a special election is held under section 2281
3521.03 of the Revised Code to fill a vacancy in the office of 2282
representative to congress, the secretary of state shall establish 2283
a deadline, notwithstanding any other deadline required under the 2284
Revised Code, by which any or all of the following shall occur: 2285
the filing of a declaration of candidacy and petitions or a 2286
statement of candidacy and nominating petition together with the 2287
applicable filing fee; the filing of protests against the 2288
candidacy of any person filing a declaration of candidacy or 2289
nominating petition; the filing of a declaration of intent to be a 2290
write-in candidate; the filing of campaign finance reports; the 2291
preparation of, and the making of corrections or challenges to, 2292
precinct voter registration lists; the receipt of applications for 2293
absent voter's ballots or armed service absent voter's ballots; 2294
the supplying of election materials to precincts by boards of 2295
elections; the holding of hearings by boards of elections to 2296
consider challenges to the right of a person to appear on a voter 2297
registration list; and the scheduling of programs to instruct or 2298
reinstruct election officers. 2299

In the performance of the secretary of state's duties as the 2300
chief election officer, the secretary of state may administer 2301
oaths, issue subpoenas, summon witnesses, compel the production of 2302
books, papers, records, and other evidence, and fix the time and 2303

place for hearing any matters relating to the administration and 2304
enforcement of the election laws. 2305

In any controversy involving or arising out of the adoption 2306
of registration or the appropriation of funds for registration, 2307
the secretary of state may, through the attorney general, bring an 2308
action in the name of the state in the court of common pleas of 2309
the county where the cause of action arose or in an adjoining 2310
county, to adjudicate the question. 2311

In any action involving the laws in Title XXXV of the Revised 2312
Code wherein the interpretation of those laws is in issue in such 2313
a manner that the result of the action will affect the lawful 2314
duties of the secretary of state or of any board of elections, the 2315
secretary of state may, on the secretary of state's motion, be 2316
made a party. 2317

The secretary of state may apply to any court that is hearing 2318
a case in which the secretary of state is a party, for a change of 2319
venue as a substantive right, and the change of venue shall be 2320
allowed, and the case removed to the court of common pleas of an 2321
adjoining county named in the application or, if there are cases 2322
pending in more than one jurisdiction that involve the same or 2323
similar issues, the court of common pleas of Franklin county. 2324

Public high schools and vocational schools, public libraries, 2325
and the office of a county treasurer shall implement voter 2326
registration programs as directed by the secretary of state 2327
pursuant to this section. 2328

Sec. 3501.11. Each board of elections shall exercise by a 2329
majority vote all powers granted to the board by Title XXXV of the 2330
Revised Code, shall perform all the duties imposed by law, and 2331
shall do all of the following: 2332

(A) Establish, define, provide, rearrange, and combine 2333

election precincts;	2334
(B) Fix and provide the places for registration and for holding primaries and elections;	2335 2336
(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;	2337 2338 2339 2340
(D) Appoint and remove its director, deputy director, and employees and all registrars, judges, and other officers of elections, fill vacancies, and designate the ward or district and precinct in which each shall serve;	2341 2342 2343 2344
(E) Make and issue rules and instructions, not inconsistent with law or the rules, directives, or advisories issued by the secretary of state, as it considers necessary for the guidance of election officers and voters;	2345 2346 2347 2348
(F) Advertise and contract for the printing of all ballots and other supplies used in registrations and elections;	2349 2350
(G) Provide for the issuance of all notices, advertisements, and publications concerning elections, except as otherwise provided in division (G) of section 3501.17 of the Revised Code;	2351 2352 2353
(H) Provide for the delivery of ballots, pollbooks, and other required papers and material to the polling places;	2354 2355
(I) Cause the polling places to be suitably provided with <u>voting machines, marking devices, automatic tabulating equipment, stalls, and other required supplies</u> +. <u>In fulfilling this duty, each board of a county that uses voting machines, marking devices, or automatic tabulating equipment shall conduct a full vote of the board during a public session of the board on the allocation and distribution of voting machines, marking devices, and automatic tabulating equipment for each precinct in the county.</u>	2356 2357 2358 2359 2360 2361 2362 2363

(J) Investigate irregularities, nonperformance of duties, or violations of Title XXXV of the Revised Code by election officers and other persons; administer oaths, issue subpoenas, summon witnesses, and compel the production of books, papers, records, and other evidence in connection with any such investigation; and report the facts to the prosecuting attorney;	2364 2365 2366 2367 2368 2369
(K) Review, examine, and certify the sufficiency and validity of petitions and nomination papers, and, after certification, return to the secretary of state all petitions and nomination papers that the secretary of state forwarded to the board;	2370 2371 2372 2373
(L) Receive the returns of elections, canvass the returns, make abstracts of them, and transmit those abstracts to the proper authorities;	2374 2375 2376
(M) Issue certificates of election on forms to be prescribed by the secretary of state;	2377 2378
(N) Make an annual report to the secretary of state, on the form prescribed by the secretary of state, containing a statement of the number of voters registered, elections held, votes cast, appropriations received, expenditures made, and other data required by the secretary of state;	2379 2380 2381 2382 2383
(O) Prepare and submit to the proper appropriating officer a budget estimating the cost of elections for the ensuing fiscal year;	2384 2385 2386
(P) Perform other duties as prescribed by law or the rules, directives, or advisories of the secretary of state;	2387 2388
(Q) Investigate and determine the residence qualifications of electors;	2389 2390
(R) Administer oaths in matters pertaining to the administration of the election laws;	2391 2392
(S) Prepare and submit to the secretary of state, whenever	2393

the secretary of state requires, a report containing the names and
residence addresses of all incumbent county, municipal, township,
and board of education officials serving in their respective
counties;

(T) Establish and maintain a voter registration of all
qualified electors in the county who offer to register;

(U) Maintain voter registration records, make reports
concerning voter registration as required by the secretary of
state, and remove ineligible electors from voter registration
lists in accordance with law and directives of the secretary of
state;

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

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

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

"NOTICE

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

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

(X) In all cases of a tie vote or a disagreement in the
board, if no decision can be arrived at, the director or

chairperson shall submit the matter in controversy, not later than 2424
fourteen days after the tie vote or the disagreement, to the 2425
secretary of state, who shall summarily decide the question, and 2426
the secretary of state's decision shall be final. 2427

(Y) Assist each designated agency, deputy registrar of motor 2428
vehicles, public high school and vocational school, public 2429
library, and office of a county treasurer in the implementation of 2430
a program for registering voters at all voter registration 2431
locations as prescribed by the secretary of state. Under this 2432
program, each board of elections shall direct to the appropriate 2433
board of elections any voter registration applications for persons 2434
residing outside the county where the board is located within five 2435
days after receiving the applications. 2436

(Z) On any day on which an elector may vote in person at the 2437
office of the board or at another site designated by the board, 2438
consider the board or other designated site ~~shall be considered~~ a 2439
polling place for that day, ~~and all~~. All requirements or 2440
prohibitions of law that apply to a polling place shall apply to 2441
the office of the board or other designated site on that day. 2442

Sec. 3501.13. (A) The director of the board of elections 2443
shall keep a full and true record of the proceedings of the board 2444
and of all moneys received and expended; file and preserve in ~~its~~ 2445
the board's office all orders and records pertaining to the 2446
administration of registrations, primaries, and elections; receive 2447
and have the custody of all books, papers, and property belonging 2448
to the board; and shall perform ~~such~~ other duties in connection 2449
with ~~his~~ the office of director and the proper conduct of 2450
elections as the board determines. 2451

(B) Before entering upon the duties of ~~his~~ the office, the 2452
director shall subscribe to an oath that ~~he~~ the director will 2453
support the constitutions of the United States and of this state, 2454

perform all the duties of the ~~director~~ office to the best of ~~his~~ 2455
the director's ability, enforce the election laws, and preserve 2456
all records, documents, and other property pertaining to the 2457
conduct of elections placed in ~~his~~ custody. 2458

(C) The director may administer oaths to ~~such persons as are~~ 2459
required by law to file certificates or other papers with the 2460
board, to judges ~~and clerks~~ of elections, to witnesses who are 2461
called to testify before the board, and to voters filling out 2462
blanks at the board's offices. Except as otherwise provided by 2463
state or federal law, the records of the board and papers and 2464
books filed in its office are public records and open to 2465
inspection under such reasonable regulations as shall be 2466
established by the board. The following notice shall be posted in 2467
a prominent place at each board office: 2468

"Except as otherwise provided by state or federal law, 2469
records filed in this office of the board of elections are open to 2470
public inspection during normal office hours, pursuant to the 2471
following reasonable regulations: (the board shall here list its 2472
regulations). Whoever prohibits any person from inspecting the 2473
public records of this board is subject to the penalties of 2474
section 3599.161 of the Revised Code." 2475

(D) Upon receipt of a written declaration of intent to retire 2476
as provided for in section 145.38 of the Revised Code, the 2477
director shall provide a copy to each member of the board of 2478
elections. 2479

Sec. 3501.19. (A) Except as otherwise provided in division 2480
(C) of this section, on the forty-fifth day before the day of each 2481
general election in an even-numbered year, the board of elections 2482
shall send by nonforwardable mail to each elector who is 2483
registered to vote in a precinct in which an election will be 2484
conducted a notice identifying both of the following: 2485

<u>(1) The day of the election;</u>	2486
<u>(2) The location of the polling place for the precinct in which the elector is registered to vote.</u>	2487 2488
<u>(B) If the notice sent under division (A) of this section is returned undelivered to the board, the board shall cause the elector's name in the official registration list and in the poll list or signature pollbook for that elector's precinct to be marked to indicate that the notice was returned to the board.</u>	2489 2490 2491 2492 2493
<u>At the first election at which an elector whose name has been so marked appears to vote, the elector shall be required to provide identification to the election officials and to vote by provisional ballot under section 3505.181 of the Revised Code. If the provisional ballot is counted pursuant to division (B)(3) of section 3505.183 of the Revised Code, the board shall correct that elector's registration, if needed, and shall remove the indication that the elector's notice was returned from that elector's name on the official registration list and on the poll list or signature pollbook.</u>	2494 2495 2496 2497 2498 2499 2500 2501 2502 2503
<u>(C) No board of elections shall be required to mail a notice under division (A) of this section to any elector who registered to vote within thirty days prior to the date for mailing the notice under that division.</u>	2504 2505 2506 2507
<u>Sec. 3501.24. Each board of elections may operate and maintain a web site at which any person in that county may enter the person's addresses and promptly receive notification of the person's correct precinct number and polling place, regardless of whether the person is listed on the statewide voter registration list as being registered to vote in that county.</u>	2508 2509 2510 2511 2512 2513
<u>Sec. 3501.26. When the polls are closed after a primary, general, or special election, the receiving officials shall, in</u>	2514 2515

the presence of the counting officials and attending witnesses	2516
<u>observers</u> , proceed as follows:	2517
(A) Count the number of electors who voted, as shown on the	2518
poll books.	2519
(B) Count the unused ballots without removing stubs.	2520
(C) Count the soiled and defaced ballots.	2521
(D) Insert the totals of divisions (A), (B), and (C) of this	2522
section on the report forms provided therefor in the poll books.	2523
(E) Count the voted ballots. If the number of voted ballots	2524
exceeds the number of voters whose names appear upon the poll	2525
books, the presiding judge shall enter on the poll books an	2526
explanation of such discrepancy, and such explanation, if agreed	2527
to, shall be subscribed to by all of the judges. Any judge having	2528
a different explanation shall enter it in the poll books and	2529
subscribe to it.	2530
(F) Put the unused ballots with stubs attached, and soiled	2531
and defaced ballots with stubs attached, in the envelopes or	2532
containers provided therefor, and certify the number.	2533
The receiving officials shall deliver to and place in the	2534
custody of the counting officials all the supplies provided for	2535
the conduct of such election and the ballots which are to be	2536
counted and tallied, and take a receipt for same, which receipt	2537
shall appear in and be a part of the poll books of such precinct.	2538
Having performed their duties, the receiving officials shall	2539
immediately depart.	2540
Having receipted for the ballots, the counting officials	2541
shall proceed to count and tally the vote as cast in the manner	2542
prescribed by section 3505.27 of the Revised Code and certify the	2543
result of the election to the board of elections.	2544
Sec. 3501.30. (A) The board of elections shall provide for	2545

each polling place the necessary ballot boxes, official ballots, 2546
cards of instructions, registration forms, pollbooks or poll 2547
lists, tally sheets, forms on which to make summary statements, 2548
writing implements, paper, and all other supplies necessary for 2549
casting and counting the ballots and recording the results of the 2550
voting at the polling place. The pollbooks or poll lists shall 2551
have certificates appropriately printed on them for the signatures 2552
of all the precinct officials, by which they shall certify that, 2553
to the best of their knowledge and belief, the pollbooks or poll 2554
lists correctly show the names of all electors who voted in the 2555
polling place at the election indicated in the pollbook or poll 2556
list. 2557

All of the following shall be included among the supplies 2558
provided to each polling place: 2559

(1) A large map of each appropriate precinct, which shall be 2560
displayed prominently to assist persons who desire to register or 2561
vote on election day. Each map shall show all streets within the 2562
precinct and contain identifying symbols of the precinct in bold 2563
print. 2564

(2) Any materials, postings, or instructions required to 2565
comply with state or federal laws; 2566

(3) A flag of the United States approximately two and 2567
one-half feet in length along the top, which shall be displayed 2568
outside the entrance to the polling place during the time it is 2569
open for voting; 2570

(4) Two or more small flags of the United States 2571
approximately fifteen inches in length along the top, which shall 2572
be placed at a distance of one hundred feet from the polling place 2573
on the thoroughfares or walkways leading to the polling place, to 2574
mark the distance within which persons other than election 2575
officials, ~~witnesses, challengers~~ observers, police officers, and 2576

electors waiting to mark, marking, or casting their ballots shall 2577
not loiter, congregate, or engage in any kind of election 2578
campaigning. Where small flags cannot reasonably be placed one 2579
hundred feet from the polling place, the presiding election judge 2580
shall place the flags as near to one hundred feet from the 2581
entrance to the polling place as is physically possible. Police 2582
officers and all election officials shall see that this 2583
prohibition against loitering and congregating is enforced. 2584

When the period of time during which the polling place is 2585
open for voting expires, all of the flags described in this 2586
division shall be taken into the polling place, and shall be 2587
returned to the board together with all other election supplies 2588
required to be delivered to the board. 2589

(B) The board of elections shall follow the instructions and 2590
advisories of the secretary of state in the production and use of 2591
polling place supplies. 2592

Sec. 3501.33. All judges of election shall enforce peace and 2593
good order in and about the place of registration or election. 2594
They shall especially keep the place of access of the electors to 2595
the polling place open and unobstructed and prevent and stop any 2596
improper practices or attempts tending to obstruct, intimidate, or 2597
interfere with any elector in registering or voting. They shall 2598
protect ~~challengers and witnesses~~ observers against molestation 2599
and violence in the performance of their duties, and may eject 2600
from the polling place any ~~such challenger or witness~~ observer for 2601
violation of any provision of Title XXXV of the Revised Code. They 2602
shall prevent riots, violence, tumult, or ~~the~~ disorder. In the 2603
discharge of these duties they may call upon the sheriff, police, 2604
or other peace officers to aid them in enforcing the law. They may 2605
order the arrest of any person violating such title, but such 2606
arrest shall not prevent such person from registering or voting if 2607

he the person is entitled to do so. The sheriff, all constables, 2608
police officers, and other officers of the peace shall immediately 2609
obey and aid in the enforcement of any lawful order made by the 2610
precinct election officials in the enforcement of such title. 2611

Sec. 3501.35. (A) During an election and the counting of the 2612
ballots, no person shall ~~loiter or~~ do any of the following: 2613

(1) Loiter, congregate, or engage in any kind of election 2614
campaigning within the area between the polling place and the 2615
small flags of the United States placed on the thoroughfares and 2616
walkways leading to the polling place, and if the line of electors 2617
waiting to vote extends beyond those small flags, within ten feet 2618
of any elector in that line; in 2619

(2) In any manner hinder or delay an elector in reaching or 2620
leaving the place fixed for casting ~~his~~ the elector's ballot; 2621
~~within such distance give,~~ 2622

(3) Give, tender, or exhibit any ballot or ticket to any 2623
person other than ~~his~~ the elector's own ballot to the judge of 2624
election within the area between the polling place and the small 2625
flags of the United States placed on the thoroughfares and 2626
walkways leading to the polling place, and if the line of electors 2627
waiting to vote extends beyond those small flags, within ten feet 2628
of any elector in that line; exhibit 2629

(4) Exhibit any ticket or ballot which he the elector intends 2630
to cast; ~~or solicit~~ 2631

(5) Solicit or in any manner attempt to influence any elector 2632
in casting ~~his~~ the elector's vote. ~~No~~ 2633

(B) Except as otherwise provided in division (C) of section 2634
3503.23 of the Revised Code, no person, who is not an election 2635
official, employee, ~~witness, challenger~~ observer, or police 2636
officer, shall be allowed to enter the polling place during the 2637

election, except for the purpose of voting or assisting another 2638
person to vote, as provided in section 3505.24 of the Revised 2639
Code. ~~No~~ 2640

(C) No more electors shall be allowed to approach the voting 2641
shelves at any time than there are voting shelves provided. ~~The~~ 2642

(D) The judges of election and the police officer shall 2643
strictly enforce the observance of this section. 2644

Sec. 3501.38. All declarations of candidacy, nominating 2645
petitions, or other petitions presented to or filed with the 2646
secretary of state or a board of elections or with any other 2647
public office for the purpose of becoming a candidate for any 2648
nomination or office or for the holding of an election on any 2649
issue shall, in addition to meeting the other specific 2650
requirements prescribed in the sections of the Revised Code 2651
relating to them, be governed by the following rules: 2652

(A) Only electors qualified to vote on the candidacy or issue 2653
which is the subject of the petition shall sign a petition. Each 2654
signer shall be a registered elector pursuant to section 3503.11 2655
of the Revised Code. The facts of qualification shall be 2656
determined as of the date when the petition is filed. 2657

(B) Signatures shall be affixed in ink. Each signer may also 2658
print the signer's name, so as to clearly identify the signer's 2659
signature. 2660

(C) Each signer shall place on the petition after the 2661
signer's name the date of signing and the location of the signer's 2662
voting residence, including the street and number if in a 2663
municipal corporation or the rural route number, post office 2664
address, or township if outside a municipal corporation. The 2665
voting address given on the petition shall be the address 2666
appearing in the registration records at the board of elections. 2667

(D) No person shall write any name other than the person's
own on any petition. No person may authorize another to sign for
the person. If a petition contains the signature of an elector two
or more times, only the first signature shall be counted.

(E)(1) On each petition paper, the circulator shall indicate
the number of signatures contained on it, and shall sign a
statement made under penalty of election falsification that the
circulator witnessed the affixing of every signature, that all
signers were to the best of the circulator's knowledge and belief
qualified to sign, and that every signature is to the best of the
circulator's knowledge and belief the signature of the person
whose signature it purports to be. On the circulator's statement
for a declaration of candidacy, or nominating petition, ~~or~~
~~declaration of intent to be a write-in candidate~~ for a person
seeking to become a statewide candidate or for a statewide
initiative or a statewide referendum petition, the circulator
shall identify the circulator's name and address and the name and
address of the person employing the circulator to circulate the
petition, if any.

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

(F) If a circulator knowingly permits an unqualified person
to sign a petition paper or permits a person to write a name other
than the person's own on a petition paper, that petition paper is
invalid; otherwise, the signature of a person not qualified to
sign shall be rejected but shall not invalidate the other valid
signatures on the paper.

(G) The circulator of a petition may, before filing it in a

public office, strike from it any signature the circulator does
not wish to present as a part of the petition. 2699
2700

(H) Any signer of a petition may remove the signer's
signature from that petition at any time before the petition is
filed in a public office by striking the signer's name from the
petition; no signature may be removed after the petition is filed
in any public office. 2701
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(I)(1) No alterations, corrections, or additions may be made
to a petition after it is filed in a public office. 2706
2707

(2) No petition may be withdrawn after it is filed in a
public office. Nothing in this division prohibits a person from
withdrawing as a candidate as otherwise provided by law. 2708
2709
2710

(J) All declarations of candidacy, nominating petitions, or
other petitions under this section shall be accompanied by the
following statement in boldface capital letters: WHOEVER COMMITS
ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE. 2711
2712
2713
2714

(K) All separate petition papers shall be filed at the same
time, as one instrument. 2715
2716

(L) If a board of elections distributes for use a petition
form for a declaration of candidacy, nominating petition,
~~declaration of intent to be a write-in candidate,~~ or any type of
question or issue petition that does not satisfy the requirements
of law as of the date of that distribution, the board shall not
invalidate the petition on the basis that the petition form does
not satisfy the requirements of law, if the petition otherwise is
valid. Division (L) of this section applies only if the candidate
received the petition from the board within ninety days of when
the petition is required to be filed. 2717
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Sec. 3501.39. (A) The secretary of state or a board of
elections shall accept any petition described in section 3501.38 2727
2728

of the Revised Code unless one of the following occurs: 2729

(1) A written protest against the petition or candidacy, 2730
naming specific objections, is filed, a hearing is held, and a 2731
determination is made by the election officials with whom the 2732
protest is filed that the petition is invalid, in accordance with 2733
any section of the Revised Code providing a protest procedure. 2734

(2) A written protest against the petition or candidacy, 2735
naming specific objections, is filed, a hearing is held, and a 2736
determination is made by the election officials with whom the 2737
protest is filed that the petition violates any requirement 2738
established by law. 2739

(3) The candidate's candidacy or the petition violates the 2740
requirements of this chapter, Chapter 3513. of the Revised Code, 2741
or any other requirements established by law. 2742

(B) Except as otherwise provided in division (C) of this 2743
section or section 3513.052 of the Revised Code, a board of 2744
elections shall not invalidate any declaration of candidacy or 2745
nominating petition under division (A)(3) of this section after 2746
the fiftieth day prior to the election at which the candidate 2747
seeks nomination to office, if the candidate filed a declaration 2748
of candidacy, or election to office, if the candidate filed a 2749
nominating petition. 2750

(C)(1) If a petition is filed for the nomination or election 2751
of a candidate in a charter municipal corporation with a filing 2752
deadline that occurs after the seventy-fifth day before the day of 2753
the election, a board of elections may invalidate the petition 2754
within fifteen days after the date the petition is filed. 2755

(2) If a petition for the nomination or election of a 2756
candidate is invalidated under division (C)(1) of this section, 2757
that person's name shall not appear on the ballots for any office 2758
for which the person's petition has been invalidated. If the 2759

ballots have already been prepared, the board of elections shall 2760
remove the name of that person from the ballots to the extent 2761
practicable in the time remaining before the election. If the name 2762
is not removed from the ballots before the day of the election, 2763
the votes for that person are void and shall not be counted. 2764

Sec. 3501.90. (A) An elector has a cause of action for any 2765
violation of Chapter 3501. of the Revised Code against the person 2766
or organization that committed the violation. The elector may seek 2767
a declaratory judgment, an injunction, or other appropriate 2768
equitable relief. 2769

(B) If the violation is a violation of section 3501.33 or 2770
3501.35 of the Revised Code, the elector also is entitled to 2771
relief as follows: 2772

(1) If the violation in any way interfered with, obstructed, 2773
intimidated, or intentionally or recklessly threatened or caused 2774
bodily harm to the elector while the elector was attempting to 2775
register to vote, to obtain an absent voter's ballot, or to vote, 2776
the elector may recover three times the amount of the elector's 2777
actual damages or one thousand dollars, whichever amount is 2778
greater, in addition to attorney's fees and any other appropriate 2779
legal relief, either individually or in a class action under Rule 2780
23 of the Rules of Civil Procedure, as amended. 2781

(2) If the defendant in the action is an organization and has 2782
previously been determined by a court in this state to have 2783
violated section 3501.33 or 3501.35 of the Revised Code, then the 2784
elector may assert an additional claim for relief, either 2785
individually, or in a class action under Rule 23 of the Rules of 2786
Civil Procedure, as amended, against that organization, that may 2787
seek any of the following relief, upon proof of the elector's 2788
claim for relief by a preponderance of the evidence: 2789

<u>(a) Divestiture of the organization's interest in any enterprise or in any real property;</u>	2790
	2791
<u>(b) Reasonable restrictions upon the future activities or investments of the organization including, but not limited to, prohibiting the organization from engaging in any conduct that violates any provision of Chapter 3501. of the Revised Code;</u>	2792
	2793
	2794
	2795
<u>(c) The dissolution or reorganization of the organization;</u>	2796
<u>(d) The suspension or revocation of any license, permit, or prior approval granted to the organization by any state agency;</u>	2797
	2798
<u>(e) The revocation of the organization's authorization to do business in this state if the organization is a foreign corporation.</u>	2799
	2800
	2801
<u>(C) It shall not be a defense to any action brought under this section to which division (B) of this section applies that no criminal prosecution was commenced or conviction obtained in connection with the conduct alleged to be the basis of the elector's cause of action.</u>	2802
	2803
	2804
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	2806
<u>(D) In any action brought by an elector under this section to which division (B) of this section applies, the elector shall be entitled to name as defendants each person who has violated section 3501.33 or 3501.35 of the Revised Code, as well as any organization that employs, sponsors, or has agents any of those persons or that has organized a common scheme to cause such violations.</u>	2807
	2808
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Sec. 3503.06. (A) No person shall be entitled to vote at any election, or to sign or circulate any declaration of candidacy or any nominating, initiative , referendum, or recall 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.	2814
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(B)(1) No person shall be entitled to circulate any 2820
initiative petition unless the person is a resident of this state. 2821

(2) No person shall be entitled to sign any initiative 2822
petition unless the person is registered as an elector and will 2823
have resided in the county and precinct where the person is 2824
registered for at least thirty days at the time of the next 2825
election. 2826

Sec. 3503.11. When any person applies for a driver's license, 2827
commercial driver's license, a state of Ohio identification card 2828
issued under section 4507.50 of the Revised Code, or motorcycle 2829
operator's license or endorsement, or the renewal or duplicate of 2830
any license or endorsement under Chapter 4506. or 4507. of the 2831
Revised Code, the registrar of motor vehicles or deputy registrar 2832
shall offer the applicant the opportunity to register to vote or 2833
to update ~~his or her~~ the applicant's voter registration. The 2834
registrar of motor vehicles or deputy registrar also shall make 2835
available to all other customers voter registration applications 2836
~~or~~ and change of residence ~~or~~, change of name ~~applications, and~~ 2837
political party designation forms, but is not required to offer 2838
assistance to these customers in completing ~~the a~~ voter 2839
registration application or other form. 2840

The registrar or deputy registrar shall send any completed 2841
registration application or any completed change of residence ~~and,~~ 2842
change of name ~~notice, or political party designation form~~ to the 2843
board of elections of the county in which the office of the 2844
registrar or deputy registrar is located, within five days after 2845
accepting the application or ~~notice~~ other form. 2846

The registrar shall collect from each deputy registrar 2847
through the reports filed under division (J) of section 4503.03 of 2848
the Revised Code and transmit to the secretary of state 2849
information on the number of voter registration applications and 2850

change of residence ~~or~~, change of name notices, and political 2851
party designation forms completed or declined, and any additional 2852
information required by the secretary of state to comply with the 2853
National Voter Registration Act of 1993. No information relating 2854
to an applicant's decision to decline to register or update ~~his or~~ 2855
~~her~~ the applicant's voter registration at the office of the 2856
registrar or deputy registrar may be used for any purpose other 2857
than voter registration record keeping required by the secretary 2858
of state, and all such information shall be kept confidential. 2859

The secretary of state shall prescribe voter registration 2860
applications and change of residence ~~and~~, change of name notices, 2861
and political party designation forms for use by the bureau of 2862
motor vehicles. The bureau of motor vehicles shall supply all of 2863
its deputy registrars with a sufficient number of voter 2864
registration applications and change of residence ~~and~~, change of 2865
name notices, and political party designation forms. 2866

Sec. 3503.13. (A) ~~Except as provided in division (C) of this~~ 2867
~~section, registration forms shall consist of original and~~ 2868
~~duplicate cards or loose leaf pages as prescribed by the secretary~~ 2869
~~of state. When such registration forms have been filled out and~~ 2870
~~filed in the office of the board of elections, the original forms~~ 2871
~~shall be filed together in one file and the duplicate forms shall~~ 2872
~~be filed together in another file. Except as otherwise provided in~~ 2873
~~division (D) of this section, the original forms shall be filed by~~ 2874
~~precincts and shall constitute the precinct register for use in~~ 2875
~~polling places on election day. The duplicate forms shall be filed~~ 2876
~~alphabetically and shall constitute the permanent office record of~~ 2877
~~the board. It shall not be removed from the office of the board~~ 2878
~~except upon the order of a court.~~ 2879

(B) Except as otherwise provided by state or federal law, ~~the~~ 2880
registration ~~records~~ forms submitted by applicants and the 2881

statewide voter registration database established under section 2882
3503.15 of the Revised Code shall be open to public inspection at 2883
all times when the office of the board of elections is open for 2884
business, under such regulations as the board adopts, provided 2885
that no person shall be permitted to inspect ~~such records~~ voter
registration forms except in the presence of an employee of the 2886
board. 2887
2888

~~(C) The board of elections of a county that adopts or has~~ 2889
~~adopted electronic data processing for the registration of~~ 2890
~~qualified electors of the county may use a single registration~~ 2891
~~form complying with the requirements of division (A) of this~~ 2892
~~section. The information contained on the form may be duplicated~~ 2893
~~on punch cards, magnetic tape, discs, diskettes, or such other~~ 2894
~~media as are compatible with the data processing system adopted by~~ 2895
~~the board and may constitute the permanent office record in lieu~~ 2896
~~of the duplicate registration card.~~ 2897

~~(D) Instead of using the original registration forms as the~~ 2898
~~precinct register in the polling places on election day as~~ 2899
~~provided in division (A) of this section, a~~ 2900

(B) A board of elections ~~that has adopted electronic data~~ 2901
~~processing~~ may use a legible digitized signature list of voter 2902
signatures, copied from the signatures on the registration forms 2903
in a form and manner prescribed by the secretary of state, 2904
provided that the board ~~continues to record and maintain at the~~ 2905
~~board office the information obtained from the form prescribed~~ 2906
~~under section 3503.14~~ includes the required voter registration 2907
information in the statewide voter registration database 2908
established under section 3503.15 of the Revised Code, and 2909
provided that the precinct election officials have computer 2910
printouts at the polls ~~containing any necessary information~~ 2911
~~specified by the secretary of state that would otherwise be~~ 2912
~~available to them on the registration forms~~ prepared in the manner 2913

required under section 3503.23 of the Revised Code. 2914

Sec. 3503.14. (A) The secretary of state, by rule adopted 2915
pursuant to Chapter 119. of the Revised Code, shall prescribe the 2916
form and content of the registration ~~and,~~ change of residence ~~and,~~ 2917
change of name ~~form,~~ and political party designation forms used in 2918
this state. The ~~form~~ forms shall ~~set forth the eligibility~~ 2919
~~requirements needed to qualify as an elector and~~ meet the 2920
requirements of the National Voter Registration Act of 1993 and 2921
shall include spaces for all of the following: 2922

(1) The voter's name; 2923

(2) The voter's address; 2924

(3) The current date; 2925

(4) The voter's date of birth; 2926

(5) The voter to provide one or more of the following: 2927

(a) The voter's driver's license number, if any; 2928

(b) The last four digits of the voter's social security 2929
number, if any; 2930

(c) A copy of a current and valid photo identification or a 2931
copy of a current utility bill, bank statement, government check, 2932
paycheck, or other government document that shows the voter's name 2933
and address. 2934

(6) The political party with which the voter desires to be 2935
affiliated. 2936

(7) The voter's signature. The 2937

The registration form shall include a space on which the 2938
person registering an applicant shall sign the person's name and 2939
provide the person's address and a space on which the person 2940
registering an applicant shall name the employer who is employing 2941
that person to register the applicant. ~~No election official or~~ 2942

~~employee of a designated agency who is~~ 2943

(B) None of the following persons who are registering an 2944
applicant in the course of that official's or employee's normal 2945
duties shall be required to sign the election official's or 2946
employee's person's name, provide the person's address, or to name 2947
the employer who is employing the ~~election official or employee~~ 2948
person to register an applicant on a form prepared under this 2949
section: 2950

(1) An election official; 2951

(2) A county treasurer; 2952

(3) A deputy registrar of motor vehicles; 2953

(4) An employee of a designated agency; 2954

(5) An employee of a public high school; 2955

(6) An employee of a public vocational school; 2956

(7) An employee of a public library; 2957

(8) An employee of the office of a county treasurer; 2958

(9) An employee of the bureau of motor vehicles; 2959

(10) An employee of a deputy registrar of motor vehicles; 2960

(11) An employee of an election official. 2961

~~(B)~~(C) If an elector designates on a form prepared under this 2962
section a political party that is not recognized in this state in 2963
accordance with division (A) of section 3517.01 of the Revised 2964
Code or that is barred from the ballot under section 3517.07 of 2965
the Revised Code, that elector shall be registered as an 2966
unaffiliated elector until the elector designates a recognized 2967
political party pursuant to division (A) of section 3503.20 of the 2968
Revised Code. 2969

(D) Any applicant who is unable to sign the applicant's own 2970
name shall make an "X," if possible, which shall be certified by 2971

the signing of the name of the applicant by the person filling out 2972
the form, who shall add the person's own signature. If an 2973
applicant is unable to make an "X," the applicant shall indicate 2974
in some manner that the applicant desires to register to vote ~~or~~, 2975
to change the applicant's name or residence, or to designate the 2976
applicant's political party affiliation. The person registering 2977
the applicant shall sign the form and attest that the applicant 2978
indicated that the applicant desired to register to vote ~~or~~ to 2979
change the applicant's name or residence, or to designate the 2980
applicant's political party affiliation. 2981

~~(C)~~(E) No registration and change of residence and change of 2982
name form shall be rejected solely on the basis that a person 2983
registering an applicant failed to sign the person's name, failed 2984
to provide the person's address, or failed to name the employer 2985
who is employing that person to register the applicant as required 2986
under division (A) of this section. 2987

~~(D)~~(F) As used in this section, "registering an applicant" 2988
includes any effort, for compensation, to provide voter 2989
registration forms or to assist persons in completing or returning 2990
those forms ~~or returning them to the board of elections, the~~ 2991
~~office of the secretary of state, or another appropriate public~~ 2992
~~office~~. 2993

Sec. 3503.15. (A) The secretary of state shall establish and 2994
maintain a statewide voter registration database that shall be 2995
continuously available to each board of elections and to other 2996
agencies as authorized by law. 2997

(B) The statewide voter registration database established 2998
under this section shall be the official list of registered voters 2999
for all elections conducted in this state. 3000

(C) The statewide voter registration database established 3001
under division (A) of this section shall, at a minimum, include 3002

<u>all of the following:</u>	3003
<u>(1) An electronic network that connects all board of election offices with the office of the secretary of state and with the offices of all other boards of elections;</u>	3004 3005 3006
<u>(2) A computer program that harmonizes the records contained in the database with records maintained by each county board of elections;</u>	3007 3008 3009
<u>(3) An interactive computer program that allows access to the records contained in the database by each board of elections and by any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database;</u>	3010 3011 3012 3013 3014
<u>(4) A search program capable of verifying registered voters and their registration information by name, driver's license number, birth date, social security number, or current address;</u>	3015 3016 3017
<u>(5) Safeguards and components to ensure that the integrity, security, and confidentiality of the voter registration information is maintained.</u>	3018 3019 3020
<u>(D) The secretary of state shall adopt rules pursuant to Chapter 119. of the Revised Code doing all of the following:</u>	3021 3022
<u>(1) Specifying the manner in which existing voter registration records maintained by boards of elections shall be converted to electronic files for inclusion in the statewide voter registration database;</u>	3023 3024 3025 3026
<u>(2) Establishing a uniform method for entering voter registration records into the statewide voter registration database on an expedited basis, but not less than once per day, if new registration information is received;</u>	3027 3028 3029 3030
<u>(3) Establishing a uniform method for purging canceled voter registration records from the statewide voter registration</u>	3031 3032

database in accordance with section 3503.21 of the Revised Code; 3033

(4) Specifying the persons authorized to add, delete, modify, 3034
or print records contained in the statewide voter registration 3035
database and to make updates of that database. 3036

(E) A board of elections promptly shall purge a voter's name 3037
and voter registration information from the voter registration 3038
database in accordance with the rules adopted by the secretary of 3039
state under division (D)(3) of this section after the cancellation 3040
of a voter's registration under section 3503.21 of the Revised 3041
Code. 3042

(F) The secretary of state shall provide training in the 3043
operation of the statewide voter registration database established 3044
under this section to each board of elections and to any persons 3045
authorized by the secretary of state to add, delete, modify, or 3046
print database records, and to conduct updates of the database. 3047

Sec. 3503.16. (A) Whenever a registered elector changes the 3048
place of residence of that registered elector from one precinct to 3049
another within a county or from one county to another, or has a 3050
change of name, that registered elector shall report the change by 3051
delivering a change of residence or change of name form, whichever 3052
is appropriate, as prescribed by the secretary of state under 3053
section 3503.14 of the Revised Code to the state or local office 3054
of a designated agency, a public high school or vocational school, 3055
a public library, the office of the county treasurer, the office 3056
of the secretary of state, any office of the registrar or deputy 3057
registrar of motor vehicles, or any office of a board of elections 3058
in person or by a third person. Any voter registration, change of 3059
address, or change of name application, returned by mail, may be 3060
sent only to the secretary of state or the board of elections. 3061

A registered elector also may update the registration of that 3062

registered elector by filing a change of residence or change of
name form on the day of a special, primary, or general election at
the polling place in the precinct in which that registered elector
resides or at the board of elections or at another site designated
by the board.

(B)(1) Any registered elector who moves within a precinct or
changes the name of that registered elector and remains within a
precinct on or prior to the day of a general, primary, or special
election and has not filed a notice of change of residence or
change of name, whichever is appropriate, with the board of
elections may vote in that election by going to that registered
elector's assigned polling place, completing and signing a notice
of change of residence or change of name, whichever is
appropriate, and casting a provisional ballot under section
3505.181 of the Revised Code.

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

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

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

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

(b) Completes and signs, under penalty of election falsification, a notice of change of residence or change of name, whichever is appropriate, and files it with election officials at the polling place, at the office of the board of elections, or at the site designated by the board, whichever is appropriate;

(c) Votes a provisional ballot under section 3505.181 of the Revised Code at the polling place, at the office of the board of elections, or at the site designated by the board, whichever is appropriate, ~~by absent voter's ballots~~ using the address to which that registered elector has moved or the name of that registered elector as changed, whichever is appropriate;

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

(C) Any registered elector who moves from one county to another county within the state on or prior to the day of a

general, primary, or special election and has not registered to
vote in the county to which that registered elector moved may vote
in that election if that registered elector complies with division
(G) of this section or does all of the following:

(1) Appears at any time during regular business hours on or
after the twenty-eighth day prior to the election in which that
registered elector wishes to vote, or if the election is held on
the day of a presidential primary election, the twenty-fifth day
prior to the election, through noon of the Saturday prior to the
election or during regular business hours on the Monday prior to
the election at the office of the board of elections, or appears
on the day of the election at the location designated by the board
of elections, which shall be either the office of the board or
another appropriate site designated by the board in the county in
which that registered elector resides;

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

(3) Votes a provisional ballot under section 3505.181 of the
Revised Code at the office of the board of elections or at a site
designated by the board ~~by absent voter's ballots~~ using the
address to which that registered elector has moved;

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

included on the notice of change of residence required under 3156
division (C)(2) of this section. 3157

(D) A person who votes by absent voter's ballots pursuant to 3158
division ~~(B)~~, ~~(C)~~, ~~or~~ (G) of this section shall not make written 3159
application for the ballots pursuant to Chapter 3509. of the 3160
Revised Code. Ballots cast pursuant to division ~~(B)~~, ~~(C)~~, ~~or~~ (G) 3161
of this section shall be set aside in a special envelope and 3162
counted during the official canvass of votes in the manner 3163
provided for in sections 3505.32 and 3509.06 of the Revised Code 3164
insofar as that manner is applicable. The board shall examine the 3165
pollbooks to verify that no ballot was cast at the polls or by 3166
absent voter's ballots under Chapter 3509. or 3511. of the Revised 3167
Code by an elector who has voted by absent voter's ballots 3168
pursuant to division ~~(B)~~, ~~(C)~~, ~~or~~ (G) of this section. Any ballot 3169
determined to be insufficient for any of the reasons stated above 3170
or stated in section 3509.07 of the Revised Code shall not be 3171
counted. 3172

A board of elections may lease or otherwise acquire a site 3173
different from the office of the board at which registered 3174
electors may vote pursuant to division (B) or (C) of this section. 3175

(E) Upon receiving a change of residence or change of name 3176
form, the board of elections shall immediately send the registrant 3177
an acknowledgment notice. If the change of residence or change of 3178
name form is valid, the board shall update the voter's 3179
registration as appropriate. If that form is incomplete, the board 3180
shall inform the registrant in the acknowledgment notice specified 3181
in this division of the information necessary to complete or 3182
update that registrant's registration. 3183

(F) Change of residence and change of name forms shall be 3184
available at each polling place, and when these forms are 3185
completed, noting changes of residence or name, as appropriate, 3186
they shall be filed with election officials at the polling place. 3187

Election officials shall return completed forms, together with the
pollbooks and tally sheets, to the board of elections. 3188
3189

The board of elections shall provide change of residence and
change of name forms to the probate court and court of common 3190
pleas. The court shall provide the forms to any person eighteen 3191
years of age or older who has a change of name by order of the 3192
court or who applies for a marriage license. The court shall 3193
forward all completed forms to the board of elections within five 3194
days after receiving them. 3195
3196

(G) A registered elector who otherwise would qualify to vote 3197
under division (B) or (C) of this section but is unable to appear 3198
at the office of the board or other location designated by the 3199
board on account of personal illness, physical disability, or 3200
infirmity, may vote on the day of the election if that registered 3201
elector does all of the following: 3202

(1) Makes a written application that includes all of the 3203
information required under section 3509.03 of the Revised Code to 3204
the appropriate board for an absent voter's ballot on or after the 3205
twenty-seventh day prior to the election in which the registered 3206
elector wishes to vote through noon of the Saturday prior to that 3207
election and requests that the absent voter's ballot be sent to 3208
the address to which the registered elector has moved if the 3209
registered elector has moved, or to the address of that registered 3210
elector who has not moved but has had a change of name; 3211

(2) Declares that the registered elector has moved or had a 3212
change of name, whichever is appropriate, and otherwise is 3213
qualified to vote under the circumstances described in division 3214
(B) or (C) of this section, whichever is appropriate, but that the 3215
registered elector is unable to appear at the board or other 3216
location designated by the board because of personal illness, 3217
physical disability, or infirmity; 3218

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

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

Sec. 3503.19. (A) Persons qualified to register or to change their registration because of a change of address ~~or~~ change of name, or desire to designate a political party affiliation may register or change their registration in person at any state or local office of a designated agency, at the office of the registrar or any deputy registrar of motor vehicles, at a public high school or vocational school, at a public library, at the office of a county treasurer, or at a branch office established by the board of elections, or in person, through another person, or by mail at the office of the secretary of state or at the office of a board of elections. A registered elector may also change the elector's registration on election day at any polling place where the elector is eligible to vote, ~~on election day~~ in the manner provided under section 3503.16 of the Revised Code.

Any state or local office of a designated agency, the office of the registrar or any deputy registrar of motor vehicles, a public high school or vocational school, a public library, or the office of a county treasurer shall transmit any voter registration

application or change of registration form that it receives to the 3250
board of elections of the county in which the state or local 3251
office is located, within five days after receiving the voter 3252
registration application or change of registration form. 3253

An otherwise valid voter registration application that is 3254
returned to the appropriate office other than by mail must be 3255
received by a state or local office of a designated agency, the 3256
office of the registrar or any deputy registrar of motor vehicles, 3257
a public high school or vocational school, a public library, the 3258
office of a county treasurer, the office of the secretary of 3259
state, or the office of a board of elections no later than the 3260
thirtieth day preceding a primary, special, or general election 3261
for the person to qualify as an elector eligible to vote at that 3262
election. An otherwise valid registration application received 3263
after that day entitles the elector to vote at all subsequent 3264
elections. 3265

Any state or local office of a designated agency, the office 3266
of the registrar or any deputy registrar of motor vehicles, a 3267
public high school or vocational school, a public library, or the 3268
office of a county treasurer shall date stamp a registration 3269
application or change of name ~~or~~, change of address, or political 3270
party designation form it receives using a date stamp that does 3271
not disclose the identity of the state or local office that 3272
receives the registration. 3273

Voter registration applications, if otherwise valid, that are 3274
returned by mail to the office of the secretary of state or to the 3275
office of a board of elections must be postmarked no later than 3276
the thirtieth day preceding a primary, special, or general 3277
election in order for the person to qualify as an elector eligible 3278
to vote at that election. If an otherwise valid voter registration 3279
application that is returned by mail does not bear a postmark or a 3280
legible postmark, the registration shall be valid for that 3281

election if received by the office of the secretary of state or 3282
the office of a board of elections no later than twenty-five days 3283
preceding any special, primary, or general election. 3284

(B)(1) Any person may apply in person, by telephone, by mail, 3285
or through another person for voter registration forms to the 3286
office of the secretary of state or the office of a board of 3287
elections. ~~Completed~~ 3288

(2)(a) An applicant may return the applicant's completed 3289
registration forms may be returned form in person ~~or through~~ 3290
~~another person or by mail~~ to any state or local office of a 3291
designated agency, to a public high school or vocational school, 3292
to a public library, ~~or~~ to the office of a county treasurer, ~~or in~~ 3293
~~person, through another person, or by mail~~ to the office of the 3294
secretary of state, or to the office of a board of elections. 3295

(b) Subject to division (C)(2) of section 3599.11 of the 3296
Revised Code, an applicant may return the applicant's completed 3297
registration form through another person to the board of elections 3298
of the county in which the applicant is seeking to vote or to an 3299
office of a designated agency in that county. 3300

(C)(1) A board of elections that receives a voter 3301
registration application and is satisfied as to the truth of the 3302
statements made in the registration form shall register the 3303
applicant ~~and~~ not later than fifteen business days after receiving 3304
the application, unless that application is received during the 3305
thirty days immediately preceding the day of an election. The 3306
board shall promptly notify the applicant of the applicant's 3307
registration and the precinct in which the applicant is to vote. 3308
The notification shall be by nonforwardable mail, ~~and if.~~ If the 3309
mail is returned to the board, it shall investigate and cause the 3310
notification to be delivered to the correct address; ~~or if it~~ 3311
~~determines that the voter is not eligible to vote for residency~~ 3312

~~reasons it shall cancel the registration and notify the 3313
registrant, at the last known address, of a need to reregister. If 3314
the board does not accept the application for registration, it 3315
shall immediately notify the applicant of the reasons for 3316
rejecting the application and request the applicant to provide 3317
whatever information or verification is necessary to complete the 3318
application. 3319~~

(2) If, after investigating as required under division (C)(1) 3320
of this section, the board is unable to verify the voter's correct 3321
address, it shall cause the voter's name in the official 3322
registration list and in the poll list or signature pollbook to be 3323
marked to indicate that the voter's notification was returned to 3324
the board. 3325

At the first election at which a voter whose name has been so 3326
marked appears to vote, the voter shall be required to provide 3327
identification to the election officials and to vote by 3328
provisional ballot under section 3505.181 of the Revised Code. If 3329
the provisional ballot is counted pursuant to division (B)(3) of 3330
section 3505.183 of the Revised Code, the board shall correct that 3331
voter's registration, if needed, and shall remove the indication 3332
that the voter's notification was returned from that voter's name 3333
on the official registration list and on the poll list or 3334
signature pollbook. If the provisional ballot is not counted 3335
pursuant to division (B)(4) of section 3505.183 of the Revised 3336
Code, the voter's registration shall be canceled. 3337

(3) If a notice of the disposition of an otherwise valid ~~mail~~ 3338
registration application is sent by nonforwardable mail and is 3339
returned undelivered, the person shall be registered as provided 3340
in division (C)(2) of this section and sent a confirmation notice 3341
by forwardable mail. If the person fails to respond to the 3342
confirmation notice, update the person's registration, or vote by 3343
provisional ballot as provided in division (C)(2) of this section 3344

in any election during the period of two federal elections 3345
subsequent to the mailing of the confirmation notice, the person's 3346
registration shall be canceled. 3347

Sec. 3503.20. (A) Whenever a registered elector desires to 3348
designate a political party affiliation or to change the political 3349
party with which the elector is affiliated, that registered 3350
elector may designate the political party with which the elector 3351
desires to be affiliated by delivering a political party 3352
designation form, as prescribed by the secretary of state under 3353
section 3503.14 of the Revised Code, in person at any state or 3354
local office of a designated agency, at the office of the 3355
registrar or any deputy registrar of motor vehicles, at a public 3356
high school or vocational school, at a public library, at the 3357
office of a county treasurer, or at a branch office established by 3358
the board of elections of the county in which the elector is 3359
registered to vote, or in person, through another person, or by 3360
mail at the office of the secretary of state or at the office of 3361
the board of elections of the county in which the elector is 3362
registered to vote. 3363

A registered elector also may designate the elector's 3364
political party affiliation at any polling place where the elector 3365
is registered to vote, on the day of an election. 3366

(B) If a registered elector designates a political party with 3367
which the elector desires to be affiliated under division (A) of 3368
this section that is not recognized in this state in accordance 3369
with division (A) of section 3517.01 of the Revised Code or that 3370
is barred from the ballot under section 3517.07 of the Revised 3371
Code, that elector shall be registered as an unaffiliated elector 3372
until the elector designates a recognized political party pursuant 3373
to division (A) of this section. 3374

Sec. 3503.21. (A) The registration of a registered elector shall be canceled upon the occurrence of any of the following:	3375 3376
(1) The filing by a registered elector of a written request with a board of elections, on a form prescribed by the secretary of state and signed by the elector, that his <u>the</u> registration be canceled. The filing of such a request does not prohibit an otherwise qualified elector from reregistering to vote at any time.	3377 3378 3379 3380 3381 3382
(2) The filing of a notice of the death of the registered elector as provided in section 3503.18 of the Revised Code;	3383 3384
(3) The conviction of the registered elector of a felony under the laws of this state, any other state, or the United States as provided in section 2961.01 of the Revised Code;	3385 3386 3387
(4) The adjudication of incompetency of the registered elector for the purpose of voting as provided in section 5122.301 of the Revised Code;	3388 3389 3390
(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;	3391 3392 3393
(6) The failure of the registered elector, after he has <u>having</u> been mailed a confirmation notice, to do either of the following:	3394 3395 3396
(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;	3397 3398 3399
(b) Update his <u>the elector's</u> registration and vote at least once during a period of four consecutive years, which period shall include two general federal elections.	3400 3401 3402
(B)(<u>1</u>) The secretary of state shall prescribe procedures to identify and cancel the registration in a prior county of	3403 3404

residence of any registrant who changes ~~his~~ the registrant's 3405
voting residence to a location outside ~~his~~ the registrant's 3406
current county of registration. Any procedures prescribed in this 3407
division shall be uniform and nondiscriminatory, and shall comply 3408
with the Voting Rights Act of 1965. The secretary of state may 3409
prescribe procedures under this division that include the use of 3410
the national change of address service provided by the United 3411
States postal system through its licensees. Any program so 3412
prescribed shall be completed not later than ninety days prior to 3413
the date of any primary or general election for federal office. 3414

(2) The registration of any elector identified as having 3415
changed ~~his~~ the elector's voting residence to a location outside 3416
~~his~~ the elector's current county of registration shall not be 3417
canceled unless the registrant is sent a confirmation notice on a 3418
form prescribed by the secretary of state and the registrant fails 3419
to respond to the confirmation notice or otherwise update ~~his~~ the 3420
registration and fails to vote in any election during the period 3421
of two federal elections subsequent to the mailing of the 3422
confirmation notice. 3423

(C) The registration of a registered elector shall not be 3424
canceled except as provided in this section, division (O) of 3425
section 3501.05 of the Revised Code, division (C)(2) of section 3426
3503.19 of the Revised Code, or division (C) of section 3503.24 of 3427
the Revised Code. 3428

(D) Boards of elections shall send their voter registration 3429
~~lists~~ information to the secretary of state ~~semiannually~~ as 3430
required under section 3503.15 of the Revised Code. In the first 3431
quarter of each odd-numbered year, the secretary of state shall 3432
send the information ~~contained in these lists~~ to the national 3433
change of address service described in division (B) of this 3434
section and request that service to provide the secretary of state 3435
with a list of any voters ~~on the lists~~ sent by the secretary of 3436

state who have moved within the last thirty-six months. The 3437
secretary of state shall transmit to each appropriate board of 3438
elections whatever lists ~~he~~ the secretary of state receives from 3439
that service. The board shall send a notice to each person on the 3440
list transmitted by the secretary of state requesting confirmation 3441
of the person's change of address, together with a postage 3442
prepaid, preaddressed return envelope containing a form on which 3443
the voter may verify or correct the change of address information. 3444

(E) The registration of a registered elector described in 3445
division (A)(6) or (B)(2) of this section shall be canceled not 3446
later than one hundred twenty days after the date of the second 3447
general federal election in which the elector fails to vote or not 3448
later than one hundred twenty days after the expiration of the 3449
four-year period in which the elector fails to vote or respond to 3450
a confirmation notice, whichever is later. 3451

Sec. 3503.23. (A) ~~At least fifteen~~ Fourteen days before an 3452
election the board of elections shall cause to be prepared from 3453
the ~~registration cards~~ statewide voter registration database 3454
established under section 3503.15 of the Revised Code a complete 3455
and official registration list for each precinct, containing the 3456
names, addresses, ~~and~~ political party whose ballot the elector 3457
voted in the most recent primary election within the current year 3458
and the immediately preceding two calendar years, and political 3459
party the elector has designated on the elector's registration 3460
form or political party designation form, of all qualified 3461
registered voters in the precinct. All the names, insofar as 3462
practicable, shall be arranged ~~either~~ in alphabetical order, ~~or in~~ 3463
~~geographical order according to streets in the precincts.~~ All the 3464
The lists shall may be prepared either in sheet form ~~and~~ on one 3465
side of the paper or in electronic form, at the discretion of the 3466
board. Each precinct list shall be headed "Register of Voters," 3467
and under the heading shall be indicated the district or ward and 3468

~~precinct followed by the statement:~~ 3469

~~"Any voter of the county on or before the seventh day prior 3470
to the election may file with the board of elections at the 3471
board's offices located at objections to the 3472
registration of any person on this list who, he has reason to 3473
believe, is not eligible to vote, or a request for the addition to 3474
the list of registered voters whose names have been omitted or who 3475
have been erroneously dropped from the registration list of the 3476
precinct.".~~ 3477

Appended to each precinct list shall be attached the names of 3478
the members of the board and the name of the director. A 3479
sufficient number of such lists ~~may~~ shall be provided for 3480
distribution to the candidates, political parties, or organized 3481
groups that apply for them. The board shall have each precinct 3482
list available at the board for viewing by the public during 3483
normal business hours. The board shall ensure that, by the opening 3484
of the polls on the day of a general or primary election, each 3485
precinct has a paper copy of the registration list of voters in 3486
that precinct. 3487

(B) On the day of a general or primary election, precinct 3488
election officials shall do both of the following: 3489

(1) By the time the polls open, conspicuously post and 3490
display at the polling place one copy of the registration list of 3491
voters in that precinct in an area of the polling place that is 3492
easily accessible, but apart from any areas where voters will be 3493
casting their ballots or waiting in line to vote; 3494

(2) At 11 a.m. and 4 p.m. place a mark, on the official 3495
registration list posted at the polling place, before the name of 3496
those registered voters who have voted. 3497

(C) Notwithstanding division (B) of section 3501.35 of the 3498
Revised Code, any person may enter the polling place for the sole 3499

purpose of reviewing the official registration list posted in 3500
accordance with division (B) of this section. 3501

(D) All persons whose names appear on the official 3502
registration list for a precinct shall be permitted to cast a 3503
ballot in the manner provided by law at the polling place for the 3504
precinct in which they are registered. 3505

Sec. 3503.24. (A) Application for the correction of any 3506
precinct registration list or a challenge of the right to vote of 3507
any registered elector may be made by any qualified elector of the 3508
county at the office of the board of elections not later than 3509
eleven ~~twenty~~ days prior to the election. The applications or 3510
challenges, with the reasons for the application or challenge, 3511
shall be filed with the board on a form prescribed by the 3512
secretary of state and shall be signed under penalty of election 3513
falsification. 3514

(B) On receiving an application or challenge filed under this 3515
section, the board of elections promptly shall review the board's 3516
records. If the board is able to determine that an application or 3517
challenge should be granted or denied solely on the basis of the 3518
records maintained by the board, the board immediately shall vote 3519
to grant or deny that application or challenge. 3520

If the board is not able to determine whether an application 3521
or challenge should be granted or denied solely on the basis of 3522
the records maintained by the board, the director shall promptly 3523
set a time and date for a hearing before the board. ~~The~~ Except as 3524
otherwise provided in division (D) of this section, the hearing 3525
shall be held, and the application or challenge shall be decided, 3526
no later than ~~two~~ ten days ~~prior to any election~~ after the board 3527
receives the application or challenge. The director shall send 3528
written notice to any elector whose right to vote is challenged 3529
and to any person whose name is alleged to have been omitted from 3530

a registration list. The notice shall inform the person of the 3531
time and date of the hearing, and of the person's right to appear 3532
and testify, call witnesses, and be represented by counsel. The 3533
notice shall be sent by first class mail no later than three days 3534
before the day of any scheduled hearing. The director shall also 3535
provide the person who filed the application or challenge with 3536
such written notice of the date and time of the hearing. 3537

At the request of either party or any member of the board, 3538
the board shall issue subpoenas to witnesses to appear and testify 3539
before the board at a hearing held under this section. All 3540
witnesses shall testify under oath. The board shall reach a 3541
decision on all applications and challenges immediately after 3542
hearing. 3543

(C) If the board decides that any such person is not entitled 3544
to have the person's name on the registration list, the person's 3545
name shall be removed from the list and the person's registration 3546
forms canceled. If the board decides that the name of any such 3547
person should appear on such registration list it shall be added 3548
thereto, and the person's registration forms placed in the proper 3549
registration files. All such corrections and additions shall be 3550
made on a copy of the precinct lists, which shall constitute the 3551
poll lists, to be furnished to the respective precincts with other 3552
election supplies on the day preceding the election, to be used by 3553
the ~~clerks~~ election officials in receiving the signatures of 3554
voters and in checking against the registration forms. 3555

(D)(1) If an application or challenge for which a hearing is 3556
required to be conducted under division (B) of this section is 3557
filed after the thirtieth day before the day of an election, the 3558
board of elections, in its discretion, may postpone that hearing 3559
and any notifications of that hearing until after the day of the 3560
election. Any hearing postponed under this division shall be 3561
conducted not later than ten days after the day of the election. 3562

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

(3) Any elector who is the subject of an application or challenge hearing that is postponed under division (D)(1) of this section shall be permitted to vote a provisional ballot under section 3505.181 of the Revised Code. The validity of a provisional ballot cast pursuant to this section shall be determined in accordance with section 3505.183 of the Revised Code, except that no such provisional ballot shall be counted unless the hearing conducted under division (B) of this section after the day of the election results in the elector's inclusion in the official registration list.

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

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

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

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

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

(5) The registration and affirmation requirements applicable to persons who are compensated for registering voters under section 3503.29 of the Revised Code. 3593
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(B) Except as otherwise provided in division (D) of this section, a board of elections, designated agency, public high school, public vocational school, public library, office of a county treasurer, or deputy registrar of motor vehicles shall distribute a copy of the brochure developed under division (A) of this section to any person who requests more than two voter registration forms at one time. 3596
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(C)(1) The secretary of state shall provide the information required to be included in the brochure developed under division (A) of this section to any person who prints a voter registration form that is made available on a web site of the office of the secretary of state. 3603
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(2) A board of elections shall provide the information required to be included in the brochure developed under division (A) of this section to any person who prints a voter registration form that is made available on a web site of a board of elections. 3608
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(D) A board of elections shall not be required to distribute a copy of a brochure under division (B) of this section to any of the following officials or employees who are requesting more than two voter registration forms at one time in the course of the official's or employee's normal duties: 3612
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(1) An election official; 3617

(2) A county treasurer; 3618

(3) A deputy registrar of motor vehicles; 3619

(4) An employee of a designated agency; 3620

(5) An employee of a public high school; 3621

(6) An employee of a public vocational school; 3622

<u>(7) An employee of a public library;</u>	3623
<u>(8) An employee of the office of a county treasurer;</u>	3624
<u>(9) An employee of the bureau of motor vehicles;</u>	3625
<u>(10) An employee of a deputy registrar of motor vehicles;</u>	3626
<u>(11) An employee of an election official.</u>	3627
<u>(E) As used in this section, "registering voters" includes</u>	3628
<u>any effort, for compensation, to provide voter registration forms</u>	3629
<u>or to assist persons in completing or returning those forms.</u>	3630
<u>Sec. 3503.29. (A) The secretary of state shall develop and</u>	3631
<u>make available through a web site of the office of the secretary</u>	3632
<u>of state a training program for any person who receives or expects</u>	3633
<u>to receive compensation for registering a voter. The secretary of</u>	3634
<u>state shall specify, by rule adopted pursuant to Chapter 119. of</u>	3635
<u>the Revised Code, the information to be included in the online</u>	3636
<u>training program developed under this division.</u>	3637
<u>(B) Except as otherwise provided in division (E) of this</u>	3638
<u>section, the secretary of state, by rules adopted pursuant to</u>	3639
<u>Chapter 119. of the Revised Code, shall prescribe a program under</u>	3640
<u>which each board of elections shall register any person who</u>	3641
<u>receives or expects to receive compensation for registering a</u>	3642
<u>voter in the county.</u>	3643
<u>(C) Except as otherwise provided in division (E) of this</u>	3644
<u>section, in each year in which a person receives or expects to</u>	3645
<u>receive compensation for registering a voter that person, prior to</u>	3646
<u>registering a voter, shall do all of the following:</u>	3647
<u>(1) Register with the board of elections of each county in</u>	3648
<u>which the person intends to register a voter in accordance with</u>	3649
<u>the program prescribed under division (B) of this section;</u>	3650
<u>(2) Complete the training program established by the</u>	3651

<u>secretary of state under division (A) of this section.</u>	3652
<u>(3) Sign an affirmation that includes all of the following:</u>	3653
<u>(a) The person's name;</u>	3654
<u>(b) The person's date of birth;</u>	3655
<u>(c) The person's permanent address;</u>	3656
<u>(d) A statement that the person has registered, as required</u>	3657
<u>under division (C)(1) of this section, with the board of elections</u>	3658
<u>of the county in which the person intends to register voters;</u>	3659
<u>(e) A statement that the person has completed the training</u>	3660
<u>program required under division (C)(2) of this section;</u>	3661
<u>(f) A statement that the person will follow all applicable</u>	3662
<u>Ohio laws while registering voters.</u>	3663
<u>(D) Except as otherwise provided in division (E) of this</u>	3664
<u>section, each time a person who receives or expects to receive</u>	3665
<u>compensation for registering a voter submits a completed</u>	3666
<u>registration form that has been entrusted to that person to a</u>	3667
<u>board of elections, the person also shall submit, with the voter</u>	3668
<u>registration form, a copy of the affirmation signed by the person</u>	3669
<u>under division (C)(3) of this section. A single copy of the signed</u>	3670
<u>affirmation may be submitted with all voter registration forms</u>	3671
<u>that are returned by that person at one time.</u>	3672
<u>(E) None of the following officials or employees who are</u>	3673
<u>registering voters in the course of the official's or employee's</u>	3674
<u>normal duties shall be required to comply with divisions (C) and</u>	3675
<u>(D) of this section:</u>	3676
<u>(1) An election official;</u>	3677
<u>(2) A county treasurer;</u>	3678
<u>(3) A deputy registrar of motor vehicles;</u>	3679
<u>(4) An employee of a designated agency;</u>	3680

<u>(5) An employee of a public high school;</u>	3681
<u>(6) An employee of a public vocational school;</u>	3682
<u>(7) An employee of a public library;</u>	3683
<u>(8) An employee of the office of a county treasurer;</u>	3684
<u>(9) An employee of the bureau of motor vehicles;</u>	3685
<u>(10) An employee of a deputy registrar of motor vehicles;</u>	3686
<u>(11) An employee of an election official.</u>	3687
<u>(F) As used in this section, "registering a voter" and</u>	3688
<u>"registering voters" includes any effort, for compensation, to</u>	3689
<u>provide voter registration forms or to assist persons in</u>	3690
<u>completing or returning those forms.</u>	3691
Sec. 3505.16. Before the opening of the polls, the package of	3692
supplies and the ballot boxes shall be opened in the presence of	3693
the precinct officials. The ballot boxes, the package of ballots,	3694
registration forms, and other supplies shall at all times be in	3695
full sight of the challenger or witnesses <u>observers</u> , and no ballot	3696
box or unused ballots during the balloting or counting shall be	3697
removed or screened from their full sight until the counting has	3698
been closed and the final returns completed and the certificate	3699
signed by the judges and clerks .	3700
Sec. 3505.18. (A)(1) When an elector appears in a polling	3701
place to vote he, the elector shall announce his to the precinct	3702
<u>election officials the elector's</u> full name and address to the	3703
precinct election officials. He	3704
<u>(2) If the elector has not previously voted in an election in</u>	3705
<u>this state, and if the elector registered to vote by mail without</u>	3706
<u>providing the last four digits of the elector's social security</u>	3707
<u>number, the elector's driver's license number, a copy of a current</u>	3708

valid photo identification, or a copy of a current utility bill, 3709
bank statement, government check, paycheck, or other government 3710
document that shows the elector's name and address, the elector 3711
also shall provide to the election officials proof of the 3712
elector's identity in the form of a current valid photo 3713
identification or a copy of a current utility bill, bank 3714
statement, government check, paycheck, or other government 3715
document that shows the name and address of the elector. If such 3716
an elector does not provide to the precinct election officials any 3717
of the forms of identification specified in this division, the 3718
elector may cast a provisional ballot under section 3505.181 of 3719
the Revised Code. 3720

(B) After the elector has announced the elector's full name 3721
and address and, if applicable, provided identification under 3722
division (A)(2) of this section, the elector shall ~~then~~ write ~~his~~ 3723
the elector's name and address at the proper place in the poll 3724
~~lists~~ list or signature ~~pollbooks~~ pollbook provided ~~therefor~~ for 3725
~~the purpose~~, except that if, for any reason, an elector ~~shall be~~ 3726
~~is~~ unable to write ~~his~~ the elector's name and address in the poll 3727
list or signature pollbook, the elector may make ~~his~~ the elector's 3728
mark at the place intended for ~~his~~ the elector's name, and a 3729
precinct election official shall write the name of the elector at 3730
the proper place on the poll list or signature pollbook following 3731
the elector's mark, ~~upon the presentation of proper~~ 3732
~~identification~~. The making of such a mark shall be attested by the 3733
precinct election official, who shall evidence the same by signing 3734
~~his~~ the precinct election official's name on the poll list or 3735
signature pollbook as a witness to ~~such~~ the mark. 3736

The elector's signature in the poll ~~lists~~ list or signature 3737
~~pollbooks shall~~ pollbook then shall be compared with ~~his~~ the 3738
elector's signature on ~~his~~ the elector's registration form or a 3739
digitized signature list as provided for in section 3503.13 of the 3740

Revised Code, and if, in the opinion of a majority of the precinct
election officials, the signatures are the signatures of the same
person, the ~~clerk~~ election officials shall enter the date of the
election on the registration form or shall record the date by ~~such~~
other means ~~as may be~~ prescribed by the secretary of state. If the
right of the elector to vote is not then challenged, or, if being
challenged, ~~he~~ the elector establishes ~~his~~ the elector's right to
vote, ~~he~~ the elector shall be allowed to proceed ~~into~~ to use the
voting machine. If voting machines are not being used in that
precinct, the judge in charge of ballots shall then detach the
next ballots to be issued to the elector from Stub B attached to
each ballot, leaving Stub A attached to each ballot, hand the
ballots to the elector, and call ~~his~~ the elector's name and the
stub number on each of the ballots. The ~~clerk~~ judge shall enter
the stub numbers opposite the signature of the elector in the
pollbook. The elector shall then retire to one of the voting
compartments to mark ~~his~~ the elector's ballots. No mark shall be
made on any ballot which would in any way enable any person to
identify the person who voted the ballot.

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

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

(2) An individual required to provide identification under
division (A)(2) of section 3505.18 of the Revised Code who does
not provide to the election officials any of the forms of

<u>identification specified in that division;</u>	3772
<u>(3) 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 or returned an absent voter's ballot or an armed services absent voter's ballot for that election who appears to vote at the polling place;</u>	3773 3774 3775 3776 3777
<u>(4) 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;</u>	3778 3779 3780 3781 3782
<u>(5) 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;</u>	3783 3784 3785 3786
<u>(6) An individual whose application or challenge hearing has been postponed until after the day of the election under division (D)(1) of section 3503.24 of the Revised Code;</u>	3787 3788 3789
<u>(7) An individual whose notice of election has been returned undelivered to the board of elections and whose name in the official registration list and poll list or signature pollbook has been marked under division (B) of section 3501.19 of the Revised Code;</u>	3790 3791 3792 3793 3794
<u>(8) An individual who moves within a precinct, changes the individual's name and remains within the precinct, moves from one precinct to another within a county, moves from one precinct to another and changes the individual's name, or moves from one county to another within the state, and completes and signs the required forms and statements under division (B) or (C) of section 3503.16 of the Revised Code;</u>	3795 3796 3797 3798 3799 3800 3801

(9) An individual whose signature, in the opinion of the precinct officers under section 3505.22 of the Revised Code, is not that of the person who signed that name in the registration forms; 3802
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(10) An individual who is challenged under section 3513.20 of the Revised Code who refuses to make the statement required under that section, who a majority of the precinct officials find lacks any of the qualifications to make the individual a qualified elector, or who a majority of the precinct officials find is not affiliated with or a member of the political party whose ballot the individual desires to vote. 3806
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(B) An individual who is eligible to cast a provisional ballot under division (A) of this section shall be permitted to cast a provisional ballot as follows: 3813
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(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election. 3816
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(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is both of the following: 3819
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(a) A registered voter in the jurisdiction in which the individual desires to vote; 3824
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(b) Eligible to vote in that election. 3826

(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under division (B)(2) of this section to an appropriate local election official for verification under division (B)(4) of this 3827
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section. 3832

(4) If the appropriate local election official to whom the ballot or voter information is transmitted under division (B)(3) of this section determines that the individual is eligible to vote, the individual's provisional ballot shall be counted as a vote in that election. 3833
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(5)(a) At the time that an individual casts a provisional ballot, the appropriate 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. 3838
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(b) The appropriate state or local election official shall establish a free access system, in the form of a toll-free telephone number, 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. The free access system established under this division also shall provide to an individual whose provisional ballot was not counted information explaining how that individual may contact the board of elections to register to vote or to resolve problems with the individual's voter registration. 3845
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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. 3855
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(6) If, at the time that an individual casts a provisional 3862

ballot, the individual provides identification in the form of a 3863
current valid photo identification with the individual's current 3864
address, a current valid photo identification with the 3865
individual's former address, or a copy of a current utility bill, 3866
bank statement, government check, paycheck, or other government 3867
document that shows the individual's name and current address, the 3868
appropriate local election official shall record the type of 3869
identification provided and include that information with the 3870
transmission of the ballot or voter information under division 3871
(B)(3) of this section. 3872

(7) If an individual casts a provisional ballot pursuant to 3873
division (A)(2), (5), or (6) of this section, the election 3874
official shall indicate, on the provisional ballot verification 3875
statement required under section 3505.182 of the Revised Code, 3876
that the individual is required to provide additional information 3877
to the board of elections or that an application or challenge 3878
hearing has been postponed with respect to the individual, such 3879
that additional information is required for the board of elections 3880
to determine the eligibility of the individual who cast the 3881
provisional ballot. 3882

(8) During the ten days after the day of an election, an 3883
individual who casts a provisional ballot pursuant to division 3884
(A)(2) or (5) of this section may appear at the office of the 3885
board of elections and provide to the board any additional 3886
information necessary to determine the eligibility of the 3887
individual who cast the provisional ballot. 3888

(a) For a provisional ballot cast pursuant to division (A)(2) 3889
of this section to be eligible to be counted, the individual who 3890
cast that ballot, within ten days after the day of the election, 3891
shall provide to the board of elections proof of the individual's 3892
identity in the form of the individual's driver's license number, 3893
the last four digits of the individual's social security number, a 3894

copy of a current and valid photo identification, or a copy of a 3895
current utility bill, bank statement, government check, paycheck, 3896
or other government document that shows the individual's name and 3897
address. 3898

(b) For a provisional ballot cast pursuant to division (A)(5) 3899
of this section to be eligible to be counted, the individual who 3900
cast that ballot, within ten days after the day of that election, 3901
shall provide to the board of elections any identification or 3902
other documentation required to be provided by the applicable 3903
challenge questions asked of that individual under section 3505.20 3904
of the Revised Code. 3905

(C)(1) If an individual declares that the individual is 3906
eligible to vote in a jurisdiction other than the jurisdiction in 3907
which the individual desires to vote, or if an election official 3908
at the polling place at which the individual desires to vote 3909
determines that the individual is not eligible to vote in that 3910
jurisdiction but the individual appears to be eligible to vote in 3911
another jurisdiction, the election official shall direct the 3912
individual to a paper precinct finder located at that polling 3913
location that lists all of the addresses, precincts, and polling 3914
locations in the county, explain that the individual may cast a 3915
provisional ballot at the current location but the ballot will not 3916
be counted if it is cast in the wrong precinct, and provide the 3917
telephone number of the board of elections in case the individual 3918
has additional questions. 3919

(2) If the individual refuses to travel to the polling 3920
location for the correct jurisdiction or to the office of the 3921
board of elections to cast a ballot, the individual shall be 3922
permitted to vote a provisional ballot at that jurisdiction in 3923
accordance with division (B) of this section. If any of the 3924
following apply, the provisional ballot cast by that individual 3925
shall not be opened or counted: 3926

<u>(a) The individual is not properly registered in that jurisdiction.</u>	3927 3928
<u>(b) The individual is not eligible to vote in that election in that jurisdiction.</u>	3929 3930
<u>(c) The individual's eligibility to vote in that jurisdiction in that election cannot be established upon examination of the records on file with the board of elections.</u>	3931 3932 3933
<u>(D) The appropriate local election official shall cause voting information to be publicly posted at each polling place on the day of each election.</u>	3934 3935 3936
<u>(E) As used in this section and sections 3505.182 and 3505.183 of the Revised Code:</u>	3937 3938
<u>(1) "Jurisdiction" means the precinct in which a person is a legally qualified elector.</u>	3939 3940
<u>(2) "Voting information" means all of the following:</u>	3941
<u>(a) A sample version of the ballot that will be used for that election;</u>	3942 3943
<u>(b) Information regarding the date of the election and the hours during which polling places will be open;</u>	3944 3945
<u>(c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;</u>	3946 3947
<u>(d) Instructions for mail-in registrants and first-time voters under applicable federal and state laws;</u>	3948 3949
<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>	3950 3951 3952 3953 3954
<u>(f) General information on federal and state laws regarding</u>	3955

prohibitions against acts of fraud and misrepresentation. 3956

Sec. 3505.182. Each individual who casts a provisional ballot 3957
under section 3505.181 of the Revised Code shall execute a written 3958
affirmation. The form of the written affirmation shall be printed 3959
upon the face of the provisional ballot envelope and shall be 3960
substantially as follows: 3961

"Provisional Ballot Affirmation 3962

STATE OF OHIO 3963

I, (Name of provisional voter), solemnly 3964
swear or affirm that I am a registered voter in the jurisdiction 3965
in which I am voting this provisional ballot and that I am 3966
eligible to vote in the election in which I am voting this 3967
provisional ballot. 3968

I understand that, if the above-provided information is not 3969
fully completed and correct, if the board of elections determines 3970
that I am not registered to vote, a resident of this precinct, or 3971
eligible to vote in this election, or if the board of elections 3972
determines that I have already voted in this election, my 3973
provisional ballot will not be counted. I further understand that 3974
knowingly providing false information is a violation of law and 3975
subjects me to possible criminal prosecution. 3976

I hereby declare, under penalty of election falsification, 3977
that the above statements are true and correct to the best of my 3978
knowledge and belief. 3979

..... 3980

(Signature of Voter) 3981

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 3982
OF THE FIFTH DEGREE. 3983

Additional Information For Determining Ballot Validity 3984

(May be completed at voter's discretion) 3985

<u>Voter's current address:</u>	3986
<u>Voter's date of birth:</u>	3987
<u>Voter's driver's license</u> <u>number or last four digits</u> <u>of voter's social security</u> <u>number</u>	3988
<u>(Please circle number type)</u>	3989
<u>(Voter may attach a copy of any of the following for</u> <u>identification purposes: a current and valid photo identification</u> <u>or a current utility bill, bank statement, government check,</u> <u>paycheck, or other government document that shows the voter's name</u> <u>and address.)</u>	3990
<u>Reason for voting provisional ballot (Check one):</u>	3991
<u>..... Requested, but did not receive, absent voter's ballot</u>	3992
<u>..... Other</u>	3993
<u>Verification Statement</u>	3994
<u>(To be completed by election official)</u>	3995
<u>The Provisional Ballot Affirmation printed above was</u> <u>subscribed and affirmed before me this</u> day of <u>..... (Month), (Year).</u>	3996 3997 3998
<u>(If applicable, the election official must check the</u> <u>following true statement concerning additional information needed</u> <u>to determine the eligibility of the provisional voter.)</u>	3999 4000 4001
<u>..... The provisional voter is required to provide</u> <u>additional information to the board of elections.</u>	4002 4003
<u>..... An application or challenge hearing regarding this</u> <u>voter has been postponed until after the election.</u>	4004 4005
<u>(The election official must check the following true</u> <u>statement concerning identification provided by the provisional</u> <u>voter, if any.)</u>	4006 4007 4008
<u>..... The provisional voter provided a current valid photo</u>	4009

identification with the voter's name and current address. 4010

..... The provisional voter provided a current valid photo 4011
identification with the voter's name and former address. 4012

..... The provisional voter provided a copy of a current 4013
utility bill, bank statement, government check, paycheck, or other 4014
government document with the voter's name and current address. 4015

..... The provisional voter did not provide identification. 4016

..... 4017
(Signature of Election Official)" 4018

In addition to any information required to be included on the 4019
written affirmation, an individual casting a provisional ballot 4020
may provide additional information to the election official to 4021
assist the board of elections in determining the individual's 4022
eligibility to vote in that election, including the date and 4023
location at which the individual registered to vote, if known. 4024

Sec. 3505.183. (A) When the ballot boxes are delivered to the 4025
board of elections from the precincts, the board shall separate 4026
the provisional ballot envelopes from the rest of the ballots. 4027
Teams of employees of the board consisting of one member of each 4028
major political party shall photocopy each provisional ballot 4029
envelope, which photocopy shall be used by the board to determine 4030
the eligibility of the individual who cast the provisional ballot 4031
in the photocopied envelope. After photocopying, the team of 4032
employees shall place the sealed provisional ballot envelopes in a 4033
sealed container. The sealed provisional ballot envelopes shall 4034
remain in that sealed container until the validity of those 4035
ballots is determined under division (B) of this section. 4036

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(B)(1) To determine whether a provisional ballot is valid and 4038
entitled to be counted, the board shall examine its records and 4039

determine whether the individual who cast the provisional ballot 4040
is registered and eligible to vote in the applicable election. The 4041
board shall examine the information contained in the written 4042
affirmation executed by the individual who cast the provisional 4043
ballot under division (B)(2) of section 3505.181 of the Revised 4044
Code. The following information shall be included in the written 4045
affirmation in order for the provisional ballot to be eligible to 4046
be counted: 4047

(a) The individual's name and signature; 4048

(b) A statement that the individual is a registered voter in 4049
the jurisdiction in which the provisional ballot is being voted; 4050

(c) A statement that the individual is eligible to vote in 4051
the election in which the provisional ballot is being voted. 4052

(2) In addition to the information required to be included in 4053
the written affirmation under division (B)(1) of this section, in 4054
determining whether a provisional ballot is valid and entitled to 4055
be counted, the board also shall examine any additional 4056
information for determining ballot validity provided by the 4057
provisional voter on the written affirmation, provided by the 4058
provisional voter to an election official under section 3505.182 4059
of the Revised Code, or provided to the board of elections during 4060
the ten days after the day of the election under division (B)(8) 4061
of section 3505.181 of the Revised Code, to assist the board in 4062
determining the individual's eligibility to vote. 4063

(3) If, in examining a provisional ballot affirmation and 4064
additional information under divisions (B)(1) and (2) of this 4065
section, the board determines that all of the following apply, the 4066
provisional ballot envelope shall be opened and the ballot shall 4067
be placed in a ballot box to be counted: 4068

(a) The individual named on the written affirmation is 4069
properly registered to vote. 4070

(b) The individual named on the written affirmation is 4071
eligible to cast a ballot in the precinct and for the election in 4072
which the individual cast the provisional ballot. 4073

(c) The individual provided all of the information required 4074
under division (B)(1) of this section in the written affirmation 4075
that the individual executed at the time the individual cast the 4076
provisional ballot; 4077

(d) If applicable, the individual provided any additional 4078
information required under division (B)(8) of section 3505.181 of 4079
the Revised Code within ten days after the day of the election; 4080

(e) If applicable, the hearing conducted under division (B) 4081
of section 3503.24 of the Revised Code after the day of the 4082
election resulted in the individual's inclusion in the official 4083
registration list. 4084

(4)(a) If, in examining a provisional ballot affirmation and 4085
additional information under divisions (B)(1) and (2) of this 4086
section, the board determines that any of the following apply, the 4087
provisional ballot envelope shall not be opened and the ballot 4088
shall not be counted: 4089

(i) The individual named on the written affirmation is not 4090
qualified or is not properly registered to vote. 4091

(ii) The individual named on the written affirmation is not 4092
eligible to cast a ballot in the precinct or for the election in 4093
which the individual cast the provisional ballot. 4094

(iii) The individual did not provide all of the information 4095
required under division (B)(1) of this section in the written 4096
affirmation that the individual executed at the time the 4097
individual cast the provisional ballot; 4098

(iv) The individual has already cast a ballot for the 4099
election in which the individual cast the provisional ballot; 4100

(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; 4101
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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. 4105
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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: 4109
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(i) Whether the individual named on the written affirmation is qualified or properly registered to vote; 4114
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(ii) Whether the individual named on the written affirmation is eligible to cast a ballot in the precinct or for the election in which the individual cast the provisional ballot. 4116
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(C)(1) For each provisional ballot rejected under division (B)(4) of this section, the board shall record the name of the provisional voter who cast the ballot and the identification number of the provisional ballot envelope and denote that the ballot within that envelope was rejected. The board shall retain the photocopy of the provisional ballot envelope for that ballot for record-keeping purposes and shall note the following information on that photocopy: 4119
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(a) The names of the board members who determined the validity of that ballot; 4127
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(b) The date and time that the determination was made; 4129

(c) The reason that the ballot was not counted. 4130

(2) Provisional ballots that are rejected under division (B)(4) of this section shall not be counted but shall be preserved in their provisional ballot envelopes unopened until the time provided by section 3505.31 of the Revised Code for the destruction of all other ballots used at the election for which ballots were provided, at which time they shall be destroyed. 4131
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(D) Provisional ballots that the board determines are eligible to be counted under division (B)(3) of this section shall be counted in the same manner as provided for other ballots under section 3505.27 of the Revised Code. No provisional ballots shall be counted in a particular county until the board determines the eligibility to be counted of all provisional ballots cast in that county under division (B) of this section for that election. Observers, as provided in section 3505.21 of the Revised Code, may be present at all times that the teams are photocopying provisional ballot envelopes and at all times that board is determining the eligibility of provisional ballots to be counted and counting those provisional ballots determined to be eligible. No person shall recklessly disclose the count or any portion of the count of provisional ballots in such a manner as to jeopardize the secrecy of any individual ballot. 4137
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(E)(1) Except as otherwise provided in division (E)(2) of 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. 4152
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(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 4158
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is required for the board of elections to determine the 4163
eligibility of the individual who cast that provisional ballot 4164
until the individual provides any information required under 4165
division (B)(8) of section 3505.181 of the Revised Code, until any 4166
hearing required to be conducted under section 3503.24 of the 4167
Revised Code with regard to the provisional voter is held, or 4168
until the eleventh day after the day of the election, whichever is 4169
earlier. 4170

Sec. 3505.19. Any person registered as an elector may be 4171
challenged by any qualified elector as to ~~his~~ the registered 4172
elector's right to vote ~~at any~~ prior to the nineteenth day before 4173
the day of an election. Such qualified elector may, ~~at any time~~ 4174
~~during the year,~~ either by appearing in person at the office of 4175
the board of elections, or by letter addressed to the board, 4176
challenge the right of such registered elector to vote. Any such 4177
challenge must state the ground upon which the challenge is made, 4178
and must be signed by the challenger giving ~~his~~ the challenger's 4179
address and voting precinct. ~~If, after public hearing, of which~~ 4180
~~both the challenger and challenged shall be notified,~~ the board is 4181
satisfied, in accordance with division (B) of section 3503.24 of 4182
the Revised Code, that the challenge is well taken, the director 4183
shall so indicate on the registration cards and ~~he~~ shall so notify 4184
in writing the judges ~~and clerks~~ of the precinct. If such 4185
challenged person offers to vote at such election ~~he,~~ the 4186
challenged person shall be examined as in the case of an original 4187
challenge. If such person establishes, to the satisfaction of the 4188
judges ~~and clerks,~~ that ~~his~~ the person's disabilities have been 4189
removed and that ~~he~~ the person has a right to vote, ~~he~~ the person 4190
shall be permitted to vote. 4191

Sec. 3505.20. Any person offering to vote may be challenged 4192
at the polling place ~~by any challenger, any elector then lawfully~~ 4193

~~in the polling place, or by any judge or clerk of elections. If~~ 4194
the board of elections has ruled on the question presented by a 4195
challenge prior to election day, its finding and decision shall be 4196
final and the presiding judge shall be notified in writing. If the 4197
board has not ruled, the question shall be determined as set forth 4198
in this section. If any person is so challenged as unqualified to 4199
vote, the presiding judge shall tender the person the following 4200
oath: "You do swear or affirm under penalty of election 4201
falsification that you will fully and truly answer all of the 4202
following questions put to you, ~~touching your place of residence~~ 4203
~~and concerning~~ your qualifications as an elector at this 4204
election." 4205

(A) If the person is challenged as unqualified on the ground 4206
that the person is not a citizen, the judges shall put the 4207
following questions: 4208

(1) Are you a citizen of the United States? 4209

(2) Are you a native or naturalized citizen? 4210

(3) Where were you born? 4211

(4) What official documentation do you possess to prove your 4212
citizenship? Please provide that documentation. 4213

If the person offering to vote claims to be a naturalized 4214
citizen of the United States, the person shall, before the vote is 4215
received, ~~either~~ produce for inspection of the judges a 4216
certificate of naturalization and declare under oath that the 4217
person is the identical person named therein, ~~or state under oath~~ 4218
~~when and where the person was naturalized, that the person has had~~ 4219
~~a certificate of the person's naturalization, and that it is lost,~~ 4220
~~destroyed, or beyond the person's power to produce to the judges.~~ 4221
If the person states under oath that, by reason of the 4222
naturalization of the person's parents or one of them, the person 4223
has become a citizen of the United States, and when or where the 4224

person's parents were naturalized, the certificate of 4225
naturalization need not be produced. If the person is unable to 4226
provide a certificate of naturalization on the day of the 4227
election, the judges shall provide to the person, and the person 4228
may vote, a provisional ballot under section 3505.181 of the 4229
Revised Code. The provisional ballot shall not be counted unless 4230
it is properly completed and the board of elections determines 4231
that the voter is properly registered and eligible to vote in the 4232
election. 4233

(B) If the person is challenged as unqualified on the ground 4234
that the person has not resided in this state for thirty days 4235
immediately preceding the election, the judges shall put the 4236
following questions: 4237

(1) Have you resided in this state for thirty days 4238
immediately preceding this election? If so, where have you 4239
resided? ~~Name two persons who know of your place of residence.~~ 4240

(2) ~~Have you been absent from this state within the thirty~~ 4241
~~days immediately preceding this election? If yes, then the~~ 4242
~~following questions:~~ 4243

~~(a) Have you continuously resided outside this state for a~~ 4244
~~period of four years or more?~~ 4245

~~(b) Did you, while absent, look upon and regard this state as~~ 4246
~~your home?~~ 4247

~~(c) Did you, while absent, vote in any other state? Did you~~ 4248
~~properly register to vote?~~ 4249

(3) Can you provide some form of identification containing 4250
your current mailing address in this precinct? Please provide that 4251
identification. 4252

(4) Have you voted or attempted to vote at any other location 4253
in this or in any other state at this election? 4254

(5) Have you applied for an absent voter's ballot in any state for this election? 4255
4256

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. 4257
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(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~~ the person offers to vote, the judges shall put the following questions: 4264
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(1) ~~Do you now reside in this county?~~ 4268

~~(2)~~ Do you ~~now~~ reside in this precinct? 4269

(2) When did you move into this precinct? 4270

(3) When you came into this precinct, did you come for a temporary purpose merely or for the purpose of making it your home? 4271
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(4) What is your current mailing address? 4274

(5) Do you have some official identification containing your current address in this precinct? Please provide that identification. 4275
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(6) Have you voted or attempted to vote at any other location in this or in any other state at this election? 4278
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(7) Have you applied for any absent voter's ballot in any state for this election? 4280
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The judges shall direct an individual who is not in the appropriate polling place to the appropriate polling place. If the 4282
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individual refuses to go to the appropriate polling place, or if 4284
the judges are unable to verify the person's eligibility to cast a 4285
ballot in the election, the judges shall provide to the person, 4286
and the person may vote, a provisional ballot under section 4287
3505.181 of the Revised Code. The provisional ballot shall not be 4288
counted unless it is properly completed and the board of elections 4289
determines that the voter is properly registered and eligible to 4290
vote in the election. 4291

(D) If the person is challenged as unqualified on the ground 4292
that the person is not of legal voting age, the judges shall put 4293
the following ~~question~~ questions: 4294

(1) Are you eighteen years of age or more to the best of your 4295
knowledge and belief? 4296

(2) What is your date of birth? 4297

(3) Do you have some official identification verifying your 4298
age? Please provide that identification. 4299

If the judges are unable to verify the person's age and 4300
eligibility to cast a ballot in the election, the judges shall 4301
provide to the person, and the person may vote, a provisional 4302
ballot under section 3505.181 of the Revised Code. The provisional 4303
ballot shall not be counted unless it is properly completed and 4304
the board of elections determines that the voter is properly 4305
registered and eligible to vote in the election. 4306

The presiding judge shall put such other questions to the 4307
person challenged ~~under respective heads designated by this~~ 4308
~~section~~, as are necessary to ~~test~~ determine the person's 4309
qualifications as an elector at the election. If a person 4310
challenged refuses to answer fully any question put to the person, 4311
is unable to answer the questions as they were answered on the 4312
registration form by the person under whose name the person offers 4313
to vote, refuses to sign the person's name or make the person's 4314

mark, or if for any other reason a majority of the judges believes 4315
the person is not entitled to vote, the judges shall ~~refuse the~~ 4316
~~person a ballot. If a person is disqualified under division (C) of~~ 4317
~~this section because the person does not now reside in the county~~ 4318
~~or precinct, the presiding judge shall inform the person of the~~ 4319
~~person's right to vote in the person's proper county or precinct~~ 4320
~~of residence and instruct the person to contact the appropriate~~ 4321
~~board of elections for information concerning the location of the~~ 4322
~~person's voting precinct provide to the person, and the person may~~ 4323
~~vote, a provisional ballot under section 3505.181 of the Revised~~ 4324
~~Code. The provisional ballot shall not be counted unless it is~~ 4325
~~properly completed and the board of elections determines that the~~ 4326
~~voter is properly registered and eligible to vote in the election.~~ 4327

A qualified citizen who has certified the citizen's intention 4328
to vote for president and vice-president as provided by Chapter 4329
3504. of the Revised Code shall be eligible to receive only the 4330
ballot containing presidential and vice-presidential candidates. 4331

~~The decision of said judges shall be final as to the right of~~ 4332
~~the person challenged to vote at such election.~~ 4333

However, prior to the nineteenth day before the day of an 4334
election and in accordance with section 3503.24 of the Revised 4335
Code, any person qualified to vote may challenge the right of any 4336
other person to be registered as a voter, or the right to cast an 4337
absent voter's ballot, or to make application for such ballot. 4338
Such challenge shall be made in accordance with section 3503.24 of 4339
the Revised Code and the board of elections of the county in which 4340
the voting residence of the challenged voter is situated shall 4341
make a final determination relative to the legality of such 4342
registration or application. 4343

Sec. 3505.21. At any primary, special, or general election, 4344
any political party supporting candidates to be voted upon at such 4345

election and any group of five or more candidates may appoint to 4346
~~the board of elections or to any of the polling places precincts~~ 4347
in the county or city one person, a qualified elector, who shall 4348
serve as ~~challenger~~ observer for such party or such candidates 4349
during the casting ~~of the ballots,~~ and ~~one person, a qualified~~ 4350
~~elector, who shall serve as witness during the~~ counting of the 4351
ballots; provided that ~~one such person~~ separate observers may be 4352
appointed to serve as ~~both challenger and witness~~ during the 4353
casting and during the counting of the ballots. No candidate, no 4354
uniformed peace officer as defined by section 2935.01 of the 4355
Revised Code, no uniformed state highway patrol trooper, no 4356
uniformed member of any fire department, no uniformed member of 4357
the armed services, no uniformed member of the organized militia, 4358
no person wearing any other uniform and no person carrying a 4359
firearm or other deadly weapon shall serve as ~~a witness or~~ 4360
~~challenger~~ an observer, nor shall any candidate be represented by 4361
more than one ~~challenger and one witness~~ observer at any one 4362
~~polling place precinct~~ except that a candidate who is a member of 4363
a party controlling committee, as defined in section 3517.03 of 4364
the Revised Code, may serve as ~~a witness or challenger~~ an 4365
observer. Any political party or group of candidates appointing 4366
~~witnesses or challengers~~ observers shall notify the board of 4367
elections of the names and addresses of its appointees and the 4368
~~polling places precincts~~ at which they shall serve. Notification 4369
shall take place not less than eleven days before the election on 4370
forms prescribed by the secretary of state and may be amended by 4371
filing an amendment with the board of elections at any time until 4372
four p.m. of the day before the election. The ~~challenger and~~ 4373
~~witness~~ observer serving on behalf of a political party shall be 4374
appointed in writing by the ~~chairman~~ chairperson and secretary of 4375
the respective controlling party committees. ~~Challengers and~~ 4376
~~witnesses~~ Observers serving for any five or more candidates shall 4377
have their certificates signed by such candidates. ~~Challengers and~~ 4378

~~witnesses so~~ Observers appointed to a precinct may file their 4379
certificates of appointment with the presiding judge of the 4380
precinct at the meeting on the evening prior to the election, or 4381
with the presiding judge of the precinct on the day of the 4382
election. ~~Witnesses shall not be admitted to the booths before the~~ 4383
~~closing of the polls except for the purpose of filing their~~ 4384
~~certificates.~~ Upon the filing of a certificate the person named as 4385
~~challenger~~ observer therein shall be permitted to be in and about 4386
the polling place for the precinct during the casting of the 4387
ballots and shall be permitted to watch every proceeding of the 4388
judges ~~and clerks~~ of elections from the time of the opening until 4389
the closing of the polls. ~~Any such witnesses so appointed~~ The 4390
observer also may inspect the counting of ~~the~~ all ballots in the 4391
~~precinct~~ polling place or board of elections from the time of the 4392
closing of the polls until the counting is completed and the final 4393
returns are certified and signed. Observers appointed to the board 4394
of elections under this section may observe at the board of 4395
elections and may observe at any precinct in the county. The 4396
judges of elections shall protect such ~~challengers and witnesses~~ 4397
observers in all of the rights and privileges granted to them by 4398
Title XXXV of the Revised Code. 4399

No persons other than the judges ~~and clerks~~ of elections, the 4400
~~witnesses~~ observers, a police officer, other persons who are 4401
detailed to any precinct on request of the board of elections, or 4402
the secretary of state or ~~his~~ the secretary of state's legal 4403
representative shall be admitted to the polling place or board of 4404
elections after the closing of the polls until the counting, 4405
certifying, and signing of the final returns of each election have 4406
been completed. 4407

Not later than eleven days prior to an election at which 4408
questions are to be submitted to a vote of the people, any 4409
committee which in good faith advocates or opposes a measure may 4410

file a petition with the board of any county asking that such
petitioners be recognized as the committee entitled to appoint
~~witnesses~~ observers to the count at such election. If more than
one committee alleging themselves to advocate or oppose the same
measure file such petitions, the board shall decide and announce
by registered mail to each committee not less than three days
immediately preceding the election which committee is entitled to
appoint such ~~witnesses~~ observers. Such decision shall not be
final, but any aggrieved party may institute mandamus proceedings
in the court of common pleas of the county wherein such board has
jurisdiction to compel the judges of elections to accept the
appointees of such aggrieved party. Any such recognized committee
may appoint ~~a challenger and a witness~~ an observer to the count in
each precinct. Committees appointing ~~witnesses or challengers~~
observers shall notify the board of elections of the names and
addresses of its appointees and the ~~polling places~~ precincts at
which they shall serve. Notification shall take place not less
than eleven days before the election on forms prescribed by the
secretary of state and may be amended by filing an amendment with
the board of elections at any time until four p.m. on the day
before the election. A person so appointed shall file ~~his~~ the
person's certificate of appointment with the presiding judge in
the precinct in which ~~he~~ the person has been appointed to serve.
~~Witnesses~~ Observers shall file their certificates before the polls
are closed. In no case shall more than six ~~such challengers and~~
~~six witnesses~~ observers be appointed for any one election in any
one precinct. If more than three questions are to be voted on, the
committees which have appointed ~~challengers and witnesses~~
observers may agree upon not to exceed six ~~challengers and six~~
~~witnesses~~ observers, and the judges of elections shall appoint
such ~~challengers and witnesses~~ observers. If such committees fail
to agree, the judges of elections shall appoint six ~~challengers~~
~~and six witnesses~~ observers from the appointees so certified, in

such manner that each side of the several questions shall be 4444
represented. 4445

No person shall serve as ~~a witness or challenger~~ an observer 4446
at any ~~polling place~~ precinct unless the board of elections of the 4447
county in which such ~~witness or challenger~~ observer is to serve 4448
has first been notified of the name, address, and ~~polling place~~ 4449
precinct at which such ~~witness or challenger~~ observer is to serve. 4450
Notification to the board of elections shall be given by the 4451
political party, group of candidates, or committee appointing such 4452
~~witness or challenger~~ observer as prescribed in this section. No 4453
such ~~challengers and witnesses~~ observers shall receive any 4454
compensation from the county, municipal corporation, or township, 4455
and they shall take the following oath, to be administered by one 4456
of the judges of elections: 4457

"You do solemnly swear that you will faithfully and 4458
impartially discharge the duties as an official ~~challenger and~~ 4459
~~witness~~ observer, assigned by law; that you will not cause any 4460
delay to persons offering to vote, further than is necessary to 4461
procure satisfactory information of their qualification as 4462
electors; and that you will not disclose or communicate to any 4463
person how any elector has voted at such election." 4464

Sec. 3505.22. If any precinct officer, ~~challenger, or other~~ 4465
~~elector~~ has reason to believe that a person is impersonating an 4466
elector, then such person, before ~~he is~~ being given a ballot, 4467
shall be questioned as to ~~his~~ the person's right to vote, and 4468
shall be required to sign ~~his~~ the person's name or make ~~his~~ the 4469
person's mark in ink on a card to be provided therefor. If, in the 4470
opinion of a majority of the precinct officers, the signature is 4471
not that of the person who signed such name in the registration 4472
forms, then such person ~~may~~ shall be ~~refused~~ permitted to cast a 4473
provisional ballot under section 3505.181 of the Revised Code. 4474

~~Such person may appeal to the board of elections and if the board
finds that he is eligible to vote, an order instructing the
precinct officer to permit him to vote shall be given to such
person. Such order shall be recognized by such precinct officers
when presented and signed and such person shall be permitted to
vote.~~

Sec. 3505.25. No judge ~~or clerk~~ of elections, ~~challenger~~
observer, or police officer admitted into the polling rooms at the
election, at any time while the polls are open, shall have in ~~his~~
the individual's possession, distribute, or give out any ballot or
ticket to any person on any pretense during the receiving,
counting, or certifying of the votes, or have any ballot or ticket
in ~~his~~ the individual's possession or control, except in the
proper discharge of ~~his~~ the individual's official duty in
receiving, counting, or canvassing the votes. This section does
not prevent the lawful exercise by a judge ~~or clerk~~ of elections,
~~witness~~, or ~~challenger~~ observer of ~~his~~ the individual right to
vote at such election.

Sec. 3505.26. At the time for closing the polls, the
presiding judge shall by proclamation announce that the polls are
closed.

The judges ~~and clerks~~ shall then in the presence of ~~witnesses~~
observers proceed as follows:

(A) Count the number of electors who voted, as shown on the
pollbooks.

(B) Count the unused ballots without removing stubs.

(C) Count the soiled and defaced ballots.

(D) Insert the totals of (A), (B), and (C) on the report
forms provided therefor in the pollbook.

(E) Count the voted ballots. If the number of voted ballots 4504
exceeds the number of voters whose names appear upon the 4505
pollbooks, the presiding judge shall enter on the pollbooks an 4506
explanation of such discrepancy, and such explanation, if agreed 4507
to, shall be subscribed to by all of the judges ~~and clerks~~. Any 4508
judge ~~or clerk~~ having a different explanation shall enter it in 4509
the pollbooks and subscribe to it. 4510

(F) Put the unused ballots with stubs attached, and soiled 4511
and defaced ballots with stubs attached, in the envelopes or 4512
containers provided therefor, certify the number, and then proceed 4513
to count and tally the votes in the manner prescribed by section 4514
3505.27 of the Revised Code and certify the result of the election 4515
to the board of elections. 4516

Sec. 3505.27. Unless otherwise ordered by the secretary of 4517
state or the board of elections, the counting and tallying of 4518
ballots shall be conducted according to procedures prescribed by 4519
the board of elections that assure an accurate count of all votes 4520
cast and that include all of the following: 4521

(A) The counting and tallying of ballots at the appropriate 4522
office, as designated by the board, in the full view of members of 4523
the board and ~~witnesses~~ observers; 4524

(B) The recording on a worksheet or other appropriate 4525
document of the number of votes cast for each candidate and the 4526
number of votes cast for and against each question or issue; 4527

(C) The periodic reporting to the public and the office of 4528
the secretary of state of the number of votes cast for each 4529
candidate and the number of votes cast for and against each 4530
question or issue as tallied at the time of the report; 4531

(D) An examination and verification by the appropriate 4532
authority, as designated by the board, of the votes so tallied and 4533

recorded in the pollbook under section 3505.26 of the Revised Code. 4534
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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. 4536
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All work sheets that are prepared at the polling locations shall be preserved and placed inside the pollbook and returned to the board. 4541
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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 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." 4544
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Sec. 3505.32. (A) Except as otherwise provided in division (D) of this section, not earlier than the eleventh day or later than the fifteenth day after a general or special election or, if a special election was held on the day of a presidential primary election, not earlier than the twenty-first day or later than the twenty-fifth day after the special election, the board of elections shall begin to canvass the election returns from the precincts in which electors were entitled to vote at that election. It shall continue the canvass daily until it is completed and the results of the voting in that election in each of the precincts are determined. 4553
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The board shall complete the canvass not later than the date 4564
~~set by the secretary of state under division (U) of section~~ 4565
~~3501.05 of the Revised Code~~ twenty-first day after the day of the 4566
election, or if a special election was held on the day of a 4567
presidential primary election, not later than the thirty-first day 4568
after the day of the special election. ~~Sixty~~ Eighty-one days after 4569
~~the date set by~~ day of ~~the secretary of state for the completion~~ 4570
~~of the canvass~~ election, or ninety-one days after the day of a 4571
special election held on the day of the presidential primary 4572
election, the canvass of election returns shall be deemed final, 4573
and no amendments to the canvass may be made after that date. The 4574
secretary of state may specify an earlier date upon which the 4575
canvass of election returns shall be deemed final, and after which 4576
amendments to the final canvass may not be made, if so required by 4577
federal law. 4578

(B) The county executive committee of each political party, 4579
each committee designated in a petition nominating an independent 4580
or nonpartisan candidate for election at an election, each 4581
committee designated in a petition to represent the petitioners 4582
pursuant to which a question or issue was submitted at an 4583
election, and any committee opposing a question or issue submitted 4584
at an election that was permitted by section 3505.21 of the 4585
Revised Code to have a qualified elector serve as ~~a witness~~ an 4586
observer during the counting of the ballots at each polling place 4587
at an election may designate a qualified elector who may be 4588
present and may ~~witness~~ observe the making of the official 4589
canvass. 4590

(C) The board shall first open all envelopes containing 4591
uncounted ballots and shall count and tally them. 4592

In connection with its investigation of any apparent or 4593
suspected error or defect in the election returns from a polling 4594
place, the board may cause subpoenas to be issued and served 4595

requiring the attendance before it of the election officials of 4596
that polling place, and it may examine them under oath regarding 4597
the manner in which the votes were cast and counted in that 4598
polling place, or the manner in which the returns were prepared 4599
and certified, or as to any other matters bearing upon the voting 4600
and the counting of the votes in that polling place at that 4601
election. 4602

Finally, the board shall open the sealed container containing 4603
the ballots that were counted in the polling place at the election 4604
and count those ballots, during the official canvass, in the 4605
presence of all of the members of the board and any other persons 4606
who are entitled to witness the official canvass. 4607

(D) Prior to the tenth day after a primary, general, or 4608
special election, the board may examine the pollbooks, poll lists, 4609
and tally sheets received from each polling place for its files 4610
and may compare the results of the voting in any polling place 4611
with the summary statement received from the polling place. If the 4612
board finds that any of these records or any portion of them is 4613
missing, or that they are incomplete, not properly certified, or 4614
ambiguous, or that the results of the voting in the polling place 4615
as shown on the summary statement from the polling place are 4616
different from the results of the voting in the polling place as 4617
shown by the pollbook, poll list, or tally sheet from the polling 4618
place, or that there is any other defect in the records, the board 4619
may make whatever changes to the pollbook, poll list, or tally 4620
sheet it determines to be proper in order to correct the errors or 4621
defects. 4622

Sec. 3506.01. As used in this chapter and Chapters 3501., 4623
3503., 3505., 3509., 3511., 3513., 3515., 3517., 3519., 3521., 4624
3523., and 3599. of the Revised Code: 4625

(A) "Marking device" means an apparatus operated by a voter 4626

to record the voter's choices through the piercing or marking of
ballots enabling them to be examined and counted by automatic
tabulating equipment.

(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.

(C) "Automatic tabulating equipment" means a machine or
electronic device, or interconnected or interrelated machines or
electronic devices, that will automatically examine and count
votes recorded on ballots.

(D) "Central counting station" means a location, or one of a
number of locations, designated by the board of elections for the
automatic examining, sorting, or counting of ballots.

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

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

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

(H) "Voter verified paper audit trail" means a physical paper
printout on which the voter's ballot choices, as registered by a
direct recording electronic voting machine, are recorded. The
voter shall be permitted to visually or audibly inspect the
contents of the physical paper printout. The physical paper

printout shall be securely retained at the polling place until the
close of the polls on the day of the election; the secretary of
state shall adopt rules under Chapter 119. of the Revised Code
specifying the manner of storing the physical paper printout at
the polling place. After the physical paper printout is produced,
but before the voter's ballot is recorded, the voter shall have an
opportunity to accept or reject the contents of the printout as
matching the voter's ballot choices. If a voter rejects the
contents of the physical paper printout, the system that produces
the voter verified paper audit trail shall invalidate the printout
and permit the voter to recast the voter's ballot. On and after
the first federal election that occurs after January 1, 2006,
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.

Sec. 3506.05. (A) As used in this section, except when used
as part of the phrase "tabulating equipment" or "automatic
tabulating equipment":

(1) "Equipment" means a voting machine, marking device,
automatic tabulating equipment, or software.

(2) "Vendor" means the person that owns, manufactures,
distributes, or has the legal right to control the use of
equipment, or the person's agent.

(B) No voting machine, marking device, automatic tabulating
equipment, or software for the purpose of casting or tabulating
votes or for communications among systems involved in the
tabulation, storage, or casting of votes shall be purchased,
leased, put in use, or continued to be used, except for
experimental use as provided in division (B) of section 3506.04 of

the Revised Code, unless it, a manual of procedures governing its use, and training materials, service, and other support arrangements have been certified by the secretary of state and unless the board of elections of each county where the equipment will be used has assured that a demonstration of the use of the equipment has been made available to all interested electors. The secretary of state shall appoint a board of voting machine examiners to examine and approve equipment and its related manuals and support arrangements. The board shall consist of one competent and experienced election officer and two persons who are knowledgeable about the operation of such equipment, who shall serve during the secretary of state's term.

For the member's service, each member of the board shall receive three hundred dollars per day for each combination of marking device, tabulating equipment, and voting machine examined and reported, but in no event shall a member receive more than six hundred dollars to examine and report on any one marking device, item of tabulating equipment, or voting machine. Each member of the board shall be reimbursed for expenses the member incurs during an examination or during the performance of any related duties that may be required by the secretary of state. Reimbursement of these expenses shall be made in accordance with, and shall not exceed, the rates provided for under section 126.31 of the Revised Code.

Neither the secretary of state nor the board, nor any public officer who participates in the authorization, examination, testing, or purchase of equipment, shall have any pecuniary interest in the equipment or any affiliation with the vendor.

(C)(1) A vendor who desires to have the secretary of state certify equipment shall first submit the equipment, all current related procedural manuals, and a current description of all related support arrangements to the board of voting machine

examiners for examination, testing, and approval. The submission 4720
shall be accompanied by a fee of eighteen hundred dollars and a 4721
detailed explanation of the construction and method of operation 4722
of the equipment, a full statement of its advantages, and a list 4723
of the patents and copyrights used in operations essential to the 4724
processes of vote recording and tabulating, vote storage, system 4725
security, and other crucial operations of the equipment as may be 4726
determined by the board. An additional fee, in an amount to be set 4727
by rules promulgated by the board, may be imposed to pay for the 4728
costs of alternative testing or testing by persons other than 4729
board members, record-keeping, and other extraordinary costs 4730
incurred in the examination process. Moneys not used shall be 4731
returned to the person or entity submitting the equipment for 4732
examination. 4733

(2) Fees collected by the secretary of state under this 4734
section shall be deposited into the state treasury to the credit 4735
of the board of voting machine examiners fund, which is hereby 4736
created. All moneys credited to this fund shall be used solely for 4737
the purpose of paying for the services and expenses of each member 4738
of the board or for other expenses incurred relating to the 4739
examination, testing, reporting, or certification of voting 4740
machine devices, the performance of any related duties as required 4741
by the secretary of state, or the reimbursement of any person 4742
submitting an examination fee as provided in this chapter. 4743

(D) Within sixty days after the submission of the equipment 4744
and payment of the fee, or as soon thereafter as is reasonably 4745
practicable, but in any event within not more than ninety days 4746
after the submission and payment, the board of voting machine 4747
examiners shall examine the equipment and file with the secretary 4748
of state a written report on the equipment with its 4749
recommendations and its determination or condition of approval 4750
regarding whether the equipment, manual, and other related 4751

materials or arrangements meet the criteria set forth in sections 4752
3506.07 and 3506.10 of the Revised Code and can be safely used by 4753
the voters at elections under the conditions prescribed in Title 4754
XXXV of the Revised Code, or a written statement of reasons for 4755
which testing requires a longer period. The board may grant 4756
temporary approval for the purpose of allowing experimental use of 4757
equipment. If the board finds that the equipment meets the 4758
criteria set forth in sections 3506.06, 3506.07, and 3506.10 of 4759
the Revised Code, can be used safely and can be depended upon to 4760
record and count accurately and continuously the votes of 4761
electors, and has the capacity to be warranted, maintained, and 4762
serviced, it shall approve the equipment and recommend that the 4763
secretary of state certify the equipment. The secretary of state 4764
shall notify all boards of elections of any such certification. 4765
Equipment of the same model and make, if it provides for recording 4766
of voter intent, system security, voter privacy, retention of 4767
vote, and communication of voting records in an identical manner, 4768
may then be adopted for use at elections. 4769

(E) The vendor shall notify the secretary of state, who shall 4770
then notify the board of voting machine examiners, of any 4771
enhancement and any significant adjustment to the hardware or 4772
software that could result in a patent or copyright change or that 4773
significantly alters the methods of recording voter intent, system 4774
security, voter privacy, retention of the vote, communication of 4775
voting records, and connections between the system and other 4776
systems. The vendor shall provide the secretary of state with an 4777
updated operations manual for the equipment, and the secretary of 4778
state shall forward the manual to the board. Upon receiving such a 4779
notification and manual, the board may require the vendor to 4780
submit the equipment to an examination and test in order for the 4781
equipment to remain certified. The board or the secretary of state 4782
shall periodically examine, test, and inspect certified equipment 4783

to determine continued compliance with the requirements of this 4784
chapter and the initial certification. Any examination, test, or 4785
inspection conducted for the purpose of continuing certification 4786
of any equipment in which a significant problem has been uncovered 4787
or in which a record of continuing problems exists shall be 4788
performed pursuant to divisions (C) and (D) of this section, in 4789
the same manner as the examination, test, or inspection is 4790
performed for initial approval and certification. 4791

(F) If, at any time after the certification of equipment, the 4792
board of voting machine examiners or the secretary of state is 4793
notified by a board of elections of any significant problem with 4794
the equipment or determines that the equipment fails to meet the 4795
requirements necessary for approval or continued compliance with 4796
the requirements of this chapter, or if the board of voting 4797
machine examiners determines that there are significant 4798
enhancements or adjustments to the hardware or software, or if 4799
notice of such enhancements or adjustments has not been given as 4800
required by division (E) of this section, the secretary of state 4801
shall notify the users and vendors of that equipment that 4802
certification of the equipment may be withdrawn. 4803

(G)(1) The notice given by the secretary of state under 4804
division (F) of this section shall be in writing and shall specify 4805
both of the following: 4806

(a) The reasons why the certification may be withdrawn; 4807

(b) The date on which certification will be withdrawn unless 4808
the vendor takes satisfactory corrective measures or explains why 4809
there are no problems with the equipment or why the enhancements 4810
or adjustments to the equipment are not significant. 4811

(2) A vendor who receives a notice under division (F) of this 4812
section shall, within thirty days after receiving it, submit to 4813
the board of voting machine examiners in writing a description of 4814

the corrective measures taken and the date on which they were
taken, or the explanation required under division (G)(1)(b) of
this section.

(3) Not later than fifteen days after receiving a written
description or explanation under division (G)(2) of this section
from a vendor, the board shall determine whether the corrective
measures taken or the explanation is satisfactory to allow
continued certification of the equipment, and the secretary of
state shall send the vendor a written notice of the board's
determination, specifying the reasons for it. If the board has
determined that the measures taken or the explanation given is
unsatisfactory, the notice shall include the effective date of
withdrawal of the certification. This date may be different from
the date originally specified in division (G)(1)(b) of this
section.

(4) A vendor who receives a notice under division (G)(3) of
this section indicating a decision to withdraw certification may,
within thirty days after receiving it, request in writing that the
board hold a hearing to reconsider its decision. Any interested
party shall be given the opportunity to submit testimony or
documentation in support of or in opposition to the board's
recommendation to withdraw certification. Failure of the vendor to
take appropriate steps as described in division (G)(1)(b) or to
comply with division (G)(2) of this section results in a waiver of
the vendor's rights under division (G)(4) of this section.

(H)(1) The secretary of state, in consultation with the board
of voting machine examiners, shall establish, by rule, guidelines
for the approval, certification, and continued certification of
the voting machines, marking devices, and tabulating equipment to
be used under Title XXXV of the Revised Code. The guidelines shall
establish procedures requiring vendors or computer software
developers to place in escrow with an independent escrow agent

approved by the secretary of state a copy of all source code and
related documentation, together with periodic updates as they
become known or available. The secretary of state shall require
that the documentation include a system configuration and that the
source code include all relevant program statements in low- or
high-level languages. As used in this division, "source code" does
not include variable codes created for specific elections.

(2) Nothing in any rule adopted under division (H) of this
section shall be construed to limit the ability of the secretary
of state to follow or adopt, or to preclude the secretary of state
from following or adopting, any guidelines proposed by the federal
election commission, any entity authorized by the federal election
commission to propose guidelines, the election assistance
commission, or any entity authorized by the election assistance
commission to propose guidelines.

(3)(a) Before the initial certification of any direct
recording electronic voting machine with a voter verified paper
audit trail, and as a condition for the continued certification
and use of those machines, the secretary of state shall establish,
by rule, standards for the certification of those machines. Those
standards shall include, but are not limited to, all of the
following:

(i) A definition of a voter verified paper audit trail as a
paper record of the voter's choices that is verified by the voter
prior to the casting of the voter's ballot and that is securely
retained by the board of elections;

(ii) Requirements that the voter verified paper audit trail
shall not be retained by any voter and shall not contain
individual voter information;

(iii) A prohibition against the production by any direct
recording electronic voting machine of anything that legally could

be removed by the voter from the polling place, such as a receipt 4878
or voter confirmation; 4879

(iv) A requirement that paper used in producing a voter 4880
verified paper audit trail be sturdy, clean, and resistant to 4881
degradation; 4882

(v) A requirement that the voter verified paper audit trail 4883
shall be capable of being optically scanned for the purpose of 4884
conducting a recount or other audit of the voting machine and 4885
shall be readable in a manner that makes the voter's ballot 4886
choices obvious to the voter without the use of computer or 4887
electronic codes; 4888

(vi) A requirement, for office-type ballots, that the voter 4889
verified paper audit trail include the name of each candidate 4890
selected by the voter; 4891

(vii) A requirement, for questions and issues ballots, that 4892
the voter verified paper audit trail include the title of the 4893
question or issue, the name of the entity that placed the question 4894
or issue on the ballot, and the voter's ballot selection on that 4895
question or issue, but not the entire text of the question or 4896
issue. 4897

(b) The secretary of state, by rule adopted under Chapter 4898
119. of the Revised Code, may waive the requirement under division 4899
(H)(3)(a)(v) of this section, if the secretary of state determines 4900
that the requirement is cost prohibitive. 4901

Sec. 3506.12. In counties where marking devices, automatic 4902
tabulating equipment, voting machines, or any combination of these 4903
are in use or are to be used, the board of elections: 4904

(A) May combine, rearrange, and enlarge precincts; but the 4905
board shall arrange for a sufficient number of these devices to 4906
accommodate the number of electors in each precinct as determined 4907

by the number of votes cast in that precinct at the most recent 4908
election for the office of governor, taking into consideration the 4909
size and location of each selected polling place, available 4910
parking, handicap accessibility and other accessibility to the 4911
polling place, and the number of candidates and issues to be voted 4912
on. Notwithstanding section 3501.22 of the Revised Code, the board 4913
may appoint more than four precinct officers to each precinct if 4914
this is made necessary by the number of voting machines to be used 4915
in that precinct. 4916

(B) Except as otherwise provided in this division, shall 4917
establish one or more counting stations to receive voted ballots 4918
and other precinct election supplies after the polling precincts 4919
are closed. Those stations shall be under the supervision and 4920
direction of the board of elections. Processing and counting of 4921
voted ballots, and the preparation of summary sheets, shall be 4922
done in the presence of ~~witnesses~~ observers approved by the board. 4923
A certified copy of the summary sheet for the precinct shall be 4924
posted at each counting station immediately after completion of 4925
the summary sheet. 4926

In counties where punch card ballots are used, one or more 4927
counting stations, located at the board of elections, shall be 4928
established, at which location all punch card ballots shall be 4929
counted. 4930

As used in this division, "punch card ballot" has the same 4931
meaning as in section 3506.16 of the Revised Code. 4932

Sec. 3506.13. In precincts where marking devices, automatic 4933
tabulating equipment, voting machines, or any combination of these 4934
are used, ~~challengers and witnesses~~ observers may be appointed as 4935
prescribed in section 3505.21 of the Revised Code. The duties and 4936
privileges of ~~challengers~~ observers in such precincts during the 4937
hours the polls are open, shall be as provided in section 3505.21 4938

of the Revised Code. 4939

~~Challengers~~ Observers shall be allowed to remain in the 4940
polling place after the polls close and may observe the processing 4941
of the ballots and the sealing and signing of the envelopes or 4942
containers or both containing the voted ballots. 4943

~~Witnesses shall not be allowed in the polling place, but 4944
shall file their certificates of appointment at the proper 4945
counting station after the polls close, and may observe all 4946
functions there. 4947~~

Sec. 3506.19. On and after the first federal election that 4948
occurs after January 1, 2006, unless required sooner by the Help 4949
America Vote Act of 2002, each polling location shall have 4950
available for use at all elections at least one direct recording 4951
electronic voting machine or marking device that is accessible for 4952
individuals with disabilities, including nonvisual accessibility 4953
for the blind and visually impaired, in a manner that provides the 4954
same opportunity for access and participation, including privacy 4955
and independence, as for other voters. 4956

Sec. 3506.21. (A) As used in this section, "optical scan 4957
ballot" means a ballot that is marked by using a specified writing 4958
instrument to fill in a designated position to record a voter's 4959
candidate, question, or issue choice and that can be scanned and 4960
electronically read in order to tabulate the vote. 4961

(B)(1) In addition to marks that can be scanned and 4962
electronically read by automatic tabulating equipment, any of the 4963
following marks, if a majority of those marks are made in a 4964
consistent manner throughout an optical scan ballot, shall be 4965
counted as a valid vote: 4966

(a) A candidate, question, or issue choice that has been 4967
underlined by the voter; 4968

(b) A candidate, question, or issue choice that has been circled by the voter; 4969
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(c) An arrow or oval beside the candidate, question, or issue choice that has been circled by the voter; 4971
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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; 4973
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(e) A candidate, question, or issue choice that has been marked with a writing instrument that cannot be recognized by automatic tabulating equipment. 4976
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(2) Marks made on an optical scan ballot in accordance with division (B)(1) of this section shall be counted as valid votes only if that optical scan ballot contains no marks that can be scanned and electronically read by automatic tabulating equipment. 4979
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(C) The secretary of state may adopt rules under Chapter 119. of the Revised Code to authorize additional types of optical scan ballots and to specify the types of marks on those ballots that shall be counted as a valid vote to ensure consistency in the counting of ballots throughout the state. 4983
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Sec. 3509.02. (A) Any qualified elector ~~who meets any of the following qualifications~~ may vote by absent voter's ballots at an election: 4988
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~~(1) The elector is sixty two years of age or older.~~ 4991

~~(2) The elector's employment as a full time fire fighter, full time peace officer as defined in division (B) of section 2935.01 of the Revised Code, or full time provider of emergency medical services may prevent the elector from voting at the elector's polling place on the day of the election.~~ 4992
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~~(3) The elector is a member of the organized militia, serving~~ 4997

~~on active duty within this state, and will be unable to vote on
election day on account of that active duty.~~ 4998
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~~(4) The elector will be absent from the elector's polling
place on the day of an election because of the elector's entry or
the entry of a member of the elector's family into a hospital for
medical or surgical treatment.~~ 5000
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~~(5) The elector is confined in a jail or workhouse under
sentence for a misdemeanor or is awaiting trial on a felony or
misdemeanor charge.~~ 5004
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~~(6) The elector will be unable to vote on the day of an
election on account of observance of the elector's religious
belief.~~ 5007
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~~(7) The elector will be absent from the county in which the
elector's voting residence is located on the day of an election.~~ 5010
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~~(8) The elector has a physical disability, illness, or
infirmity.~~ 5012
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(B) Any qualified elector who is unable to appear at the
office of the board of elections or other location designated by
the board on account of personal illness, physical disability, or
infirmity, and who moves from one precinct to another within a
county ~~or~~, changes ~~his or her~~ the elector's name and moves from
one precinct to another within the a county, or moves from one
county to another county within the state, on or prior to the day
of a general, primary, or special election and has not filed a
notice of change of residence or change of name may vote by absent
voter's ballots in that election as specified in division (B) ~~or~~
(G) of section 3503.16 of the Revised Code. ~~Any qualified elector
who moves from one county to another county within the state on or
prior to the day of the election at which the elector offers to
vote and has not filed a notice of change of residence may vote by
absent voter's ballots at that election as specified in division~~ 5014
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~~(C) of section 3503.16 of the Revised Code.~~ 5029

~~(C) The secretary of state, an employee of the secretary of state, a member or employee of the board of elections or any person hired by the board to work at the office of the board temporarily for a specific election, or a polling place official, who is a qualified elector may vote by absent voter's ballots. Application shall be made to the board of elections of the county where his voting residence is situated.~~ 5030
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Sec. 3509.03. Except as provided in ~~division (B) or (C) of section 3503.16,~~ section 3509.031, or division (B) of section 3509.08 of the Revised Code, any person qualified elector desiring to vote absent voter's ballots at an election shall make written application for such ballots to the director of elections of the county in which ~~such person's~~ the elector's voting residence is located. The application need not be in any particular form but shall contain ~~words which, liberally construed, indicate the request for ballots, the election for which such ballots are requested, and, if the request is for primary election ballots, the person's party affiliation.~~ The application for such ballots shall state that the person requesting the ballots is a qualified elector, and the reason for the person's absence from the polls on election day. The application shall include sufficient information to enable the director to determine the precinct in which the applicant's voting residence is located and shall be signed by the applicant. If the applicant desires ballots to be mailed to the applicant, the application shall state the mailing address all of the following: 5037
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(A) The elector's name; 5056

(B) The elector's signature; 5057

(C) The address at which the elector is registered to vote; 5058

<u>(D) The elector's date of birth;</u>	5059
<u>(E) One of the following:</u>	5060
<u>(1) The elector's driver's license number;</u>	5061
<u>(2) The last four digits of the elector's social security number;</u>	5062 5063
<u>(3) A copy of the elector's current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector.</u>	5064 5065 5066 5067
<u>(F) A statement identifying the election for which absent voter's ballots are requested;</u>	5068 5069
<u>(G) A statement that the person requesting the ballots is a qualified elector;</u>	5070 5071
<u>(H) If the request is for primary election ballots, the elector's party affiliation;</u>	5072 5073
<u>(I) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed.</u>	5074 5075
A voter who will be outside the United States on the day of any election during a calendar year may use a single federal post card application to apply for absent voter's ballots. Such ballots shall be sent to the voter for use at the primary and general elections in that year and any special election to be held on the day in that year specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, designated by the general assembly for the purpose of submitting constitutional amendments proposed by the general assembly to the voters of the state unless the voter reports a change in the voter's voting status to the board of elections or the voter's intent to vote in any such election in the precinct in this state where he <u>the voter</u> is registered to vote. Such an <u>A single federal</u>	5076 5077 5078 5079 5080 5081 5082 5083 5084 5085 5086 5087 5088

postcard application shall be processed by the board of elections 5089
pursuant to section 3509.04 of the Revised Code the same as if the 5090
voter had applied separately for absent voter's ballots for each 5091
election. When mailing absent voter's ballots to a voter who 5092
applied for them by single federal post card application, the 5093
board shall enclose notification to the voter that the voter must 5094
report to the board subsequent changes in the voter's voting 5095
status or the voter's subsequent intent to vote in any such 5096
election in the precinct in this state where the voter is 5097
registered to vote. Such notification shall be in a form 5098
prescribed by the secretary of state. As used in this section, 5099
"voting status" means the voter's name at the time the voter 5100
applied for absent voter's ballots by single federal post card 5101
application and the voter's address outside the United States to 5102
which the voter requested that such ballots be sent. 5103

Each application for absent voter's ballots shall be 5104
delivered to the director not earlier than the first day of 5105
January of the year of the elections for which the absent voter's 5106
ballots are requested or not earlier than ninety days before the 5107
day of the election at which the ballots are to be voted, 5108
whichever is earlier, and not later than twelve noon of the third 5109
day before the day of the election at which such ballots are to be 5110
voted, or not later than the close of regular business hours on 5111
the day before the day of the election at which the absent voter's 5112
ballots are to be voted if the application is delivered in person 5113
to the office of the board. 5114

Sec. 3509.031. (A) Any qualified elector who is a member of 5115
the organized militia called to active duty within the state of 5116
Ohio and who will be unable to vote on election day on account of 5117
such active duty may make written application for absent voter's 5118
ballots to the director of elections for the county in which ~~his~~ 5119
the elector's voting residence is located. The elector may 5120

personally deliver such application to the director or may mail, 5121
send it by facsimile machine, or otherwise send it to the 5122
director. Such application need not be in any particular form but 5123
shall contain ~~the applicant's signature. The application need only~~ 5124
~~contain words which, liberally construed, indicate the request for~~ 5125
~~ballots, the election for which such ballots are requested and, if~~ 5126
~~the request is for primary election ballots, the party affiliation~~ 5127
~~of the applicant. The applicant should indicate that the applicant~~ 5128
~~is a qualified elector, and that the applicant is a member of the~~ 5129
~~organized militia serving on active duty within the state of Ohio.~~ 5130
Sufficient information should be included to enable the director 5131
to determine the precinct in which his voting residence is 5132
located. If the applicant desires that such ballots be mailed to 5133
him, the application shall state the address to which they shall 5134
be mailed. If the applicant desires that the absent voter's 5135
ballots be sent to the applicant by facsimile machine, the 5136
application shall state all of the following: 5137

(1) The elector's name; 5138

(2) The elector's signature; 5139

(3) The address at which the elector is registered to vote; 5140

(4) The elector's date of birth; 5141

(5) One of the following: 5142

(a) The elector's driver's license number; 5143

(b) The last four digits of the elector's social security 5144
number; 5145

(c) A copy of the elector's current and valid photo 5146
identification or a copy of a current utility bill, bank 5147
statement, government check, paycheck, or other government 5148
document that shows the name and address of the elector. 5149

(6) A statement identifying the election for which absent 5150

voter's ballots are requested; 5151

(7) A statement that the person requesting the ballots is a qualified elector; 5152
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(8) A statement that the elector is a member of the organized militia serving on active duty within the state of Ohio; 5154
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(9) If the request is for primary election ballots, the elector's party affiliation; 5156
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(10) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed; 5158
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(11) If the elector desires ballots to be sent to the elector by facsimile machine, the telephone number to which they shall be so sent. 5160
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(B) Application to have ~~such~~ absent voter's ballots mailed or sent by facsimile machine to ~~such person~~ a qualified elector who is a member of the organized militia called to active duty within the state of Ohio who will be unable to vote on election day on account of such active duty may be made by the spouse of the militia member, 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 person. The application shall be in writing upon a blank form furnished only by the director. The form of the application shall be prescribed by the secretary of state. The director shall furnish such blank form to any of the relatives specified in this section, desiring to make such application, only upon the request of such relative in person at the office of the board or upon the written request of such relative mailed to the office of the board. Such application, subscribed and sworn to by such applicant, shall contain all of the following: 5163
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(A) Full <u>(1) The full name of person the elector</u> for whom	5181
ballots are requested;	5182
(B) Statement <u>(2) A statement</u> that such person is a qualified	5183
elector and that such person has a residence in the county and	5184
information as to the location of such voting residence;	5185
(C) Statement that such person <u>(3) The address at which the</u>	5186
<u>elector is registered to vote;</u>	5187
<u>(4) The elector's date of birth;</u>	5188
<u>(5) One of the following:</u>	5189
<u>(a) The elector's driver's license number;</u>	5190
<u>(b) The last four digits of the elector's social security</u>	5191
<u>number;</u>	5192
<u>(c) A copy of the elector's current and valid photo</u>	5193
<u>identification or a copy of a current utility bill, bank</u>	5194
<u>statement, government check, paycheck, or other government</u>	5195
<u>document that shows the name and address of the elector.</u>	5196
<u>(6) A statement identifying the election for which absent</u>	5197
<u>voter's ballots are requested;</u>	5198
<u>(7) A statement that the elector</u> is a member of the organized	5199
militia serving on active duty within the state of Ohio;	5200
(D) Statement <u>(8) If the request is for primary election</u>	5201
<u>ballots, the elector's party affiliation;</u>	5202
<u>(9) A statement</u> that <u>the</u> applicant bears a relationship to	5203
such person <u>the elector</u> as specified in <u>division (B) of this</u>	5204
<u>section;</u>	5205
(E) Election for which ballots are requested, and, if for a	5206
primary election, party affiliation of persons for whom ballots	5207
are requested;	5208
(F) Address <u>(10) The address</u> to which ballots shall be mailed	5209

or telephone number to which ballots shall be sent by facsimile machine; 5210
5211

~~(G) Signature~~ (11) The signature and address of the person making the application. 5212
5213

(C) Applications to have absent voter's ballots mailed or sent by facsimile machine shall not be valid if dated, postmarked, or received by the director prior to the ninetieth day before the day of the election for which ballots are requested or if delivered to such director later than twelve noon of the third day preceding the day of such election. If, after the ninetieth day and before four p.m. of the day before the day of an election, a valid application for absent voter's ballots is delivered to the director of elections at the office of the board by a militia member making such application in ~~his~~ the militia member's own behalf, the director shall forthwith deliver to such militia member all absent voter's ballots then ready for use, together with an identification envelope. Such militia member shall then vote such ballots in the manner provided in section 3509.05 of the Revised Code. 5214
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Sec. 3509.04. (A) If a director of a board of elections receives an application for absent voter's ballots that does not contain all of the required information, the director promptly shall notify the applicant of the additional information required to be provided by the applicant to complete that application. 5229
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(B) Upon receipt by the director of elections of an application for absent voter's ballots that contain all of the required information, as provided by sections 3509.03 and 3509.031~~7~~ and division (G) of section 3503.16~~7~~ of the Revised Code, the director, if the director finds that the applicant is a qualified elector ~~and is entitled to vote absent voter's ballots as applied for in the application~~, shall deliver to the applicant 5234
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in person or mail directly to the applicant by special delivery 5241
mail, air mail, or regular mail, postage prepaid, proper absent 5242
voter's ballots. ~~The director shall give proper absent voter's~~ 5243
~~ballots to any qualified elector who presents self to vote at the~~ 5244
~~office of the board of elections or at another location designated~~ 5245
~~by the board as provided in division (B) or (C) of section 3503.16~~ 5246
~~of the Revised Code.~~ The director shall give, deliver, or mail 5247
with the ballots an unsealed identification envelope upon the face 5248
of which shall be printed a form substantially as follows: 5249

"Identification Envelope Statement of Voter 5250

I, ~~the undersigned voter~~(Name of 5251
voter), declare under penalty of election falsification that the 5252
within ballot or ballots contained no voting marks of any kind 5253
when I received them, and I caused the ballot or ballots to be 5254
marked, enclosed in the identification envelope, and sealed in 5255
that envelope. 5256

My voting residence in Ohio is 5257

..... 5258

(Street and Number, if any, or Rural Route and Number) 5259

of (City, Village, or Township) 5260

Ohio, which is in Ward Precinct 5261

in that city, village, or township. 5262

~~.....I am a qualified elector of the state of Ohio. (Applicant~~ 5263

~~must check the true statement concerning the applicant's~~ 5264

~~reason for voting by absent voter's ballots)~~ 5265

~~.....I shall be absent from the county on the day of the election.~~ 5266

~~.....I shall be outside the United States on the day of the~~ 5267

~~election. (Applicants who check this statement must also~~ 5268

~~check the appropriate box on the enclosed return envelope to~~ 5269

~~indicate that they will be outside the United States.)~~ 5270

.....I shall be absent from my polling place on the day of the	5271
election due to my entry or the entry of a member of my	5272
family into a hospital for medical or surgical treatment.	5273
.....I shall be absent from my polling place on the day of the	5274
election due to physical illness, disability, or infirmity.	5275
.....My employment as a full time fire fighter, peace officer, or	5276
provider of emergency medical services may prevent me from	5277
voting at my polling place on the day of the election.	5278
.....I shall be absent from my polling place on the day of the	5279
election because I am on active duty with the organized	5280
militia in the state of Ohio.	5281
.....I shall be unable to vote on election day because of	5282
observance of my religious belief.	5283
.....I am the secretary of state.	5284
.....I am an employee of the secretary of state.	5285
.....I am a member of the board of elections.	5286
.....I am an employee of or person temporarily hired by the board	5287
of elections.	5288
.....I am a polling place official.	5289
.....I shall be absent from my polling place on the day of the	5290
election due to my confinement in a jail or workhouse under	5291
sentence for a misdemeanor or awaiting trial on a felony or	5292
misdemeanor.	5293
.....I am sixty two years of age or older.	5294
.....I moved from one precinct to another in the same county or	5295
from one county to another on or prior to the day of an	5296
election and did not file a notice of change of residence.	5297
.....I changed my name on or prior to the day of an election and	5298
did not file a notice of change of name.	5299

The primary election ballots, if any, within this envelope 5300
are primary election ballots of the Party. 5301

Ballots contained ~~herein~~ within this envelope are to be voted 5302
at the (general, special, or primary) election to be 5303
held on the day of 5304
....., 5305

My date of birth is (Month and Day), 5306
..... (Year). 5307

(Voter must provide one of the following:) 5308

My driver's license number is (Driver's 5309
license number). 5310

The last four digits of my Social Security Number are 5311
..... (Last four digits of Social Security Number). 5312

..... In lieu of providing a driver's license number or the 5313
last four digits of my Social Security Number, I am enclosing a 5314
copy of one of the following in the return envelope in which this 5315
identification envelope will be mailed: a current and valid photo 5316
identification or a current utility bill, bank statement, 5317
government check, paycheck, or other government document that 5318
shows my name and address. 5319

I hereby declare, under penalty of election falsification, 5320
that the statements above are true, as I verily believe. 5321

..... 5322

(Signature of Voter) 5323

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 5324
THE FIFTH DEGREE." 5325

The director shall mail with the ballots and the unsealed 5326
identification envelope ~~that the director mails~~ an unsealed return 5327
envelope upon the face of which shall be printed the official 5328
title and post-office address of ~~such~~ the director. In the upper 5329

left corner on the face of ~~such~~ the return envelope, several blank 5330
lines shall be printed upon which the voter may write the voter's 5331
name and return address, and beneath these lines there shall be 5332
printed a box beside the words "check if out-of-country." The 5333
voter shall check this box if the voter will be outside the United 5334
States on the day of the election. The return envelope shall be of 5335
such size that the identification envelope can be conveniently 5336
placed within it for returning ~~such~~ the identification envelope to 5337
the director. 5338

Sec. 3509.05. (A) When an elector receives an absent voter's 5339
ballot, pursuant to ~~his~~ the elector's application or request 5340
~~therefor, is received by the elector, he~~ the elector shall, before 5341
placing any marks ~~thereon~~ on the ballot, note whether there are 5342
any voting marks on ~~the ballot~~ it. ~~In the event~~ If there are any 5343
voting marks, the ballot shall be returned immediately to the 5344
board of elections; otherwise ~~he~~ the elector shall cause the 5345
ballot to be marked, folded in ~~such~~ a manner that the stub ~~thereon~~ 5346
on it and the indorsements and facsimile signatures of the members 5347
of the board of elections on the back ~~thereof~~ of it are visible, 5348
and placed and sealed within the identification envelope received 5349
from the director of elections for that purpose. Then, the elector 5350
shall cause the statement of voter on the outside of the 5351
identification envelope to be completed and signed, under penalty 5352
of election falsification. 5353

If the elector does not provide the elector's driver's 5354
license number or the last four digits of the elector's social 5355
security number on the statement of voter on the identification 5356
envelope, the elector also shall include in the return envelope 5357
with the identification envelope a copy of the elector's current 5358
valid photo identification or a copy of a current utility bill, 5359
bank statement, government check, paycheck, or other government 5360
document that shows the name and address of the elector. 5361

The elector shall ~~then~~ mail the identification envelope to 5362
the director from whom it was received in the return envelope, 5363
postage prepaid, or ~~he~~ the elector may personally deliver it to 5364
the director, or the spouse of the elector, the father, mother, 5365
father-in-law, mother-in-law, grandfather, grandmother, brother, 5366
or sister of the whole or half blood, or the son, daughter, 5367
adopting parent, adopted child, stepparent, stepchild, uncle, 5368
aunt, nephew, or niece of the elector may deliver it to the 5369
director, ~~but the~~. The return envelope shall be transmitted to the 5370
director in no other manner, except as provided in section 3509.08 5371
of the Revised Code. 5372

Each elector who will be outside the United States on the day 5373
of the election shall check the box on the return envelope 5374
indicating this fact. 5375

When absent voter's ballots are delivered to an elector at 5376
the office of the board, the elector may retire to a voting 5377
compartment provided by the board and there mark the ballots. 5378
Thereupon ~~he~~ the elector shall fold them, place them in the 5379
identification envelope provided, seal the ~~identification~~ 5380
envelope, fill in and sign the statement ~~thereon~~ on the envelope 5381
under penalty of election falsification, and deliver the envelope 5382
to the director of the board. 5383

Except as otherwise provided in divisions (B) and (C) of this 5384
section, all other envelopes containing marked absent voter's 5385
ballots, shall be delivered to the director not later than the 5386
close of the polls on the day of an election. Absent voter's 5387
ballots delivered to the director later than the times specified 5388
shall not be counted, but shall be kept by the board in the sealed 5389
identification envelopes in which they are delivered to the 5390
director, until the time provided by section 3505.31 of the 5391
Revised Code for the destruction of all other ballots used at the 5392
election for which ballots were provided, at which time they shall 5393

be destroyed. 5394

(B) Except as otherwise provided in division (C) of this 5395
section, any return envelope that indicates that the voter will be 5396
outside the United States on the day of the election shall be 5397
delivered to the director prior to the eleventh day after the 5398
election. Ballots delivered in such envelopes that are received 5399
after the close of the polls on election day through the tenth day 5400
thereafter shall be counted on the eleventh day at the board of 5401
elections in the manner provided in divisions (C) and (D) of 5402
section 3509.06 of the Revised Code. Any such ballots that are 5403
signed or postmarked after the close of the polls on the day of 5404
the election or that are received by the director later than the 5405
tenth day following the election shall not be counted, but shall 5406
be kept by the board in the sealed identification envelopes as 5407
provided in division (A) of this section. 5408

(C) In any year in which a presidential primary election is 5409
held, any return envelope that indicates that the voter will be 5410
outside the United States on the day of the presidential primary 5411
election shall be delivered to the director prior to the 5412
twenty-first day after that election. Ballots delivered in such 5413
envelopes that are received after the close of the polls on 5414
election day through the twentieth day thereafter shall be counted 5415
on the twenty-first day at the board of elections in the manner 5416
provided in divisions (C) and (D) of section 3509.06 of the 5417
Revised Code. Any such ballots that are signed or postmarked after 5418
the close of the polls on the day of that election or that are 5419
received by the director later than the twentieth day following 5420
that election shall not be counted, but shall be kept by the board 5421
in the sealed identification envelopes as provided in division (A) 5422
of this section. 5423

Sec. 3509.06. (A) The board of elections shall determine 5424

whether absent voter's ballots shall be counted in each precinct, 5425
at the office of the board, or at some other location designated 5426
by the board, and shall proceed accordingly under division (B) or 5427
(C) of this section. 5428

(B) When the board of elections determines that absent 5429
voter's ballots shall be counted in each precinct, the director 5430
shall deliver to the presiding judge of each precinct on election 5431
day identification envelopes purporting to contain absent voter's 5432
ballots of electors whose voting residence appears from the 5433
statement of voter on the outside of each of such envelopes, to be 5434
located in such presiding judge's precinct, and which were 5435
received by the director not later than the close of the polls on 5436
election day. The director shall deliver to such presiding judge a 5437
list containing the name and voting residence of each person whose 5438
voting residence is in such precinct to whom absent voter's 5439
ballots were mailed. 5440

(C) When the board of elections determines that absent 5441
voter's ballots shall be counted at the office of the board of 5442
elections or at another location designated by the board, special 5443
election judges shall be appointed by the board for that purpose 5444
having the same authority as is exercised by precinct judges. The 5445
votes so cast shall be added to the vote totals by the board, and 5446
the absentee ballots shall be preserved separately by the board, 5447
in the same manner and for the same length of time as provided by 5448
section 3505.31 of the Revised Code. 5449

(D) Each of the envelopes purporting to contain absent 5450
voter's ballots delivered to the presiding judge of the precinct 5451
or the special judge appointed by the board of elections shall be 5452
handled as follows: ~~The judge shall announce the name of the~~ 5453
~~elector who appears to have signed the statement of voter on the~~ 5454
~~outside of such envelope. In counties in which absent voter's~~ 5455
~~ballots are counted in each precinct, election officials shall~~ 5456

compare the signature of the elector on the outside of such 5457
envelope ~~shall be compared~~ with the signature of such elector on 5458
~~his~~ the elector's registration form and verify that the absent 5459
voter's ballot is eligible to be counted under section 3509.07 of 5460
the Revised Code. Any ~~appointed challenger or any~~ of the precinct 5461
officials may challenge the right of the elector named on such 5462
identification envelope to vote such absent voter's ballots upon 5463
the ground that the signature on such envelope is not the same as 5464
the signature on such registration form, or upon any other of the 5465
grounds upon which the right of persons to vote may be lawfully 5466
challenged. If no such challenge is made, or if such a challenge 5467
is made and not sustained, the presiding judge shall open the 5468
envelope without defacing the statement of voter and without 5469
mutilating the ballots therein, and shall remove the ballots 5470
contained therein and proceed to count them. 5471

The name of each person voting who is entitled to vote only 5472
an absent voter's presidential ballot shall be entered in a 5473
pollbook or poll list or signature pollbook followed by the words 5474
"Absentee Presidential Ballot." The name of each person voting an 5475
absent voter's ballot, other than such persons entitled to vote 5476
only a presidential ballot, shall be entered in the pollbook or 5477
poll list or signature pollbook and ~~his~~ the person's registration 5478
card marked to indicate that ~~he~~ the person has voted. 5479

The date of such election shall also be entered on the 5480
elector's registration form. If any such challenge is made and 5481
sustained, the identification envelope of such elector shall not 5482
be opened and shall be endorsed "Not Counted" with the reasons 5483
therefor, and shall be delivered to the board. 5484

(E) Special election judges ~~or~~, employees or members of the 5485
board of elections, or observers shall not disclose the count or 5486
any portion of the count of absent voter's ballots prior to the 5487
time of the closing of the polling places. No person shall 5488

recklessly disclose the count or any portion of the count of 5489
absent voter's ballots in such a manner as to jeopardize the 5490
secrecy of any individual ballot. 5491

(F) Observers may be appointed under section 3505.21 of the 5492
Revised Code to witness the examination and the opening of 5493
identification envelopes and the counting of absent voter's 5494
ballots under this section. 5495

Sec. 3509.07. If election officials find that the statement 5496
accompanying an absent voter's ballot or absent voter's 5497
presidential ballot is insufficient, that the signatures do not 5498
correspond with the person's registration signature, that the 5499
applicant is not a qualified elector in the precinct, that the 5500
ballot envelope contains more than one ballot of any one kind, or 5501
any voted ballot that the elector is not entitled to vote, ~~or~~ that 5502
Stub A is detached from the absent voter's ballot or absent 5503
voter's presidential ballot, or that the elector has not included 5504
with the elector's ballot any identification required under 5505
section 3509.05 or 3511.09 of the Revised Code, the vote shall not 5506
be accepted or counted. The vote of any absent voter may be 5507
challenged for cause in the same manner as other votes are 5508
challenged, and the election officials shall determine the 5509
legality of that ballot. Every ballot not counted shall be 5510
indorsed on its back "Not Counted" with the reasons the ballot was 5511
not counted, and shall be enclosed and returned to or retained by 5512
the board of elections along with the contested ballots. 5513

Sec. 3509.08. (A) Any qualified elector, who, on account of 5514
the elector's own personal illness, physical disability, or 5515
infirmity, or on account of the elector's confinement in a jail or 5516
workhouse under sentence for a misdemeanor or awaiting trial on a 5517
felony or misdemeanor, will be unable to travel from the elector's 5518
home or place of confinement to the voting booth in the elector's 5519

precinct on the day of any general, special, or primary election 5520
may make application in writing for an absent voter's ballot to 5521
the director of the board of elections of the elector's county 5522
~~stating.~~ The application shall include all of the information 5523
required under section 3509.03 of the Revised Code and shall state 5524
the nature of the elector's illness, physical disability, or 5525
infirmity, or the fact that the elector is confined in a jail or 5526
workhouse and the elector's resultant inability to travel to the 5527
election booth in the elector's precinct on election day. The 5528
application shall not be valid if it is delivered to the ~~clerk~~ 5529
director before the ninetieth day or after twelve noon of the 5530
third day before the day of the election at which ~~such ballots are~~ 5531
the ballot is to be voted. 5532

The ~~absentee ballots~~ absent voter's ballot may be mailed 5533
directly to the applicant at the applicant's voting residence or 5534
place of confinement as stated in the applicant's application, or 5535
the board may designate two board employees belonging to the two 5536
major political parties, for the purpose of delivering the ~~ballots~~ 5537
ballot to the disabled or confined elector and returning ~~them~~ it 5538
to the board, unless the applicant is confined to a public or 5539
private institution within the county, in which case the board 5540
shall designate two such employees for the purpose of delivering 5541
the ~~ballots~~ ballot to the disabled or confined elector and 5542
returning ~~them~~ it to the board. In all other instances, the 5543
~~ballots~~ ballot shall be returned to the office of the board in the 5544
manner prescribed in section 3509.05 of the Revised Code. 5545

Any disabled or confined elector who declares to the two 5546
employees that the elector is unable to mark the elector's ballot 5547
by reason of physical infirmity, ~~and such physical infirmity that~~ 5548
is apparent to the employees to be sufficient to incapacitate the 5549
voter from marking ~~his~~ the elector's ballot properly, may receive, 5550
upon request, ~~receive~~ the assistance of the two employees in 5551

marking the elector's ballot, and they shall thereafter give no 5552
information in regard to this matter. Such assistance shall not be 5553
rendered for any other cause. 5554

When two board employees deliver ~~ballots~~ a ballot to a 5555
disabled or confined elector, each of the employees shall be 5556
present when the ~~ballots are~~ ballot is delivered, when assistance 5557
is given, and when the ~~ballots are~~ ballot is returned to the 5558
office of the board, and shall subscribe to the declaration on the 5559
identification envelope. 5560

The secretary of state shall prescribe the form of 5561
application for absent voter's ballots under this division ~~(A) of~~ 5562
~~this section.~~ 5563

~~Chapter 3509. of the Revised Code~~ This chapter applies to 5564
disabled and confined absent voter's ballots except as otherwise 5565
provided in this section. 5566

(B)(1) Any qualified elector who is unable to travel to the 5567
voting booth in the elector's precinct on the day of any general, 5568
special, or primary election because of being confined in a 5569
hospital as a result of an accident or unforeseeable medical 5570
emergency occurring before the election, may apply to the director 5571
of the board of elections of the county where the elector is a 5572
qualified elector to vote in the election by absent voter's 5573
ballot. This application shall be made in writing, shall include 5574
all of the information required under section 3509.03 of the 5575
Revised Code, and shall be delivered to the director not later 5576
than three p.m. on the day of the election. The application shall 5577
indicate the hospital where the applicant is confined, the date of 5578
the applicant's admission to the hospital, and the offices for 5579
which the applicant is qualified to vote, ~~and, if the applicant is~~ 5580
~~requesting to vote in a primary election, the applicant's party~~ 5581
~~affiliation.~~ The applicant may also request that a member of the 5582
applicant's family, as listed in section 3509.05 of the Revised 5583

Code, deliver the absent voter's ballot to the applicant. The 5584
director, after establishing to the director's satisfaction the 5585
validity of the circumstances claimed by the applicant, shall 5586
supply an absent voter's ballot to be delivered to the applicant. 5587
When the applicant is in a hospital in the county where the 5588
applicant is a qualified elector and no request is made for a 5589
member of the family to deliver the ballot, the director shall 5590
arrange for the delivery of an absent voter's ballot to the 5591
applicant, and for its return to the office of the board, by two 5592
employees according to the procedures prescribed in division (A) 5593
of this section. When the applicant is in a hospital outside the 5594
county where the applicant is a qualified elector and no request 5595
is made for a member of the family to deliver the ballot, the 5596
director shall arrange for the delivery of an absent voter's 5597
ballot to the applicant by mail, and the ballot shall be returned 5598
to the office of the board in the manner prescribed in section 5599
3509.05 of the Revised Code. 5600

(2) Any qualified elector who is eligible to vote under 5601
division (B) or (C) of section 3503.16 of the Revised Code but is 5602
unable to do so because of the circumstances described in division 5603
(B)(1) of this section may vote in accordance with division (B)(1) 5604
of this section if that qualified elector states in the 5605
application for absent voter's ballots that that qualified elector 5606
moved or had a change of name under the circumstances described in 5607
division (B) or (C) of section 3503.16 of the Revised Code and if 5608
that qualified elector complies with divisions (G)(1) to (4) of 5609
section 3503.16 of the Revised Code. 5610

(C) Any qualified elector described in division (A) or (B)(1) 5611
of this section who needs no assistance to vote or to return 5612
absent voter's ballots to the board of elections may apply for 5613
absent voter's ballots under section 3509.03 of the Revised Code 5614
instead of applying for them under this section. 5615

Sec. 3509.09. (A) The poll list or signature pollbook for 5616
each precinct shall identify both of the following: 5617

(1) Each registered elector in that precinct who has 5618
requested an absent voter's ballot for that election; 5619

(2) Each registered elector in that precinct who has returned 5620
a sealed identification envelope purporting to contain the 5621
elector's voted absent voter's ballot for that election to the 5622
director of the board of elections of that county. 5623

(B)(1) If a registered elector appears to vote in that 5624
precinct and that elector has requested an absent voter's ballot 5625
for that election but the director has not received a sealed 5626
identification envelope purporting to contain that elector's voted 5627
absent voter's ballots for that election, the elector shall be 5628
permitted to cast a provisional ballot under section 3505.181 of 5629
the Revised Code in that precinct on the day of that election. 5630

(2) If a registered elector appears to vote in that precinct 5631
and that elector has requested an absent voter's ballot for that 5632
election and the director has received a sealed identification 5633
envelope purporting to contain that elector's voted absent voter's 5634
ballots for that election, the elector shall be permitted to cast 5635
a provisional ballot under section 3505.181 of the Revised Code in 5636
that precinct on the day of that election. 5637

(C)(1) In counting absent voter's ballots under section 5638
3509.06 of the Revised Code, the board of elections or the 5639
precinct election officials shall compare the poll list or the 5640
signature pollbook for each precinct with the name of each elector 5641
in that precinct from whom the director has received a sealed 5642
identification envelope purporting to contain that elector's voted 5643
absent voter's ballots for that election. Except as otherwise 5644
provided in division (C)(2) of this section, if the board of 5645

elections determines that an elector who cast a provisional ballot 5646
in the precinct on the day of the election also returned a sealed 5647
identification envelope for that election, the absent voter's 5648
ballot in the sealed identification envelope shall be counted, and 5649
the provisional ballot cast in the precinct on the day of the 5650
election shall not be counted. 5651

(2) The board of elections shall count the provisional 5652
ballot, instead of the absent voter's ballot, of an elector from 5653
whom the director has received an identification envelope 5654
purporting to contain that elector's voted absent voter's ballots, 5655
if both of the following apply: 5656

(a) The board of elections determines that the signature of 5657
the elector on the outside of the identification envelope in which 5658
the absent voter's ballots are enclosed does not match the 5659
signature of the elector on the elector's registration form; 5660

(b) The elector cast a provisional ballot in the precinct on 5661
the day of the election. 5662

If the board of elections counts a provisional ballot under 5663
this division, the identification envelope of that elector shall 5664
not be opened and the ballots within that envelope shall not be 5665
counted. The identification envelope shall be endorsed "Not 5666
Counted" with the reason the ballot was not counted. 5667

Sec. 3511.02. Any Notwithstanding any section of the Revised 5668
Code to the contrary notwithstanding, whenever any person applies 5669
for registration as a voter on a form adopted in accordance with 5670
federal regulations relating to the "Uniformed and Overseas 5671
Citizens Absentee Voting Act," 100 Stat. 924, 42 U.S.C.A. 1973ff 5672
(1986), this application shall be sufficient for voter 5673
registration and as a request for an ~~absentee~~ absent voter's 5674
ballot. Armed service absent voter's ballots may be obtained by 5675

any person meeting the requirements of section 3511.01 of the Revised Code by applying to the director of the board of elections of the county in which the person's voting residence is located, in one of the following ways:

(A) That person may make written application for such ballots. The person may personally deliver the application to the director or may mail, send it by facsimile machine, or otherwise send it to the director. The application need not be in any particular form but shall contain ~~the applicant's signature. The application need only contain words that, liberally construed, indicate the request for ballots; the election for which such ballots are requested, and, if the request is for primary election ballots, the person's party affiliation; that the person is serving in the armed forces of the United States or is the spouse or dependent of a person serving in the armed forces of the United States; and the length of residence in the state immediately preceding the commencement of service, or immediately preceding the date of leaving to be with or near the service member, as the case may be, and sufficient information to enable the director to determine the precinct in which the residence is located. If the person desires that such ballots be mailed to the person, the application shall state the address to which they shall be mailed. If the person desires that such ballots be sent to the person by facsimile machine, the application shall state all of the following information:~~

(1) The elector's name;

(2) The elector's signature;

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

(4) The elector's date of birth;

(5) One of the following:

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

<u>(b) The last four digits of the elector's social security number;</u>	5707 5708
<u>(c) A copy of the elector's current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector.</u>	5709 5710 5711 5712
<u>(6) A statement identifying the election for which absent voter's ballots are requested;</u>	5713 5714
<u>(7) A statement that the person requesting the ballots is a qualified elector;</u>	5715 5716
<u>(8) A statement that the elector is serving in the armed forces of the United States or is the spouse or dependent of a person serving in the armed forces of the United States;</u>	5717 5718 5719
<u>(9) A statement of 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 the service member, whichever is applicable;</u>	5720 5721 5722 5723
<u>(10) If the request is for primary election ballots, the elector's party affiliation;</u>	5724 5725
<u>(11) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;</u>	5726 5727
<u>(12) If the elector desires ballots to be sent to the elector by facsimile machine, the telephone number to which they shall be so sent.</u>	5728 5729 5730
<u>(B)</u> A voter or any relative of a voter listed in division (B) (C) of this section may use a single federal post card application to apply for armed service absent voter's ballots for use at the primary and general elections in a given year and any special election to be held on the day in that year specified by division (E) of section 3501.01 of the Revised Code for the	5731 5732 5733 5734 5735 5736

holding of a primary election, designated by the general assembly 5737
for the purpose of submitting constitutional amendments proposed 5738
by the general assembly to the voters of the state. ~~Such an A~~ 5739
single federal postcard application shall be processed by the 5740
board of elections pursuant to section 3511.04 of the Revised Code 5741
the same as if the voter had applied separately for armed service 5742
absent voter's ballots for each election. 5743

~~(B)~~(C) Application to have such ballots mailed or sent by 5744
facsimile machine to such person may be made by the spouse when 5745
the person is a service member, or by the father, mother, 5746
father-in-law, mother-in-law, grandfather, grandmother, brother or 5747
sister of the whole blood or half blood, son, daughter, adopting 5748
parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, 5749
or niece of such person. Such application shall be in writing upon 5750
a blank form furnished only by the director or on a single federal 5751
post card as provided in division ~~(A)~~(B) of this section. The form 5752
of such application shall be prescribed by the secretary of state. 5753
The director shall furnish such blank form to any of the relatives 5754
specified in this section, desiring to make such application, only 5755
upon the request of such relative made in person at the office of 5756
the board or upon the written request of such relative mailed to 5757
the office of the board. Such application, subscribed and sworn to 5758
by such applicant, shall contain all of the following: 5759

(1) ~~Full~~ The full name of ~~person~~ the elector for whom ballots 5760
are requested; 5761

(2) ~~Statement~~ A statement that ~~such person~~ the elector is 5762
serving in the armed forces of the United States or that ~~such~~ 5763
~~person~~ the elector is a spouse or dependent of a person serving in 5764
the armed forces of the United States who resides outside this 5765
state for the purpose of being with or near such service member; 5766

(3) ~~Statement that such person has a residence in the county,~~ 5767
~~and information as to the precinct in which it is located and~~ The 5768

<u>address at which the elector is registered to vote;</u>	5769
<u>(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;</u>	5770 5771 5772 5773
(4) Statement <u>(5) The elector's date of birth;</u>	5774
<u>(6) One of the following:</u>	5775
<u>(a) The elector's driver's license number;</u>	5776
<u>(b) The last four digits of the elector's social security number;</u>	5777 5778
<u>(c) A copy of the elector's current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector.</u>	5779 5780 5781 5782
<u>(7) A statement identifying the election for which absent voter's ballots are requested;</u>	5783 5784
<u>(8) A statement that the person requesting the ballots is a qualified elector;</u>	5785 5786
<u>(9) If the request is for primary election ballots, the elector's party affiliation;</u>	5787 5788
<u>(10) A statement that the applicant bears a relationship to such person the elector as specified in division (C) of this section;</u>	5789 5790 5791
(5) Election for which ballots are requested, and, if for a primary election, party affiliation of persons for whom ballots are requested;	5792 5793 5794
(6) Address <u>(11) The address to which ballots shall be mailed or the telephone number to which ballots shall be sent by facsimile machine;</u>	5795 5796 5797

~~(7) Signature~~ (12) The signature and address of the person 5798
making the application. 5799

Each application for armed service absent voter's ballots 5800
shall be delivered to the director not earlier than the first day 5801
of January of the year of the elections for which the armed 5802
service absent voter's ballots are requested or not earlier than 5803
ninety days before the day of the election at which the ballots 5804
are to be voted, whichever is earlier, and not later than twelve 5805
noon of the third day preceding the day of the election, or not 5806
later than the close of regular business hours on the day before 5807
the day of the election at which such ballots are to be voted if 5808
the application is delivered in person to the office of the board. 5809

~~(C)~~(D) If the voter for whom the application is made is 5810
entitled to vote for presidential and vice-presidential electors 5811
only, the applicant shall submit to the director in addition to 5812
the requirements of divisions (A) ~~and~~, (B), and (C) of this 5813
section, a statement to the effect that the voter is qualified to 5814
vote for presidential and vice-presidential electors and for no 5815
other offices. 5816

Sec. 3511.04. ~~Ne~~ (A) If a director of a board of elections 5817
receives an application for armed services absent voter's ballots 5818
that does not contain all of the required information, the 5819
director promptly shall notify the applicant of the additional 5820
information required to be provided by the applicant to complete 5821
that application. 5822

(B) Not later than the twenty-fifth day before the day of 5823
each presidential primary election and not later than the 5824
thirty-fifth day before the day of each general or other primary 5825
election, and at the earliest possible time before the day of a 5826
special election held on a day other than the day on which a 5827
general or primary election is held, the director of the board of 5828

elections shall mail or send by facsimile machine armed service 5829
absent voter's ballots then ready for use as provided for in 5830
section 3511.03 of the Revised Code and for which the director has 5831
received valid applications prior to such time. Thereafter, and 5832
until twelve noon of the third day preceding the day of election, 5833
the director shall promptly, upon receipt of valid applications 5834
~~therefor~~ for them, mail or send by facsimile machine to the proper 5835
persons all armed service absent voter's ballots then ready for 5836
use. 5837

If, after the sixtieth day before the day of a general or 5838
primary election, any other question, issue, or candidacy is 5839
lawfully ordered submitted to the electors voting at ~~such the~~ 5840
general or primary election, the board shall promptly provide a 5841
separate official issue, special election, or other election 5842
ballot for submitting ~~such the~~ question, issue, or candidacy to 5843
~~such those~~ electors, and the director shall promptly mail or send 5844
by facsimile machine each such separate ballot to each person to 5845
whom the director has previously mailed or sent by facsimile 5846
machine other armed service absent voter's ballots. 5847

In mailing armed service absent voter's ballots, the director 5848
shall use the fastest mail service available, but the director 5849
shall not mail them by certified mail. 5850

Sec. 3511.09. Upon receiving armed service absent voter's 5851
ballots, the elector shall cause the questions on the face of the 5852
identification envelope to be answered, and, by writing the 5853
elector's usual signature in the proper place on the 5854
identification envelope, the elector shall declare under penalty 5855
of election falsification that the answers to those questions are 5856
true and correct to the best of the elector's knowledge and 5857
belief. Then, the elector shall note whether there are any voting 5858
marks on the ballot. If there are any voting marks, the ballot 5859

shall be returned immediately to the board of elections; 5860
otherwise, the elector shall cause the ballot to be marked, folded 5861
separately so as to conceal the markings on it, deposited in the 5862
identification envelope, and securely sealed in the identification 5863
envelope. The elector then shall cause the identification envelope 5864
to be placed within the return envelope, sealed in the return 5865
envelope, and mailed to the director of the board of elections to 5866
whom it is addressed. If the elector does not provide the 5867
elector's driver's license number or the last four digits of the 5868
elector's social security number on the statement of voter on the 5869
identification envelope, the elector also shall include in the 5870
return envelope with the identification envelope a copy of the 5871
elector's current valid photo identification or a copy of a 5872
current utility bill, bank statement, government check, paycheck, 5873
or other government document that shows the name and address of 5874
the elector. Each elector who will be outside the United States on 5875
the day of the election shall check the box on the return envelope 5876
indicating this fact and shall mail the return envelope to the 5877
director prior to the close of the polls on election day. 5878

Every armed services absent voter's ballot identification 5879
envelope shall be accompanied by the following statement in 5880
boldface capital letters: WHOEVER COMMITS ELECTION FALSIFICATION 5881
IS GUILTY OF A FELONY OF THE FIFTH DEGREE. 5882

Sec. 3511.13. (A) The poll list or signature pollbook for 5883
each precinct shall identify both of the following: 5884

(1) Each registered elector in that precinct who has 5885
requested an armed services absent voter's ballot for that 5886
election; 5887

(2) Each registered elector in that precinct who has returned 5888
a sealed identification envelope purporting to contain the 5889
elector's voted armed services absent voter's ballot for that 5890

election to the director of the board of elections of that county. 5891

(B)(1) If a registered elector appears to vote in that 5892
precinct and that elector has requested an armed services absent 5893
voter's ballot for that election but the director has not received 5894
a sealed identification envelope purporting to contain that 5895
elector's voted armed services absent voter's ballots for that 5896
election, the elector shall be permitted to cast a provisional 5897
ballot under section 3505.181 of the Revised Code in that precinct 5898
on the day of that election. 5899

(2) If a registered elector appears to vote in that precinct 5900
and that elector has requested an armed services absent voter's 5901
ballot for that election and the director has received a sealed 5902
identification envelope purporting to contain that elector's voted 5903
armed services absent voter's ballots for that election, the 5904
elector shall be permitted to cast a provisional ballot under 5905
section 3505.181 of the Revised Code in that precinct on the day 5906
of that election. 5907

(C)(1) In counting armed services absent voter's ballots 5908
under section 3511.11 of the Revised Code, the board of elections 5909
or the precinct election officials shall compare the poll list or 5910
the signature pollbook for each precinct with the name of each 5911
elector in that precinct from whom the director has received a 5912
sealed identification envelope purporting to contain that 5913
elector's voted armed services absent voter's ballots for that 5914
election. Except as otherwise provided in division (C)(2) of this 5915
section, if the board of elections determines that an elector who 5916
cast a provisional ballot in the precinct on the day of the 5917
election also returned a sealed identification envelope for that 5918
election, the armed services absent voter's ballot in the sealed 5919
identification envelope shall be counted, and the provisional 5920
ballot cast in the precinct on the day of the election shall not 5921
be counted. 5922

(2) The board of elections shall count the provisional ballot, instead of the armed services absent voter's ballot, of an elector from whom the director has received an identification envelope purporting to contain that elector's voted armed services absent voter's ballots, if both of the following apply:

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

(b) The elector cast a provisional ballot in the precinct on the day of the election.

If the board of elections counts a provisional ballot under this division, the identification envelope of that elector shall not be opened and the ballots within that envelope shall not be counted. The identification envelope shall be endorsed "Not Counted" with the reason the ballot was not counted.

Sec. 3513.04. Candidates for party nominations to state, district, county, and municipal offices or positions, for which party nominations are provided by law, and for election as members of party controlling committees shall have their names printed on the official primary ballot by filing a declaration of candidacy and paying the fees specified for the office under divisions (A) and (B) of section 3513.10 of the Revised Code, except that the joint candidates for party nomination to the offices of governor and lieutenant governor shall, for the two of them, file one declaration of candidacy. The joint candidates also shall pay the fees specified for the joint candidates under divisions (A) and (B) of section 3513.10 of the Revised Code.

The secretary of state shall not accept for filing the

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declaration of candidacy of a candidate for party nomination to
the office of governor unless the declaration of candidacy also
shows a joint candidate for the same party's nomination to the
office of lieutenant governor, shall not accept for filing the
declaration of candidacy of a candidate for party nomination to
the office of lieutenant governor unless the declaration of
candidacy also shows a joint candidate for the same party's
nomination to the office of governor, and shall not accept for
filing a declaration of candidacy that shows a candidate for party
nomination to the office of governor or lieutenant governor who,
for the same election, has already filed a declaration of
candidacy or a declaration of intent to be a write-in candidate,
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 county office.

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No person who seeks party nomination for an office or
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.

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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 5984
write-in candidate under this section. Write-in votes shall not be 5985
counted for any candidate who has not filed a declaration of 5986
intent to be a write-in candidate pursuant to this section. A 5987
qualified person who has filed a declaration of intent may receive 5988
write-in votes at either a primary or general election. Any 5989
candidate, ~~except one whose candidacy is to be submitted to~~ 5990
~~electors throughout the entire state,~~ shall file a declaration of 5991
intent to be a write-in candidate before four p.m. of the ~~fiftieth~~ 5992
sixty-second day preceding the election at which such candidacy is 5993
to be considered. If the election is to be determined by electors 5994
of a county or a district or subdivision within the county, such 5995
declaration shall be filed with the board of elections of that 5996
county. If the election is to be determined by electors of a 5997
subdivision located in more than one county, such declaration 5998
shall be filed with the board of elections of the county in which 5999
the major portion of the population of such subdivision is 6000
located. If the election is to be determined by electors of a 6001
district comprised of more than one county but less than all of 6002
the counties of the state, such declaration shall be filed with 6003
the board of elections of the most populous county in such 6004
district. Any candidate for an office to be voted upon by electors 6005
throughout the entire state shall file a declaration of intent to 6006
be a write-in candidate with the secretary of state before four 6007
p.m. of the ~~fiftieth~~ sixty-second day preceding the election at 6008
which such candidacy is to be considered. In addition, candidates 6009
for president and vice-president of the United States shall also 6010
file with the secretary of state by said ~~fiftieth~~ sixty-second day 6011
a slate of presidential electors sufficient in number to satisfy 6012
the requirements of the United States constitution. 6013

A board of elections shall not accept for filing the 6014
declaration of intent to be a write-in candidate of a person 6015
seeking to become a candidate if that person, for the same 6016

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 any federal, state, or
county office, if the declaration of intent to be a write-in
candidate 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 board of an
educational service center, if the declaration of intent to be a
write-in candidate 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.

No person shall file a declaration of intent to be a write-in
candidate for the office of governor unless the declaration also
shows the intent of another person to be a write-in candidate for
the office of lieutenant governor. No person shall file a
declaration of intent to be a write-in candidate for the office of
lieutenant governor unless the declaration also shows the intent
of another person to be a write-in candidate for the office of
governor. No person shall file a declaration of intent to be a
write-in candidate for the office of governor or lieutenant
governor if the person has previously filed a declaration of
intent to be a write-in candidate to the office of governor or
lieutenant governor at the same primary or general election. A
write-in vote for the two candidates who file such a declaration
shall be counted as a vote for them as joint candidates for the
offices of governor and lieutenant governor.

The secretary of state shall not accept for filing the
declaration of intent to be a write-in candidate of a person for
the office of governor unless the declaration also shows the

intent of another person to be a write-in candidate for the office 6049
of lieutenant governor, shall not accept for filing the 6050
declaration of intent to be a write-in candidate of a person for 6051
the office of lieutenant governor unless the declaration also 6052
shows the intent of another person to be a write-in candidate for 6053
the office of governor, and shall not accept for filing the 6054
declaration of intent to be a write-in candidate of a person to 6055
the office of governor or lieutenant governor if that person, for 6056
the same election, has already filed a declaration of candidacy, a 6057
declaration of intent to be a write-in candidate, or a nominating 6058
petition, or has become a candidate through party nomination at a 6059
primary election or by the filling of a vacancy under section 6060
3513.30 or 3513.31 of the Revised Code, for any other state office 6061
or any federal or county office. 6062

Protests against the candidacy of any person filing a 6063
declaration of intent to be a write-in candidate may be filed by 6064
any qualified elector who is eligible to vote in the election at 6065
which the candidacy is to be considered. The protest shall be in 6066
writing and shall be filed not later than four p.m. of the 6067
~~forty-fifth~~ fifty-seventh day before the day of the election. The 6068
protest shall be filed with the board of elections with which the 6069
declaration of intent to be a write-in candidate was filed. Upon 6070
the filing of the protest, the board with which it is filed shall 6071
promptly fix the time for hearing it and shall proceed in regard 6072
to the hearing in the same manner as for hearings set for protests 6073
filed under section 3513.05 of the Revised Code. At the time 6074
fixed, the board shall hear the protest and determine the validity 6075
or invalidity of the declaration of intent to be a write-in 6076
candidate. If the board finds that the candidate is not an elector 6077
of the state, district, county, or political subdivision in which 6078
the candidate seeks election to office or has not fully complied 6079
with the requirements of Title XXXV of the Revised Code in regard 6080

to the candidate's candidacy, the candidate's declaration of 6081
intent to be a write-in candidate shall be determined to be 6082
invalid and shall be rejected; otherwise, it shall be determined 6083
to be valid. The determination of the board is final. 6084

The secretary of state shall prescribe the form of the 6085
declaration of intent to be a write-in candidate. 6086

Sec. 3513.05. Each person desiring to become a candidate for 6087
a party nomination or for election to an office or position to be 6088
voted for at a primary election, except persons desiring to become 6089
joint candidates for the offices of governor and lieutenant 6090
governor and except as otherwise provided in section 3513.051 of 6091
the Revised Code, shall, not later than four p.m. of the 6092
seventy-fifth day before the day of the primary election, or if 6093
the primary election is a presidential primary election, not later 6094
than four p.m. of the sixtieth day before the day of the 6095
presidential primary election, file a declaration of candidacy and 6096
petition and pay the fees required under divisions (A) and (B) of 6097
section 3513.10 of the Revised Code. The declaration of candidacy 6098
and all separate petition papers shall be filed at the same time 6099
as one instrument. When the offices are to be voted for at a 6100
primary election, persons desiring to become joint candidates for 6101
the offices of governor and lieutenant governor shall, not later 6102
than four p.m. of the seventy-fifth day before the day of the 6103
primary election, comply with section 3513.04 of the Revised Code. 6104
The prospective joint candidates' declaration of candidacy and all 6105
separate petition papers of candidacies shall be filed at the same 6106
time as one instrument. The secretary of state or a board of 6107
elections shall not accept for filing a declaration of candidacy 6108
and petition of a person seeking to become a candidate if that 6109
person, for the same election, has already filed a declaration of 6110
candidacy or a declaration of intent to be a write-in candidate, 6111
or has become a candidate by the filling of a vacancy under 6112

section 3513.30 of the Revised Code for any federal, state, or 6113
county office, if the declaration of candidacy is for a state or 6114
county office, or for any municipal or township office, if the 6115
declaration of candidacy is for a municipal or township office. 6116

If the declaration of candidacy declares a candidacy which is 6117
to be submitted to electors throughout the entire state, the 6118
petition, including a petition for joint candidates for the 6119
offices of governor and lieutenant governor, shall be signed by at 6120
least one thousand qualified electors who are members of the same 6121
political party as the candidate or joint candidates, and the 6122
declaration of candidacy and petition shall be filed with the 6123
secretary of state; provided that the secretary of state shall not 6124
accept or file any such petition appearing on its face to contain 6125
signatures of more than three thousand electors. 6126

Except as otherwise provided in this paragraph, if the 6127
declaration of candidacy is of one that is to be submitted only to 6128
electors within a district, political subdivision, or portion 6129
thereof, the petition shall be signed by not less than fifty 6130
qualified electors who are members of the same political party as 6131
the political party of which the candidate is a member. If the 6132
declaration of candidacy is for party nomination as a candidate 6133
for member of the legislative authority of a municipal corporation 6134
elected by ward, the petition shall be signed by not less than 6135
twenty-five qualified electors who are members of the political 6136
party of which the candidate is a member. 6137

No such petition, except the petition for a candidacy that is 6138
to be submitted to electors throughout the entire state, shall be 6139
accepted for filing if it appears to contain on its face 6140
signatures of more than three times the minimum number of 6141
signatures. When a petition of a candidate has been accepted for 6142
filing by a board of elections, the petition shall not be deemed 6143
invalid if, upon verification of signatures contained in the 6144

petition, the board of elections finds the number of signatures
accepted exceeds three times the minimum number of signatures
required. A board of elections may discontinue verifying
signatures on petitions when the number of verified signatures
equals the minimum required number of qualified signatures.

If the declaration of candidacy declares a candidacy for
party nomination or for election as a candidate of an intermediate
or minor party, the minimum number of signatures on such petition
is one-half the minimum number provided in this section, except
that, when the candidacy is one for election as a member of the
state central committee or the county central committee of a
political party, the minimum number shall be the same for an
intermediate or minor party as for a major party.

If a declaration of candidacy is one for election as a member
of the state central committee or the county central committee of
a political party, the petition shall be signed by five qualified
electors of the district, county, ward, township, or precinct
within which electors may vote for such candidate. The electors
signing such petition shall be members of the same political party
as the political party of which the candidate is a member.

For purposes of signing or circulating a petition of
candidacy for party nomination or election, an elector is
considered to be a member of a political party if the elector
voted in that party's primary election within the preceding two
calendar years, or if the elector did not vote in any other
party's primary election within the preceding two calendar years.

If the declaration of candidacy is of one that is to be
submitted only to electors within a county, or within a district
or subdivision or part thereof smaller than a county, the petition
shall be filed with the board of elections of the county. If the
declaration of candidacy is of one that is to be submitted only to

electors of a district or subdivision or part thereof that is 6176
situated in more than one county, the petition shall be filed with 6177
the board of elections of the county within which the major 6178
portion of the population thereof, as ascertained by the next 6179
preceding federal census, is located. 6180

A petition shall consist of separate petition papers, each of 6181
which shall contain signatures of electors of only one county. 6182
Petitions or separate petition papers containing signatures of 6183
electors of more than one county shall not thereby be declared 6184
invalid. In case petitions or separate petition papers containing 6185
signatures of electors of more than one county are filed, the 6186
board shall determine the county from which the majority of 6187
signatures came, and only signatures from such county shall be 6188
counted. Signatures from any other county shall be invalid. 6189

Each separate petition paper shall be circulated by one 6190
person only, who shall be the candidate or a joint candidate or a 6191
member of the same political party as the candidate or joint 6192
candidates, and each separate petition paper shall be governed by 6193
the rules set forth in section 3501.38 of the Revised Code. 6194

The secretary of state shall promptly transmit to each board 6195
such separate petition papers of each petition accompanying a 6196
declaration of candidacy filed with the secretary of state as 6197
purport to contain signatures of electors of the county of such 6198
board. The board of the most populous county of a district shall 6199
promptly transmit to each board within such district such separate 6200
petition papers of each petition accompanying a declaration of 6201
candidacy filed with it as purport to contain signatures of 6202
electors of the county of each such board. The board of a county 6203
within which the major portion of the population of a subdivision, 6204
situated in more than one county, is located, shall promptly 6205
transmit to the board of each other county within which a portion 6206
of such subdivision is located such separate petition papers of 6207

each petition accompanying a declaration of candidacy filed with 6208
it as purport to contain signatures of electors of the portion of 6209
such subdivision in the county of each such board. 6210

All petition papers so transmitted to a board and all 6211
petitions accompanying declarations of candidacy filed with ~~such a~~ 6212
board shall, under proper regulations, be open to public 6213
inspection until four p.m. of the seventieth day before the day of 6214
the next primary election, or if that next primary election is a 6215
presidential primary election, the fifty-fifth day before that 6216
presidential primary election. Each board shall, not later than 6217
the sixty-eighth day before the day of ~~such that~~ primary election, 6218
or if the primary election is a presidential primary election, not 6219
later than the fifty-third day before such presidential primary 6220
election, examine and determine the validity or invalidity of the 6221
signatures on the petition papers so transmitted to or filed with 6222
it and shall return to the secretary of state all petition papers 6223
transmitted to it by the secretary of state, together with its 6224
certification of its determination as to the validity or 6225
invalidity of signatures thereon, and shall return to each other 6226
board all petition papers transmitted to it by such board, 6227
together with its certification of its determination as to the 6228
validity or invalidity of the signatures thereon. All other 6229
matters affecting the validity or invalidity of such petition 6230
papers shall be determined by the secretary of state or the board 6231
with whom such petition papers were filed. 6232

Protests against the candidacy of any person filing a 6233
declaration of candidacy for party nomination or for election to 6234
an office or position, as provided in this section, may be filed 6235
by any qualified elector who is a member of the same political 6236
party as the candidate and who is eligible to vote at the primary 6237
election for the candidate whose declaration of candidacy the 6238
elector objects to, or by the controlling committee of ~~such that~~ 6239

political party. ~~Such~~ The protest ~~must~~ shall be in writing, and 6240
~~must~~ shall be filed not later than four p.m. of the sixty-fourth 6241
day before the day of the primary election, or if the primary 6242
election is a presidential primary election, not later than four 6243
p.m. of the forty-ninth day before the day of the presidential 6244
primary election. ~~Such~~ The protest shall be filed with the 6245
election officials with whom the declaration of candidacy and 6246
petition was filed. Upon the filing of ~~such~~ the protest, the 6247
election officials with whom it is filed shall promptly fix the 6248
time for hearing it, and shall forthwith mail notice of the filing 6249
of ~~such~~ the protest and the time fixed for hearing to the person 6250
whose candidacy is so protested. They shall also forthwith mail 6251
notice of the time fixed for such hearing to the person who filed 6252
the protest. At the time fixed, such election officials shall hear 6253
the protest and determine the validity or invalidity of the 6254
declaration of candidacy and petition. If they find that such 6255
candidate is not an elector of the state, district, county, or 6256
political subdivision in which the candidate seeks a party 6257
nomination or election to an office or position, or has not fully 6258
complied with this chapter, the candidate's declaration of 6259
candidacy and petition shall be determined to be invalid and shall 6260
be rejected⁷ⁱ otherwise₁ it shall be determined to be valid. ~~Such~~ 6261
That determination shall be final. 6262

A protest against the candidacy of any persons filing a 6263
declaration of candidacy for joint party nomination to the offices 6264
of governor and lieutenant governor shall be filed, heard, and 6265
determined in the same manner as a protest against the candidacy 6266
of any person filing a declaration of candidacy singly. 6267

The secretary of state shall, on the sixtieth day before the 6268
day of a primary election, or if the primary election is a 6269
presidential primary election, on the forty-fifth day before the 6270
day of the presidential primary election, certify to each board in 6271

the state the forms of the official ballots to be used at ~~such~~ the 6272
primary election, together with the names of the candidates to be 6273
printed ~~thereon~~ on the ballots whose nomination or election is to 6274
be determined by electors throughout the entire state and who 6275
filed valid declarations of candidacy and petitions. 6276

The board of the most populous county in a district comprised 6277
of more than one county but less than all of the counties of the 6278
state shall, on the sixtieth day before the day of a primary 6279
election, or if the primary election is a presidential primary 6280
election, on the forty-fifth day before the day of a presidential 6281
primary election, certify to the board of each county in the 6282
district the names of the candidates to be printed on the official 6283
ballots to be used at ~~such~~ the primary election, whose nomination 6284
or election is to be determined only by electors within ~~such~~ the 6285
district and who filed valid declarations of candidacy and 6286
petitions. 6287

The board of a county within which the major portion of the 6288
population of a subdivision smaller than the county and situated 6289
in more than one county is located shall, on the sixtieth day 6290
before the day of a primary election, or if the primary election 6291
is a presidential primary election, on the forty-fifth day before 6292
the day of a presidential primary election, certify to the board 6293
of each county in which a portion of ~~such~~ that subdivision is 6294
located the names of the candidates to be printed on the official 6295
ballots to be used at ~~such~~ the primary election, whose nomination 6296
or election is to be determined only by electors within ~~such~~ that 6297
subdivision and who filed valid declarations of candidacy and 6298
petitions. 6299

Sec. 3513.052. (A) No person shall seek nomination or 6300
election to any of the following offices or positions at the same 6301
election by filing a declaration of candidacy and petition, a 6302

declaration of intent to be a write-in candidate, or a nominating	6303
petition, or by becoming a candidate through party nomination in a	6304
primary election, or by the filling of a vacancy under section	6305
3513.30 or 3513.31 of the Revised Code:	6306
(1) Two or more state offices;	6307
(2) Two or more county offices;	6308
(3) A state office and a county office;	6309
(4) <u>A federal office and a state or county office;</u>	6310
<u>(5) Any combination of two or more municipal or township</u>	6311
offices, positions as a member of a city, local, or exempted	6312
village board of education, or positions as a member of a	6313
governing board of an educational service center.	6314
(B) The secretary of state or a board of elections shall not	6315
accept for filing a declaration of candidacy and petition, a	6316
declaration of intent to be a write-in candidate, or a nominating	6317
petition of a person seeking to become a candidate if that person,	6318
for the same election, has already filed a declaration of	6319
candidacy, a declaration of intent to be a write-in candidate, or	6320
a nominating petition, or has become a candidate through party	6321
nomination at a primary election or by the filling of a vacancy	6322
under section 3513.30 or 3513.31 of the Revised Code for:	6323
(1) Any <u>federal, state, or county office</u> , if the declaration	6324
of candidacy, declaration of intent to be a write-in candidate, or	6325
nominating petition is for a state or county office;	6326
(2) Any municipal or township office, or for member of a	6327
city, local, or exempted village board of education, or for member	6328
of a governing board of an educational service center, if the	6329
declaration of candidacy, declaration of intent to be a write-in	6330
candidate, or nominating petition is for a municipal or township	6331
office, or for member of a city, local, or exempted village board	6332

of education, or for member of a governing board of an educational 6333
service center. 6334

(C)(1) If the secretary of state determines, before the day 6335
of the primary election, that a person is seeking nomination to 6336
more than one office at that election in violation of division (A) 6337
of this section, the secretary of state shall do one of the 6338
following: 6339

(a) If each office or the district for each office for which 6340
the person is seeking nomination is wholly within a single county 6341
and none of those offices is a federal office, the secretary of 6342
state shall notify the board of elections of that county. The 6343
board then shall determine the date on which the person first 6344
sought to become a candidate for each of those offices by filing a 6345
declaration of candidacy or a declaration of intent to be a 6346
write-in candidate or by the filling of a vacancy under section 6347
3513.30 of the Revised Code. The board shall vote promptly to 6348
disqualify that person as a candidate for each office for which 6349
the person sought to become a candidate after the date on which 6350
the person first sought to become a candidate for any of those 6351
offices. If the board determines that the person sought to become 6352
a candidate for more than one of those offices on the same date, 6353
the board shall vote promptly to disqualify that person as a 6354
candidate for each office that would be listed on the ballot below 6355
the highest office for which that person seeks nomination, 6356
according to the ballot order prescribed under section 3505.03 of 6357
the Revised Code. 6358

(b) If one or more of the offices for which the person is 6359
seeking nomination is a state office or an office with a district 6360
larger than a single county and none of the offices for which the 6361
person is seeking nomination is a federal office, the secretary of 6362
state shall determine the date on which the person first sought to 6363
become a candidate for each of those offices by filing a 6364

declaration of candidacy or a declaration of intent to be a 6365
write-in candidate or by the filling of a vacancy under section 6366
3513.30 of the Revised Code. The secretary of state shall order 6367
the board of elections of each county in which the person is 6368
seeking to appear on the ballot to disqualify that person as a 6369
candidate for each office for which the person sought to become a 6370
candidate after the date on which the person first sought to 6371
become a candidate for any of those offices. If the secretary of 6372
state determines that the person sought to become a candidate for 6373
more than one of those offices on the same date, the secretary of 6374
state shall order the board of elections of each county in which 6375
the person is seeking to appear on the ballot to disqualify that 6376
person as a candidate for each office that would be listed on the 6377
ballot below the highest office for which that person seeks 6378
nomination, according to the ballot order prescribed under section 6379
3505.03 of the Revised Code. Each board of elections so notified 6380
shall vote promptly to disqualify the person as a candidate in 6381
accordance with the order of the secretary of state. 6382

(c) If each office or the district for each office for which 6383
the person is seeking nomination is wholly within a single county 6384
and any of those offices is a federal office, the secretary of 6385
state shall notify the board of elections of that county. The 6386
board then shall vote promptly to disqualify that person as a 6387
candidate for each office that is not a federal office. 6388

(d) If one or more of the offices for which the person is 6389
seeking nomination is a state office and any of the offices for 6390
which the person is seeking nomination is a federal office, the 6391
secretary of state shall order the board of elections of each 6392
county in which the person is seeking to appear on the ballot to 6393
disqualify that person as a candidate for each office that is not 6394
a federal office. Each board of elections so notified shall vote 6395
promptly to disqualify the person as a candidate in accordance 6396

with the order of the secretary of state.

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(2) If a board of elections 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 board shall do one of the following:

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(a) If each office or the district for each office for which the person is seeking nomination is wholly within that county and none of those offices is a federal office, the board shall determine the date on which the person first sought to become a candidate for each of those offices by filing a declaration of candidacy or a declaration of intent to be a write-in candidate or by the filling of a vacancy under section 3513.30 of the Revised Code. The board shall vote promptly to disqualify that person as a candidate for each office for which the person sought to become a candidate after the date on which the person first sought to become a candidate for any of those offices. If the board determines that the person sought to become a candidate for more than one of those offices on the same date, 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 nomination, according to the ballot order prescribed under section 3505.03 of the Revised Code.

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(b) If one or more of the offices for which the person is seeking nomination 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 nomination is a federal office, the board shall notify the secretary of state. The secretary of state 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 candidacy or a declaration of intent to be a write-in candidate or by the filling of a vacancy under section 3513.30 of the Revised Code. The secretary of state shall order the board of elections of

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each county in which the person is seeking to appear on the ballot 6429
to disqualify that person as a candidate for each office for which 6430
the person sought to become a candidate after the date on which 6431
the person first sought to become a candidate for any of those 6432
offices. If the secretary of state determines that the person 6433
sought to become a candidate for more than one of those offices on 6434
the same date, the secretary of state shall order the board of 6435
elections of each county in which the person is seeking to appear 6436
on the ballot to disqualify that person as a candidate for each 6437
office that would be listed on the ballot below the highest office 6438
for which that person seeks nomination, according to the ballot 6439
order prescribed under section 3505.03 of the Revised Code. Each 6440
board of elections so notified shall vote promptly to disqualify 6441
the person as a candidate in accordance with the order of the 6442
secretary of state. 6443

(c) If each office or the district for each office for which 6444
the person is seeking nomination is wholly within a single county 6445
and any of those offices is a federal office, the board shall vote 6446
promptly to disqualify that person as a candidate for each office 6447
that is not a federal office. 6448

(d) If one or more of the offices for which the person is 6449
seeking nomination is a state office and any of the offices for 6450
which the person is seeking nomination is a federal office, the 6451
board shall notify the secretary of state. The secretary of state 6452
then shall order the board of elections of each county in which 6453
the person is seeking to appear on the ballot to disqualify that 6454
person as a candidate for each office that is not a federal 6455
office. Each board of elections so notified shall vote promptly to 6456
disqualify the person as a candidate in accordance with the order 6457
of the secretary of state. 6458

(D)(1) If the secretary of state determines, after the day of 6459
the primary election and before the day of the general election, 6460

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, 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 under section 3505.03 of the Revised Code. 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.

(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, the secretary of
state shall promptly 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. 6493
If the person sought nomination at a primary election and has not 6494
yet been issued a certificate of nomination, the board shall not 6495
issue that certificate for that person for any office that would 6496
be listed on the ballot below the highest office for which that 6497
person seeks election, according to the ballot order prescribed 6498
under section 3505.03 of the Revised Code. 6499

(c) If each office or the district for each office for which 6500
the person is seeking election is wholly within a single county 6501
and any of those offices is a federal office, the secretary of 6502
state shall notify the board of elections of that county. The 6503
board then shall vote promptly to disqualify that person as a 6504
candidate for each office that is not a federal office. If the 6505
person sought nomination at a primary election and has not yet 6506
been issued a certificate of nomination, the board shall not issue 6507
that certificate for that person for any office that is not a 6508
federal office. 6509

(d) If one or more of the offices for which the person is 6510
seeking election is a state office and any of the offices for 6511
which the person is seeking election is a federal office, the 6512
secretary of state shall order the board of elections of each 6513
county in which the person is seeking to appear on the ballot to 6514
disqualify that person as a candidate for each office that is not 6515
a federal office. Each board of elections so notified shall vote 6516
promptly to disqualify the person as a candidate in accordance 6517
with the order of the secretary of state. If the person sought 6518
nomination at a primary election and has not yet been issued a 6519
certificate of nomination, the board shall not issue that 6520
certificate for that person for any office that is not a federal 6521
office. 6522

(2) If a board of elections determines, after the day of the 6523
primary election and before the day of the general election, that 6524

a person is seeking election to more than one office at that
election in violation of division (A) of this section, the board
of elections 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 that county and
none of those offices is a federal office, the board 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
under section 3505.03 of the Revised Code. 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.

(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, 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 6557
sought nomination at a primary election and has not yet been 6558
issued a certificate of nomination, the board shall not issue that 6559
certificate for that person for any office that would be listed on 6560
the ballot below the highest office for which that person seeks 6561
election, according to the ballot order prescribed under section 6562
3505.03 of the Revised Code. 6563

(c) If each office or the district for each office for which 6564
the person is seeking election is wholly within that county and 6565
any of those offices is a federal office, the board shall vote 6566
promptly to disqualify that person as a candidate for each office 6567
that is not a federal office. If the person sought nomination at a 6568
primary election and has not yet been issued a certificate of 6569
nomination, the board shall not issue that certificate for that 6570
person for any office that is not a federal office. 6571

(d) If one or more of the offices for which the person is 6572
seeking election is a state office and any of the offices for 6573
which the person is seeking election is a federal office, the 6574
board shall notify the secretary of state. The secretary of state 6575
shall order the board of elections of each county in which the 6576
person is seeking to appear on the ballot to disqualify that 6577
person as a candidate for each office that is not a federal 6578
office. Each board of elections so notified shall vote promptly to 6579
disqualify the person as a candidate in accordance with the order 6580
of the secretary of state. If the person sought nomination at a 6581
primary election and has not yet been issued a certificate of 6582
nomination, the board shall not issue that certificate for that 6583
person for any office that is not a federal office. 6584

(E) When a person is disqualified as a candidate under 6585
division (C) or (D) of this section, ~~that person's name shall not~~ 6586
~~appear on the ballots~~ on or before the sixtieth day before the day 6587
of the applicable election, or, if the election is a presidential 6588

primary election, on or before the forty-fifth day before the day 6589
of the presidential primary election, the board of elections shall 6590
remove the person's name from the ballot for any office for which 6591
that person has been disqualified as a candidate. ~~If the ballots~~ 6592
~~have already been prepared, the board of elections shall remove~~ 6593
~~the name of the disqualified candidate from the ballots to the~~ 6594
~~extent practicable in the time remaining before the election and~~ 6595
according to the directions of the secretary of state. When a 6596
person is disqualified as a candidate under division (C) or (D) of 6597
this section after the sixtieth day before the day of the 6598
applicable election, or, if the election is a presidential primary 6599
election, after the forty-fifth day before the day of the 6600
presidential primary election, the board of elections shall not 6601
remove the person's name from the ballot for any office for which 6602
that person has been disqualified as a candidate. The board of 6603
elections shall post a notice at each polling location on the day 6604
of the applicable election, and shall enclose with each absent 6605
voter's ballot given or mailed after the candidate is 6606
disqualified, a notice that votes for the person for the office 6607
for which the person has been disqualified as a candidate will be 6608
void and will not be counted. If the name is not removed from the 6609
ballots before the day of the election, the votes for the 6610
disqualified candidate are void and shall not be counted. 6611

(F) Any vacancy created by the disqualification of a person 6612
as a candidate under division (C) or (D) of this section may be 6613
filled in the manner provided for in sections 3513.30 and 3513.31 6614
of the Revised Code. 6615

(G) Nothing in this section or section 3513.04, 3513.041, 6616
3513.05, 3513.251, 3513.253, 3513.254, 3513.255, 3513.257, 6617
3513.259, or 3513.261 of the Revised Code prohibits, and the 6618
secretary of state or a board of elections shall not disqualify, a 6619
person from being a candidate for an office, if that person timely 6620

withdraws as a candidate for any offices specified in division (A) 6621
of this section for which that person first sought to become a 6622
candidate by filing a declaration of candidacy and petition, a 6623
declaration of intent to be a write-in candidate, or a nominating 6624
petition, by party nomination in a primary election, or by the 6625
filling of a vacancy under section 3513.30 or 3513.31 of the 6626
Revised Code. 6627

(H) As used in this section: 6628

(1) "State office" means the offices of governor, lieutenant 6629
governor, secretary of state, auditor of state, treasurer of 6630
state, attorney general, member of the state board of education, 6631
member of the general assembly, chief justice of the supreme 6632
court, and justice of the supreme court. 6633

(2) "Timely withdraws" means either of the following: 6634

(a) Withdrawing as a candidate before the applicable deadline 6635
for filing a declaration of candidacy, declaration of intent to be 6636
a write-in candidate, or nominating petition for the subsequent 6637
office for which the person is seeking to become a candidate at 6638
the same election; 6639

(b) Withdrawing as a candidate before the applicable deadline 6640
for the filling of a vacancy under section 3513.30 or 3513.31 of 6641
the Revised Code, if the person is seeking to become a candidate 6642
for a subsequent office at the same election under either of those 6643
sections. 6644

Sec. 3513.19. (A) It is the duty of ~~any witness or challenger~~ 6645
~~and~~ of any judge of elections ~~and the right of any elector,~~ 6646
whenever any ~~such person~~ judge of elections doubts that ~~another a~~ 6647
person attempting to vote at a primary election is legally 6648
entitled to vote at such election, to challenge the right of that 6649
~~either~~ person to vote. The right of a person to vote at a primary 6650

election may be challenged upon the following grounds: 6651

(1) That the person whose right to vote is challenged is not 6652
a legally qualified elector; 6653

(2) That the person has received or has been promised some 6654
valuable reward or consideration for the person's vote; 6655

(3) That the person is not affiliated with or is not a member 6656
of the political party whose ballot the person desires to vote. 6657
Such party affiliation shall be determined by examining the 6658
elector's voting record for the current year and the immediately 6659
preceding two calendar years as shown on the voter's registration 6660
card and by examining any political party designation form 6661
submitted by that elector pursuant to division (A) of section 6662
3503.20 of the Revised Code, using the standards of affiliation 6663
specified in the seventh paragraph of section 3513.05 of the 6664
Revised Code. Division (A)(3) of this section and the seventh 6665
paragraph of section 3513.05 of the Revised Code do not prohibit a 6666
person who holds an elective office for which candidates are 6667
nominated at a party primary election from doing any of the 6668
following: 6669

(a) If the person voted as a member of a different political 6670
party at any primary election within the current year and the 6671
immediately preceding two calendar years, being a candidate for 6672
nomination at a party primary held during the times specified in 6673
division (C)(2) of section 3513.191 of the Revised Code provided 6674
that the person complies with the requirements of that section; 6675

(b) Circulating the person's own petition of candidacy for 6676
party nomination in the primary election. 6677

(B) When the right of a person to vote is challenged upon the 6678
ground set forth in division (A)(3) of this section, membership in 6679
or political affiliation with a political party shall be 6680
determined by the person's statement, made under penalty of 6681

election falsification, that the person desires to be affiliated 6682
with and supports the principles of the political party whose 6683
primary ballot the person desires to vote. 6684

Sec. 3513.20. Before any challenged person shall be allowed 6685
to vote at a primary election ~~he~~ the person shall make a 6686
statement, under penalty of election falsification, before one of 6687
the precinct officials, blanks for which shall be furnished by the 6688
board of elections, giving name, age, residence, length of 6689
residence in the precinct, county, and state; stating that the 6690
person desires to be affiliated with and supports the principles 6691
of the political party whose ballot the person desires to vote; 6692
and giving all other facts necessary to determine whether ~~he~~ the 6693
person is entitled to vote in such primary election. Such 6694
statement shall be returned to the office of the board with the 6695
pollbooks and tally sheets. 6696

If a person challenged refuses to make such statement under 6697
penalty of election falsification, ~~he~~ the person shall be ~~refused~~ 6698
permitted to vote a provisional ballot under section 3505.181 of 6699
the Revised Code. If a majority of the precinct officials finds 6700
that the statements of a person challenged or ~~his~~ the person's 6701
voting record or other evidence shows that ~~he~~ the person lacks any 6702
of the qualifications required to make ~~him~~ the person a qualified 6703
elector at such primary election or that ~~he~~ the person is not 6704
affiliated with or is not a member of the political party whose 6705
ballot ~~he~~ the person desires to vote, ~~he~~ the person shall be 6706
~~refused~~ permitted to vote a provisional ballot under section 6707
3505.181 of the Revised Code. 6708

Sec. 3513.22. (A) Not earlier than the eleventh day or later 6709
than the fifteenth day after a primary election, the board of 6710
elections shall begin to canvass the election returns from the 6711

precincts in which electors were entitled to vote at that election 6712
and shall continue the canvass daily until it is completed. 6713

The board shall complete the canvass not later than the ~~date~~ 6714
~~set by the secretary of state under division (U) of section~~ 6715
~~3501.05 of the Revised Code~~ twenty-first day after the day of the 6716
election. ~~Sixty~~ Eighty-one days after the ~~date set by~~ day of the 6717
~~secretary of state for the completion of the canvass~~ election, the 6718
canvass of election returns shall be deemed final, and no 6719
amendments to the canvass may be made after that date. The 6720
secretary of state may specify an earlier date upon which the 6721
canvass of election returns shall be deemed final, and after which 6722
amendments to the final canvass may not be made, if so required by 6723
federal law. 6724

(B) The county executive committee of each political party 6725
that participated in the election, and each committee designated 6726
in a petition to represent the petitioners pursuant to which a 6727
question or issue was submitted at the election, may designate a 6728
qualified elector who may be present at and may ~~witness~~ observe 6729
the making of the canvass. Each person for whom votes were cast in 6730
the election may also be present at and ~~witness~~ observe the making 6731
of the canvass. 6732

(C) When the canvass of the election returns from all of the 6733
precincts in the county in which electors were entitled to vote at 6734
the election has been completed, the board shall determine and 6735
declare the results of the elections determined by the electors of 6736
the county or of a district or subdivision within the county. If 6737
more than the number of persons to be nominated for or elected to 6738
an office received the largest and an equal number of votes, the 6739
tie shall be resolved by lot by the chairperson of the board in 6740
the presence of a majority of the members of the board. The 6741
declaration shall be in writing and shall be signed by at least a 6742
majority of the members of the board. It shall bear the date of 6743

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
received the largest and an equal number of votes, the tie shall
be resolved by lot by the secretary of state in the presence of
the governor, the auditor of state, and the attorney general, who
at the request of the secretary of state shall assemble to witness

the drawing of the lot. The declaration of results by the
secretary of state shall be in writing and shall be signed by the
secretary of state. It shall bear the date of the day upon which
it is made, and a copy of it shall be posted by the secretary of
state in a conspicuous place in the secretary of state's office.
The secretary of state shall keep the copy posted for a period of
at least five days.

(2) When certified copies of parts of abstracts are received
by the board of the most populous county in a district from the
boards of all of the counties in the district, the board receiving
those abstracts shall canvass them and determine and declare the
results of the elections in which only electors of the district
voted. If more than the number of persons to be nominated for or
elected to an office received the largest and 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.

(3) When certified copies of parts of abstracts are received
by the board of a county in which the major portion of the
population of a subdivision located in more than one county is
located from the boards of each county in which other portions of
that subdivision are located, the board receiving those abstracts
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 6808
declaration of results by the board shall be in writing and shall 6809
be signed by at least a majority of the members of the board. It 6810
shall bear the date of the day upon which it is made, and a copy 6811
of it shall be posted by the board in a conspicuous place in its 6812
office. The board shall keep the copy posted for a period of at 6813
least five days. 6814

(E) Election officials, who are required to declare the 6815
results of primary elections, shall issue to each person declared 6816
nominated for or elected to an office, an appropriate certificate 6817
of nomination or election, provided that the boards required to 6818
determine and declare the results of the elections for candidates 6819
for nomination to the office of representative to congress from a 6820
congressional district shall, in lieu of issuing a certificate of 6821
nomination, certify to the secretary of state the names of the 6822
candidates nominated, and the secretary of state, upon receipt of 6823
that certification, shall issue a certificate of nomination to 6824
each person whose name is so certified. Certificates of nomination 6825
or election issued by boards to candidates and certifications to 6826
the secretary of state shall not be issued before the expiration 6827
of the time within which applications for recounts of votes may be 6828
filed or before recounts of votes, which have been applied for, 6829
are completed. 6830

Sec. 3513.257. Each person desiring to become an independent 6831
candidate for an office for which candidates may be nominated at a 6832
primary election, except persons desiring to become independent 6833
joint candidates for the offices of governor and lieutenant 6834
governor and for the offices of president and vice-president of 6835
the United States, shall file no later than four p.m. of the day 6836
before the day of the primary election immediately preceding the 6837
general election at which such candidacy is to be voted for by the 6838

voters, a statement of candidacy and nominating petition as 6839
provided in section 3513.261 of the Revised Code. Persons desiring 6840
to become independent joint candidates for the offices of governor 6841
and lieutenant governor shall file, not later than four p.m. of 6842
the day before the day of the primary election, one statement of 6843
candidacy and one nominating petition for the two of them. Persons 6844
desiring to become independent joint candidates for the offices of 6845
president and vice-president of the United States shall file, not 6846
later than four p.m. of the seventy-fifth day before the day of 6847
the general election at which the president and vice-president are 6848
to be elected, one statement of candidacy and one nominating 6849
petition for the two of them. The prospective independent joint 6850
candidates' statement of candidacy shall be filed with the 6851
nominating petition as one instrument. 6852

The statement of candidacy and separate petition papers of 6853
each candidate or pair of joint candidates shall be filed at the 6854
same time as one instrument. 6855

The nominating petition shall contain signatures of qualified 6856
electors of the district, political subdivision, or portion of a 6857
political subdivision in which the candidacy is to be voted on in 6858
an amount to be determined as follows: 6859

(A) If the candidacy is to be voted on by electors throughout 6860
the entire state, the nominating petition, including the 6861
nominating petition of independent joint candidates for the 6862
offices of governor and lieutenant governor, shall be signed by no 6863
less than five thousand qualified electors, provided that no 6864
petition shall be accepted for filing if it purports to contain 6865
more than fifteen thousand signatures. 6866

(B) If the candidacy is to be voted on by electors in any 6867
district, political subdivision, or part thereof in which less 6868
than five thousand electors voted for the office of governor at 6869
the most recent election for that office, the nominating petition 6870

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.

(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.

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
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 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, 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 board of an educational service center, if the 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. When a petition of a candidate has been accepted for filing by a board of elections,

the petition shall not be deemed invalid if, upon verification of 6935
signatures contained in the petition, the board of elections finds 6936
the number of signatures accepted exceeds three times the minimum 6937
number of signatures required. A board of elections may 6938
discontinue verifying signatures when the number of verified 6939
signatures on a petition equals the minimum required number of 6940
qualified signatures. 6941

Any nonjudicial candidate who files a nominating petition may 6942
request, at the time of filing, that the candidate be designated 6943
on the ballot as a nonparty candidate or as an other-party 6944
candidate, or may request that the candidate's name be placed on 6945
the ballot without any designation. Any such candidate who fails 6946
to request a designation either as a nonparty candidate or as an 6947
other-party candidate shall have the candidate's name placed on 6948
the ballot without any designation. 6949

The purpose of establishing a filing deadline for independent 6950
candidates prior to the primary election immediately preceding the 6951
general election at which the candidacy is to be voted on by the 6952
voters is to recognize that the state has a substantial and 6953
compelling interest in protecting its electoral process by 6954
encouraging political stability, ensuring that the winner of the 6955
election will represent a majority of the community, providing the 6956
electorate with an understandable ballot, and enhancing voter 6957
education, thus fostering informed and educated expressions of the 6958
popular will in a general election. The filing deadline for 6959
independent candidates required in this section prevents 6960
splintered parties and unrestrained factionalism, avoids political 6961
fragmentation, and maintains the integrity of the ballot. The 6962
deadline, one day prior to the primary election, is the least 6963
drastic or restrictive means of protecting these state interests. 6964
The general assembly finds that the filing deadline for 6965
independent candidates in primary elections required in this 6966

section is reasonably related to the state's purpose of ensuring 6967
fair and honest elections while leaving unimpaired the political, 6968
voting, and associational rights secured by the first and 6969
fourteenth amendments to the United States Constitution. 6970

Sec. 3513.259. Nominations of candidates for the office of 6971
member of the state board of education shall be made only by 6972
nominating petition. The nominating petition of a candidate for 6973
the office of member of the state board of education shall be 6974
signed by not less than one hundred qualified electors. 6975

No such nominating petition shall be accepted for filing if 6976
it appears on its face to contain signatures aggregating in number 6977
more than three times the minimum number of signatures required by 6978
this section. A board of elections shall not accept for filing a 6979
nominating petition of a person if that person, for the same 6980
election, has already filed a declaration of candidacy, a 6981
declaration of intent to be a write-in candidate, or a nominating 6982
petition, or has become a candidate through party nomination at a 6983
primary election or by the filling of a vacancy under section 6984
3513.30 or 3513.31 of the Revised Code, to be a candidate for any 6985
other state office or any federal or county office. When a 6986
petition of a candidate has been accepted for filing by a board of 6987
elections, the petition shall not be deemed invalid if, upon 6988
verification of signatures contained in the petition, the board of 6989
elections finds the number of signatures accepted exceeds three 6990
times the minimum number of signatures required. A board of 6991
elections may discontinue verifying signatures when the number of 6992
verified signatures equals the minimum required number of 6993
signatures. Such petition shall be filed with the board of 6994
elections of the most populous county in such district not later 6995
than four p.m. of the seventy-fifth day before the day of the 6996
general election at which state board of education members are 6997

elected. 6998

Each nominating petition shall be signed by qualified 6999
electors residing in the district in which the candidate 7000
designated therein would be a candidate for election to the office 7001
of member of the state board of education. Each candidate shall be 7002
a qualified elector residing in the district in which the 7003
candidate seeks election to such office. 7004

As the word "district" is used in this section, it refers to 7005
a district created under section 3301.01 of the Revised Code. 7006

Sec. 3513.261. A nominating petition may consist of one or 7007
more separate petition papers, each of which shall be 7008
substantially in the form prescribed in this section. If the 7009
petition consists of more than one separate petition paper, the 7010
statement of candidacy of the candidate or joint candidates named 7011
need be signed by the candidate or joint candidates on only one of 7012
such separate petition papers, but the statement of candidacy so 7013
signed shall be copied on each other separate petition paper 7014
before the signatures of electors are placed on it. Each 7015
nominating petition containing signatures of electors of more than 7016
one county shall consist of separate petition papers each of which 7017
shall contain signatures of electors of only one county; provided 7018
that petitions containing signatures of electors of more than one 7019
county shall not thereby be declared invalid. In case petitions 7020
containing signatures of electors of more than one county are 7021
filed, the board of elections shall determine the county from 7022
which the majority of the signatures came, and only signatures 7023
from this county shall be counted. Signatures from any other 7024
county shall be invalid. 7025

All signatures on nominating petitions shall be written in 7026
ink or indelible pencil. 7027

At the time of filing a nominating petition, the candidate 7028

designated in the nominating petition, and joint candidates for
governor and lieutenant governor, shall pay to the election
officials with whom it is filed the fees specified for the office
under divisions (A) and (B) of section 3513.10 of the Revised
Code. The fees shall be disposed of by those election officials in
the manner that is provided in section 3513.10 of the Revised Code
for the disposition of other fees, and in no case shall a fee
required under that section be returned to a candidate.

Candidates or joint candidates whose names are written on the
ballot, and who are elected, shall pay the same fees under section
3513.10 of the Revised Code that candidates who file nominating
petitions pay. Payment of these fees shall be a condition
precedent to the granting of their certificates of election.

Each nominating petition shall contain a statement of
candidacy that shall be signed by the candidate or joint
candidates named in it. Such statement of candidacy shall contain
a declaration made under penalty of election falsification that
the candidate desires to be a candidate for the office named in
it, and that the candidate is an elector qualified to vote for the
office the candidate seeks.

The form of the nominating petition and statement of
candidacy shall be substantially as follows:

"STATEMENT OF CANDIDACY

I, (Name of candidate),
the undersigned, hereby declare under penalty of election
falsification that my voting residence is in
..... Precinct of the (Township) or
(Ward and City, or Village) in the county of Ohio;
that my post-office address is
(Street and Number, if any, or Rural Route and Number) of the
..... (City, Village, or post office) of

....., Ohio; and that I am a qualified elector in 7060
the precinct in which my voting residence is located. I hereby 7061
declare that I desire to be a candidate for election to the office 7062
of in the (State, 7063
District, County, City, Village, Township, or School District) for 7064
the (Full term or unexpired 7065
term ending) at the General Election to be held 7066
on the day of, 7067

I further declare that I am an elector qualified to vote for 7068
the office I seek. Dated this day of, 7069
..... 7070
(Signature of candidate) 7071

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 7072
OF THE FIFTH DEGREE. 7073

I,, hereby constitute the 7074
persons named below a committee to represent me: 7075

Name	Residence	
.....	7076
.....	7077
.....	7078
.....	7079
.....	7080
.....	7081

NOMINATING PETITION 7082

We, the undersigned, qualified electors of the state of Ohio, 7083
whose voting residence is in the County, City, Village, Ward, 7084
Township or Precinct set opposite our names, hereby nominate 7085
..... as a candidate for election to the office of 7086
..... in the 7087
(State, District, County, City, Village, Township, or School 7088
District) for the (Full term or unexpired term 7089
ending) to be voted for at the general 7090

election next hereafter to be held, and certify that this person
is, in our opinion, well qualified to perform the duties of the
office or position to which the person desires to be elected.

— 7094

Street
Address
or R.F.D.
(Must use
address on City,
file with Village
the board of or Date of
Signature elections) Township Ward Precinct County Signing

— 7103

..... 7104
..... 7105
..... 7106

....., declares under penalty of election
falsification that such person is a qualified elector of the state
of Ohio and resides at the address appearing below such person's
signature hereto; that such person is the circulator of the
foregoing petition paper containing signatures;
that such person witnessed the affixing of every signature; that
all signers were to the best of such person's knowledge and belief
qualified to sign; and that every signature is to the best of such
person's knowledge and belief the signature of the person whose
signature it purports to be.

..... 7117
(Signature of circulator) 7118
..... 7119
(Address) 7120
..... 7121

(If petition is for a statewide	7122
candidate, the name and address	7123
of person employing circulator	7124
to circulate petition, if any)	7125
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY	7126
OF THE FIFTH DEGREE."	7127
The secretary of state shall prescribe a form of nominating	7128
petition for a group of candidates for the office of member of a	7129
board of education, township office, and offices of municipal	7130
corporations of under two thousand population.	7131
The secretary of state shall prescribe a form of statement of	7132
candidacy and nominating petition, which shall be substantially	7133
similar to the form of statement of candidacy and nominating	7134
petition set forth in this section, that will be suitable for	7135
joint candidates for the offices of governor and lieutenant	7136
governor.	7137
If such petition nominates a candidate whose election is to	7138
be determined by the electors of a county or a district or	7139
subdivision within the county, it shall be filed with the board of	7140
such county. If the petition nominates a candidate whose election	7141
is to be determined by the voters of a subdivision located in more	7142
than one county, it shall be filed with the board of the county in	7143
which the major portion of the population of such subdivision is	7144
located.	7145
If the petition nominates a candidate whose election is to be	7146
determined by the electors of a district comprised of more than	7147
one county but less than all of the counties of the state, it	7148
shall be filed with the board of elections of the most populous	7149
county in such district. If the petition nominates a candidate	7150
whose election is to be determined by the electors of the state at	7151
large, it shall be filed with the secretary of state.	7152

The secretary of state or a board of elections shall not 7153
accept for filing a nominating petition of a person seeking to 7154
become a candidate if that person, for the same election, has 7155
already filed a declaration of candidacy, a declaration of intent 7156
to be a write-in candidate, or a nominating petition, or has 7157
become a candidate through party nomination at a primary election 7158
or by the filling of a vacancy under section 3513.30 or 3513.31 of 7159
the Revised Code for any federal, state, or county office, if the 7160
nominating petition is for a state or county office, or for any 7161
municipal or township office, for member of a city, local, or 7162
exempted village board of education, or for member of a governing 7163
board of an educational service center, if the nominating petition 7164
is for a municipal or township office, or for member of a city, 7165
local, or exempted village board of education, or for member of a 7166
governing board of an educational service center. 7167

Sec. 3513.30. (A)(1) ~~where~~ If only one valid declaration of 7168
candidacy is filed for nomination as a candidate of a political 7169
party for an office and ~~such~~ that candidate dies prior to the 7170
tenth day before the primary election, both of the following may 7171
occur: 7172

(a) The political party whose candidate died may fill the 7173
vacancy so created as provided in division (A)(2) of this section. 7174

(b) Any major political party other than the one whose 7175
candidate died may select a candidate as provided in division 7176
(A)(2) of this section under either of the following 7177
circumstances: 7178

(i) No person has filed a valid declaration of candidacy for 7179
nomination as that party's candidate at the primary election. 7180

(ii) Only one person has filed a valid declaration of 7181
candidacy for nomination as that party's candidate at the primary 7182

election, that person has withdrawn, died, or been disqualified 7183
under section 3513.052 of the Revised Code, and the vacancy so 7184
created has not been filled. 7185

(2) A vacancy may be filled under division (A)(1)(a) and a 7186
selection may be made under division (A)(1)(b) of this section by 7187
the appropriate committee of the political party in the same 7188
manner as provided in divisions (A) to (E) of section 3513.31 of 7189
the Revised Code for the filling of similar vacancies created by 7190
withdrawals or disqualifications under section 3513.052 of the 7191
Revised Code after the primary election, except that the 7192
certification required under that section may not be filed with 7193
the secretary of state, or with a board of the most populous 7194
county of a district, or with the board of a county in which the 7195
major portion of the population of a subdivision is located, later 7196
than four p.m. of the tenth day before the day of such primary 7197
election, or with any other board later than four p.m. of the 7198
fifth day before the day of such primary election. 7199

(3) If only one valid declaration of candidacy is filed for 7200
nomination as a candidate of a political party for an office and 7201
that candidate dies on or after the tenth day before the day of 7202
the primary election, that candidate is considered to have 7203
received the nomination of that candidate's political party at 7204
that primary election, and, for purposes of filling the vacancy so 7205
created, that candidate's death shall be treated as if that 7206
candidate died on the day after the day of the primary election. 7207

(B) Any person filing a declaration of candidacy may withdraw 7208
as such candidate at any time prior to the primary election, or, 7209
if the primary election is a presidential primary election, at any 7210
time prior to the fiftieth day before the presidential primary 7211
election. The withdrawal shall be effected and the statement of 7212
withdrawal shall be filed in accordance with the procedures 7213
prescribed in division (D) of this section for the withdrawal of 7214

persons nominated in a primary election or by nominating petition.

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(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 day before the day of the presidential primary election, the board of elections shall not remove the name of the withdrawn first choice and the names of the withdrawn candidates from the ballots. The board of elections shall post a notice at each polling location on the day of the primary election, and shall enclose with each absent voter's ballot given or mailed after the candidate withdraws, a notice that votes for the withdrawn first choice or candidates will be void and will not be counted. If such names are not removed from all ballots before the day of the

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election, the votes for the withdrawn first choice or candidates 7247
are void and shall not be counted. 7248

(D) Any person nominated in a primary election or by 7249
nominating petition as a candidate for election at the next 7250
general election may withdraw as such candidate at any time prior 7251
to the general election. Such withdrawal may be effected by the 7252
filing of a written statement by such candidate announcing the 7253
candidate's withdrawal and requesting that the candidate's name 7254
not be printed on the ballots. If such candidate's declaration of 7255
candidacy or nominating petition was filed with the secretary of 7256
state, the candidate's statement of withdrawal shall be addressed 7257
to and filed with the secretary of state. If such candidate's 7258
declaration of candidacy or nominating petition was filed with a 7259
board of elections, the candidate's statement of withdrawal shall 7260
be addressed to, and filed with such board. 7261

(E) When a person withdraws under division (B) or (D) of this 7262
section on or before the sixtieth day before the day of the 7263
primary election, or, if the election is a presidential primary 7264
election, on or before the forty-fifth day before the day of the 7265
presidential primary election, the board of elections shall remove 7266
the name of the withdrawn candidate from the ballots ~~to the extent~~ 7267
~~practicable in the time remaining before the election and~~ 7268
according to the directions of the secretary of state. When a 7269
person withdraws under division (B) or (D) of this section after 7270
the sixtieth day before the day of the primary election, or, if 7271
the election is a presidential primary election, after the 7272
forty-fifth day before the day of the presidential primary 7273
election, the board of elections shall not remove the name of the 7274
withdrawn candidate from the ballots. The board of elections shall 7275
post a notice at each polling place on the day of the primary 7276
election, and shall enclose with each absent voter's ballot given 7277
or mailed after the candidate withdraws, a notice that votes for 7278

the withdrawn candidate will be void and will not be counted. If 7279
the name is not removed from all ballots before the day of the 7280
election, the votes for the withdrawn candidate are void and shall 7281
not be counted. 7282

Sec. 3515.03. Each application for recount shall separately 7283
list each precinct as to which a recount of the votes therein is 7284
requested, and the person filing an application shall at the same 7285
time deposit with the board of elections ~~ten~~ fifty dollars in 7286
currency, bank money order, bank cashier's check, or certified 7287
check for each precinct so listed in such application as security 7288
for the payment of charges for making the recount therein applied 7289
for, which charges shall be fixed by the board as provided in 7290
section 3515.07 of the Revised Code. 7291

Upon the filing of an application, or upon declaration by the 7292
board or secretary of state that the number of votes cast in any 7293
election for the declared winning nominee, candidate, question, or 7294
issue does not exceed the number of votes cast for the defeated 7295
nominee, candidate, question, or issue, by the margins set forth 7296
in section 3515.011 of the Revised Code, the board shall promptly 7297
fix the time, method, and the place at which the recount will be 7298
made, which time shall be not later than ten days after the day 7299
upon which such application is filed or such declaration is made. 7300
If the recount involves a candidate for election to an office 7301
comprising more than one county, the director of the board shall 7302
promptly mail notice of the time and place for such recount to the 7303
board of the most populous county of the district. If the contest 7304
involves a state office, the director shall promptly notify the 7305
secretary of state of the filing for such recount. 7306

The director of the board shall mail notice of the time and 7307
place so fixed to any applicant and to each person for whom votes 7308
were cast for such nomination or election. Such notice shall be 7309

mailed by certified mail not later than the fifth day before the
day fixed for the commencement of the recount. Persons entitled to
have such notice mailed to them may waive their right to have it
mailed by filing with the director a written waiver to that
effect. Each person entitled to receive such notice may attend and
~~witness~~ observe the recount and may have any person whom the
candidate designates attend and ~~witness~~ observe the recount. At
any time after a winning nominee or candidate is declared but
before the time for a recount pursuant to section 3515.011 of the
Revised Code commences, the declared losing nominee or candidate
may file with the board a written request to stop the recount from
commencing. In the case of more than one declared losing candidate
or nominee, each of whom is entitled to a recount pursuant to
section 3515.011 of the Revised Code, each such declared losing
candidate or nominee must file with the board such written request
to stop the recount from commencing. The board shall grant such
request and shall not commence the recount.

In the case of a recount of votes cast upon a question or
issue, any group of five or more qualified electors, who voted
upon such question or issue and whose votes were in opposition to
the votes of the members of the group of electors who applied for
such recount, or for whom such recount was required by section
3515.011 of the Revised Code, may file with the board a written
statement to that effect, shall designate therein one of their
number as ~~chairman~~ chairperson of such group and may appoint an
attorney at law as their legal counsel, and may request that the
persons so designated be permitted to attend and ~~witness~~ observe
the recount. Thereupon the persons so designated may attend and
~~witness~~ observe the recount.

Sec. 3515.04. At the time and place fixed for making a
recount, the board of elections, in the presence of all ~~witnesses~~

observers who may be in attendance, shall open the sealed 7341
containers containing the ballots to be recounted, and shall 7342
recount them. If a county used punch card ballots and if a chad is 7343
attached to a punch card ballot by three or four corners, the 7344
voter shall be deemed by the board not to have recorded a 7345
candidate, question, or issue choice at the particular position on 7346
the ballot, and a vote shall not be counted at that particular 7347
position on the ballot in the recount. Ballots shall be handled 7348
only by the members of the board or by the director or other 7349
employees of the board. ~~Witnesses~~ Observers shall be permitted to 7350
see the ballots, but they shall not be permitted to touch them, 7351
and the board shall not permit the counting or tabulation of votes 7352
shown on the ballots for any nomination, or for election to any 7353
office or position, or upon any question or issue, other than the 7354
votes shown on such ballots for the nomination, election, 7355
question, or issue concerning which a recount of ballots was 7356
applied for. 7357

At any time before the ballots from all of the precincts 7358
listed in an application for the recount or involved in a recount 7359
pursuant to section 3515.011 of the Revised Code have been 7360
recounted, the applicant or declared losing candidate or nominee 7361
or each of the declared losing candidates or nominees entitled to 7362
file a request prior to the commencement of a recount, as provided 7363
in section 3515.03 of the Revised Code, may file with the board a 7364
written request to stop the recount and not recount the ballots 7365
from the precincts so listed that have not been recounted prior to 7366
the time of the request. If, upon the request, the board finds 7367
that results of the votes in the precincts recounted, if 7368
substituted for the results of the votes in those precincts as 7369
shown in the abstract of the votes in those precincts, would not 7370
cause the applicant, if a person for whom votes were cast for 7371
nomination or election, to be declared nominated or elected or if 7372
an election upon a question or issue would not cause a result 7373

contrary to the result as declared prior to such recount, it shall
grant the request and shall not recount the ballots of the
precincts listed in the application for recount that have not been
recounted prior to that time. If the board finds otherwise, it
shall deny the request and shall continue to recount ballots until
the ballots from all of the precincts listed in the application
for recount have been recounted; provided that, if the request is
denied, it may be renewed from time to time. Upon any such
renewal, the board shall consider and act upon the request in the
same manner as provided in this section in connection with an
original request.

As used in this section, "chad" and "punch card ballot" have
the same meanings as in section 3506.16 of the Revised Code.

Sec. 3515.041. As required by 3 U.S.C.A. 5, any recount of
votes conducted under this chapter for the election of
presidential electors shall be completed not later than six days
before the time fixed under federal law for the meeting of those
presidential electors.

Sec. 3515.07. The charges for making a recount of votes of
precincts listed in an application for a recount filed with the
board of elections shall be fixed by the board and shall include
all expenses incurred by such board because of such application
other than the regular operating expenses which the board would
have incurred if the application had not been filed. The total
amount of charges so fixed divided by the number of precincts
listed in such application, the votes of which were recounted,
shall be the charge per precinct for the recount of the votes of
the precincts listed in such application, the votes of which were
recounted; provided that the charges per precinct so fixed shall
not be more than ~~ten~~ fifty nor less than five dollars for each

precinct the votes of which were recounted. 7404

Such charge per precinct shall be deducted by the board from 7405
the money deposited with the board by the applicant for the 7406
recount at the time of filing ~~his~~ the application, and the balance 7407
of the money so deposited shall be returned to such applicant; 7408
provided that no such charge per precinct shall be deducted by the 7409
board from the money deposited for a recount of votes cast for a 7410
nomination or for an election to an office or position in any 7411
precinct, if the total number of votes cast in such precinct for 7412
the applicant, as recorded by such recount, is more than four per 7413
cent larger than the number of votes for such applicant in such 7414
precinct recorded in the original certified abstract thereof, nor 7415
shall any charge per precinct be deducted for a recount of votes 7416
cast in any precinct upon a question or issue if the total number 7417
of votes in such precinct on the same side of such question or 7418
issue as the side represented by the applicant, as recorded by 7419
such recount, is more than four per cent larger than the number of 7420
votes in such precinct on the same side of such question or issue 7421
recorded in the original certified abstract thereof. No such 7422
charge per precinct shall be deducted if upon the completion of a 7423
recount concerning a nomination or election the applicant is 7424
declared nominated or elected, or if upon the completion of a 7425
recount concerning a question or issue the result of such election 7426
is declared to be opposite to the original declaration of the 7427
result of such election. All moneys deposited with a board by an 7428
applicant shall be deposited in a special depository fund with the 7429
county treasurer. The expenses of the recount and refunds shall be 7430
paid from said fund upon order of the board of elections. Any 7431
balance remaining in such fund shall be paid into the general fund 7432
of the county. 7433

Sec. 3515.072. (A) In January of each odd-numbered year, the 7434
secretary of state, in accordance with this division and division 7435

(B) of this section, shall adjust each amount specified in 7436
sections 3515.03 and 3515.07 of the Revised Code. The adjustment 7437
shall be based on the yearly average of the previous two years of 7438
the Consumer Price Index for All Urban Consumers or its successive 7439
equivalent, as determined by the United States department of 7440
labor, bureau of labor statistics, or its successor in 7441
responsibility, for all items, Series A. Using the 2005 yearly 7442
average as the base year, the secretary of state shall compare the 7443
most current average consumer price index with that determined in 7444
the preceding odd-numbered year, and shall determine the 7445
percentage increase or decrease. The percentage increase or 7446
decrease shall be multiplied by each actual dollar figure 7447
specified in sections 3515.03 and 3515.07 of the Revised Code as 7448
determined in the previous odd-numbered year, and the product 7449
shall be added to or subtracted from its corresponding actual 7450
dollar figure, as necessary, for that previous odd-numbered year. 7451

If the resulting amount is less than five dollars, the 7452
secretary of state shall retain a record of the resulting amount 7453
and the manner in which it was calculated, but shall not make an 7454
adjustment unless the resulting amount, when added to the 7455
resulting amount calculated in each prior odd-numbered year since 7456
the last adjustment was made, equals or exceeds five dollars. 7457

(B)(1) The secretary of state shall calculate the adjustment 7458
under division (A) of this section and shall report the 7459
calculations and necessary materials to the auditor of state, on 7460
or before the thirty-first day of January of each odd-numbered 7461
year. The secretary of state shall base the adjustment on the most 7462
current consumer price index that is described in division (A) of 7463
this section and that is in effect as of the first day of January 7464
of each odd-numbered year. 7465

(2) The calculations made by the secretary of state under 7466
divisions (A) and (B)(1) of this section shall be certified by the 7467

auditor of state on or before the fifteenth day of February of 7468
each odd-numbered year. 7469

(3) On or before the twenty-fifth day of February of each 7470
odd-numbered year, the secretary of state shall prepare a report 7471
setting forth the amount required to be deposited with a board of 7472
elections at the time a recount application is filed for each 7473
precinct to be recounted under section 3515.03 of the Revised Code 7474
and the minimum and maximum per precinct charge for a recount 7475
under section 3515.07 of the Revised Code. The report and all 7476
documents relating to the calculations contained in the report are 7477
public records. The report shall contain an indication of the 7478
period in which the deposit amounts and the minimum and maximum 7479
per precinct charges apply, a summary of how the deposit amounts 7480
and the minimum and maximum per precinct charges were calculated, 7481
and a statement that the report and all related documents are 7482
available for inspection and copying at the office of the 7483
secretary of state. 7484

(4) On or before the twenty-fifth day of February of each 7485
odd-numbered year, the secretary of state shall transmit the 7486
report to the general assembly and shall send the report by 7487
electronic mail or other form of electronic communication to the 7488
board of elections of each county. 7489

Sec. 3515.08. The (A) Except as otherwise provided in this 7490
division, the nomination or election of any person to any public 7491
office or party position or the approval or rejection of any issue 7492
or question, submitted to the voters, may be contested by 7493
qualified electors of the state or a political subdivision. The 7494
nomination or election of any person to any federal office, 7495
including the office of elector for president and vice president 7496
and the office of member of congress, shall not be subject to a 7497
contest of election conducted under this chapter. Contests of the 7498

nomination or election of any person to any federal office shall 7499
be conducted in accordance with the applicable provisions of 7500
federal law. 7501

(B) In the case of an office to be filled or an issue to be 7502
determined by the voters of the entire state, ~~or for the office of~~ 7503
~~members of congress, or~~ for judicial offices higher than that of 7504
court of common pleas, or for an office to be filled or an issue 7505
to be determined by the voters of a district larger than a county, 7506
said contest shall be heard and determined by the chief justice of 7507
the supreme court or a justice of the supreme court assigned for 7508
that purpose by the chief justice; except that in a contest for 7509
the office of chief justice of the supreme court, such contest 7510
shall be heard by a justice of such court designated by the 7511
governor. 7512

(C) In the case of all other offices or issues, except 7513
judicial offices, such contests shall be heard and determined by a 7514
judge of the court of common pleas of the county in which the 7515
contest arose. In the case of a contest for a judicial office 7516
within a county, such contest shall be heard by the court of 7517
appeals of the district in which such county is located. If any 7518
contestant alleges prejudice on the part of the judges of the 7519
court of appeals or the court of common pleas, assigned to hear 7520
such appeal, then the chief justice of the supreme court, upon 7521
application of any such contestants and for good cause shown, may 7522
assign judges from another court to hear such contest." 7523

Sec. 3515.13. If any contest of election involves a recount 7524
of the ballots in any precincts, the court shall immediately order 7525
the ballots of the precincts in which the recount is demanded to 7526
be sent to the court in such manner as the court designates, and 7527
such court may appoint two master commissioners of opposite 7528
political parties to supervise the making of the recount. The 7529

attorneys representing the contestor and the prosecuting attorney 7530
of the county or the attorney general or one of ~~his~~ the attorney 7531
general's assistants representing the contestee shall be present 7532
at all hearings on such recount. Such commissioners shall receive 7533
ten dollars each per day and their actual traveling expenses when 7534
approved by the presiding judges. The compensation of such clerks 7535
as are deemed necessary by the court shall be determined by the 7536
court on the basis of similar compensation in other public offices 7537
for like work. Both the contestor and contestee may appoint one 7538
~~inspector~~ observer who shall be allowed to see all ballots and 7539
tally sheets and ~~witness~~ observe the recount. If the court finds 7540
that the difference in the count from the original count by the 7541
election authorities was the result of fraud, gross negligence, or 7542
willfulness on the part of any election officer or other person, 7543
such court shall forthwith transmit a copy of its decision and of 7544
the evidence to the prosecuting attorney of the county wherein 7545
such fraud or gross negligence was found with directions to 7546
present the same to the next grand jury in the county or to the 7547
attorney general, in the case of state or federal offices, with 7548
directions to prosecute the cases on behalf of the state. 7549

Sec. 3517.01. (A)(1) A political party within the meaning of 7550
Title XXXV of the Revised Code is any group of voters that, at the 7551
most recent regular state election, polled for its candidate for 7552
governor in the state or nominees for presidential electors at 7553
least five per cent of the entire vote cast for that office or 7554
that filed with the secretary of state, subsequent to any election 7555
in which it received less than five per cent of that vote, a 7556
petition signed by qualified electors equal in number to at least 7557
one per cent of the total vote for governor or nominees for 7558
presidential electors at the most recent election, declaring their 7559
intention of organizing a political party, the name of which shall 7560
be stated in the declaration, and of participating in the 7561

succeeding primary election, held in even-numbered years, that 7562
occurs more than one hundred twenty days after the date of filing. 7563
No such group of electors shall assume a name or designation that 7564
is similar, in the opinion of the secretary of state, to that of 7565
an existing political party as to confuse or mislead the voters at 7566
an election. If any political party fails to cast five per cent of 7567
the total vote cast at an election for the office of governor or 7568
president, it shall cease to be a political party. 7569

(2) A campaign committee shall be legally liable for any 7570
debts, contracts, or expenditures incurred or executed in its 7571
name. 7572

(B) Notwithstanding the definitions found in section 3501.01 7573
of the Revised Code, as used in this section and sections 3517.08 7574
to 3517.14, 3517.99, and 3517.992 of the Revised Code: 7575

(1) "Campaign committee" means ~~an entity that is formed by a~~ 7576
candidate or a combination of two or more persons authorized by a 7577
candidate under section 3517.081 of the Revised Code to receive 7578
contributions and make expenditures ~~and that is legally liable for~~ 7579
~~any debts, contracts, or expenditures incurred or executed in its~~ 7580
~~name.~~ 7581

(2) "Campaign treasurer" means an individual appointed by a 7582
candidate under section 3517.081 of the Revised Code. 7583

(3) "Candidate" has the same meaning as in division (H) of 7584
section 3501.01 of the Revised Code and also includes any person 7585
who, at any time before or after an election, receives 7586
contributions or makes expenditures or other use of contributions, 7587
has given consent for another to receive contributions or make 7588
expenditures or other use of contributions, or appoints a campaign 7589
treasurer, for the purpose of bringing about the person's 7590
nomination or election to public office. When two persons jointly 7591
seek the offices of governor and lieutenant governor, "candidate" 7592

means the pair of candidates jointly. "Candidate" does not include
candidates for election to the offices of member of a county or
state central committee, presidential elector, and delegate to a
national convention or conference of a political party.

(4) "Continuing association" means an association, other than
a campaign committee, political party, legislative campaign fund,
or labor organization, that is intended to be a permanent
organization that has a primary purpose other than supporting or
opposing specific candidates, political parties, or ballot issues,
and that functions on a regular basis throughout the year.
"Continuing association" includes organizations that are
determined to be not organized for profit under subsection 501 and
that are described in subsection 501(c)(3), 501(c)(4), or
501(c)(6) of the Internal Revenue Code.

(5) "Contribution" means a loan, gift, deposit, forgiveness
of indebtedness, donation, advance, payment, or transfer of funds
or anything of value, including a transfer of funds from an inter
vivos or testamentary trust or decedent's estate, and the payment
by any person other than the person to whom the services are
rendered for the personal services of another person, which
contribution is made, received, or used for the purpose of
influencing the results of an election. Any loan, gift, deposit,
forgiveness of indebtedness, donation, advance, payment, or
transfer of funds or of anything of value, including a transfer of
funds from an inter vivos or testamentary trust or decedent's
estate, and the payment by any campaign committee, political
action committee, legislative campaign fund, political party, or
person other than the person to whom the services are rendered for
the personal services of another person, that is made, received,
or used by a state or county political party, other than moneys a
state or county political party receives from the Ohio political
party fund pursuant to section 3517.17 of the Revised Code and the

moneys a state or county political party may receive under 7625
sections 3517.101, 3517.1012, and 3517.1013 of the Revised Code, 7626
shall be considered to be a "contribution" for the purpose of 7627
section 3517.10 of the Revised Code and shall be included on a 7628
statement of contributions filed under that section. 7629

"Contribution" does not include any of the following: 7630

(a) Services provided without compensation by individuals 7631
volunteering a portion or all of their time on behalf of a person; 7632

(b) Ordinary home hospitality; 7633

(c) The personal expenses of a volunteer paid for by that 7634
volunteer campaign worker; 7635

(d) Any gift given to a state or county political party 7636
pursuant to section 3517.101 of the Revised Code. As used in 7637
division (B)(5)(d) of this section, "political party" means only a 7638
major political party; 7639

(e) Any contribution as defined in section 3517.1011 of the 7640
Revised Code that is made, received, or used to pay the direct 7641
costs of producing or airing an electioneering communication; 7642

(f) Any gift given to a state or county political party for 7643
the party's restricted fund under division (A)(2) of section 7644
3517.1012 of the Revised Code; 7645

(g) Any gift given to a state political party for deposit in 7646
a ~~levin~~ Levin account pursuant to section 3517.1013 of the Revised 7647
Code. As used in this division, "~~levin~~ Levin account" has the same 7648
meaning as in that section. 7649

(6) "Expenditure" means the disbursement or use of a 7650
contribution for the purpose of influencing the results of an 7651
election or of making a charitable donation under division (G) of 7652
section 3517.08 of the Revised Code. Any disbursement or use of a 7653
contribution by a state or county political party is an 7654

expenditure and shall be considered either to be made for the
purpose of influencing the results of an election or to be made as
a charitable donation under division (G) of section 3517.08 of the
Revised Code and shall be reported on a statement of expenditures
filed under section 3517.10 of the Revised Code. During the thirty
days preceding a primary or general election, any disbursement to
pay the direct costs of producing or airing a broadcast, cable, or
satellite communication that refers to a clearly identified
candidate shall be considered to be made for the purpose of
influencing the results of that election and shall be reported as
an expenditure or as an independent expenditure under section
3517.10 or 3517.105 of the Revised Code, as applicable, except
that the information required to be reported regarding
contributors for those expenditures or independent expenditures
shall be the same as the information required to be reported under
~~division~~ divisions (D)(1) and (2) of section 3517.1011 of the
Revised Code.

As used in this division, "broadcast, cable, or satellite
communication" and "refers to a clearly identified candidate" have
the same meanings as in section 3517.1011 of the Revised Code.

(7) "Personal expenses" includes, but is not limited to,
ordinary expenses for accommodations, clothing, food, personal
motor vehicle or airplane, and home telephone.

(8) "Political action committee" means a combination of two
or more persons, the primary or major purpose of which is to
support or oppose any candidate, political party, or issue, or to
influence the result of any election through express advocacy, and
that is not a political party, a campaign committee, or a
legislative campaign fund. "Political action committee" does not
include a continuing association that makes disbursements for the
direct costs of producing or airing electioneering communications
and that does not engage in express advocacy.

(9) "Public office" means any state, county, municipal, township, or district office, except an office of a political party, that is filled by an election and the offices of United States senator and representative.

(10) "Anything of value" has the same meaning as in section 1.03 of the Revised Code.

(11) "Beneficiary of a campaign fund" means a candidate, a public official or employee for whose benefit a campaign fund exists, and any other person who has ever been a candidate or public official or employee and for whose benefit a campaign fund exists.

(12) "Campaign fund" means money or other property, including contributions.

(13) "Public official or employee" has the same meaning as in section 102.01 of the Revised Code.

(14) "Caucus" means all of the members of the house of representatives or all of the members of the senate of the general assembly who are members of the same political party.

(15) "Legislative campaign fund" means a fund that is established as an auxiliary of a state political party and associated with one of the houses of the general assembly.

(16) "In-kind contribution" means anything of value other than money that is used to influence the results of an election or is transferred to or used in support of or in opposition to a candidate, campaign committee, legislative campaign fund, political party, or political action committee and that is made with the consent of, in coordination, cooperation, or consultation with, or at the request or suggestion of the benefited candidate, committee, fund, or party. The financing of the dissemination, distribution, or republication, in whole or part, of any broadcast

or of any written, graphic, or other form of campaign materials 7717
prepared by the candidate, the candidate's campaign committee, or 7718
their authorized agents is an in-kind contribution to the 7719
candidate and an expenditure by the candidate. 7720

(17) "Independent expenditure" means an expenditure by a 7721
person advocating the election or defeat of an identified 7722
candidate or candidates, that is not made with the consent of, in 7723
coordination, cooperation, or consultation with, or at the request 7724
or suggestion of any candidate or candidates or of the campaign 7725
committee or agent of the candidate or candidates. As used in 7726
division (B)(17) of this section: 7727

(a) "Person" means an individual, partnership, unincorporated 7728
business organization or association, political action committee, 7729
separate segregated fund, association, or other organization or 7730
group of persons, but not a labor organization or a corporation. 7731

(b) "Advocating" means any communication containing a message 7732
advocating election or defeat. 7733

(c) "Identified candidate" means that the name of the 7734
candidate appears, a photograph or drawing of the candidate 7735
appears, or the identity of the candidate is otherwise apparent by 7736
unambiguous reference. 7737

(d) "Made in coordination, cooperation, or consultation with, 7738
or at the request or suggestion of, any candidate or the campaign 7739
committee or agent of the candidate" means made pursuant to any 7740
arrangement, coordination, or direction by the candidate, the 7741
candidate's campaign committee, or the candidate's agent prior to 7742
the publication, distribution, display, or broadcast of the 7743
communication. An expenditure is presumed to be so made when it is 7744
any of the following: 7745

(i) Based on information about the candidate's plans, 7746
projects, or needs provided to the person making the expenditure 7747

by the candidate, or by the candidate's campaign committee or agent, with a view toward having an expenditure made; 7748
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(ii) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer 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 agent; 7750
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(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. 7755
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(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. 7759
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(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. 7766
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(19) "Separate segregated fund" means a separate segregated fund established pursuant to the Federal Election Campaign Act. 7775
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(20) "Federal Election Campaign Act" means the "Federal Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et 7777
7778

seq., as amended. 7779

(21) "Restricted fund" means the fund a state or county 7780
political party must establish under division (A)(1) of section 7781
3517.1012 of the Revised Code. 7782

(22) "Electioneering communication" has the same meaning as 7783
in section 3517.1011 of the Revised Code. 7784

(23) "Express advocacy" means a communication that contains 7785
express words advocating the nomination, election, or defeat of a 7786
candidate or that contains express words advocating the adoption 7787
or defeat of a question or issue, as determined by a final 7788
judgment of a court of competent jurisdiction. 7789

(24) "Political committee" has the same meaning as in section 7790
3517.1011 of the Revised Code. 7791

Sec. 3517.10. (A) Except as otherwise provided in this 7792
division, every campaign committee, political action committee, 7793
legislative campaign fund, and political party that made or 7794
received a contribution or made an expenditure in connection with 7795
the nomination or election of any candidate or in connection with 7796
any ballot issue or question at any election held or to be held in 7797
this state shall file, on a form prescribed under this section or 7798
by electronic means of transmission as provided in this section 7799
and section 3517.106 of the Revised Code, a full, true, and 7800
itemized statement, made under penalty of election falsification, 7801
setting forth in detail the contributions and expenditures, not 7802
later than four p.m. of the following dates: 7803

(1) The twelfth day before the election to reflect 7804
contributions received and expenditures made from the close of 7805
business on the last day reflected in the last previously filed 7806
statement, if any, to the close of business on the twentieth day 7807
before the election; 7808

(2) The thirty-eighth day after the election to reflect the 7809
contributions received and expenditures made from the close of 7810
business on the last day reflected in the last previously filed 7811
statement, if any, to the close of business on the seventh day 7812
before the filing of the statement; 7813

(3) The last business day of January of every year to reflect 7814
the contributions received and expenditures made from the close of 7815
business on the last day reflected in the last previously filed 7816
statement, if any, to the close of business on the last day of 7817
December of the previous year; 7818

(4) The last business day of July of every year to reflect 7819
the contributions received and expenditures made from the close of 7820
business on the last day reflected in the last previously filed 7821
statement, if any, to the close of business on the last day of 7822
June of that year. 7823

A campaign committee shall only be required to file the 7824
statements prescribed under divisions (A)(1) and (2) of this 7825
section in connection with the nomination or election of the 7826
committee's candidate. 7827

The statement required under division (A)(1) of this section 7828
shall not be required of any campaign committee, political action 7829
committee, legislative campaign fund, or political party that has 7830
received contributions of less than one thousand dollars and has 7831
made expenditures of less than one thousand dollars at the close 7832
of business on the twentieth day before the election. Those 7833
contributions and expenditures shall be reported in the statement 7834
required under division (A)(2) of this section. 7835

If an election to select candidates to appear on the general 7836
election ballot is held within sixty days before a general 7837
election, the campaign committee of a successful candidate in the 7838
earlier election may file the statement required by division 7839

(A)(1) of this section for the general election instead of the
statement required by division (A)(2) of this section for the
earlier election if the pregeneral election statement reflects the
status of contributions and expenditures for the period twenty
days before the earlier election to twenty days before the general
election.

If a person becomes a candidate less than twenty days before
an election, the candidate's campaign committee is not required to
file the statement required by division (A)(1) of this section.

No statement under division (A)(3) ~~or (4)~~ of this section
shall be required for any year in which a campaign committee,
political action committee, legislative campaign fund, or
political party is required to file a postgeneral election
statement under division (A)(2) of this section. However, such a
statement may be filed, at the option of the campaign committee,
political action committee, legislative campaign fund, or
political party.

A campaign committee is required to file a statement under
division (A)(4) of this section only if the campaign committee is
the campaign committee of a statewide candidate or the campaign
committee of a candidate for county office. No statement under
division (A)(4) of this section shall be required of a campaign
committee of a statewide candidate or of a campaign committee of a
candidate for county office for any year in which the campaign
committee is required to file a postprimary election statement
under division (A)(2) of this section. However, such a statement
may be filed at the option of the campaign committee.

No statement under division (A)(3) or (4) of this section
shall be required if the campaign committee, political action
committee, legislative campaign fund, or political party has no
contributions that it has received and no expenditures that it has

made since the last date reflected in its last previously filed 7871
statement. However, the campaign committee, political action 7872
committee, legislative campaign fund, or political party shall 7873
file a statement to that effect, on a form prescribed under this 7874
section and made under penalty of election falsification, on the 7875
date required in division (A)(3) or (4) of this section, as 7876
applicable. 7877

The campaign committee of a statewide candidate shall file a 7878
monthly statement of contributions received during each of the 7879
months of July, August, and September in the year of the general 7880
election in which the candidate seeks office. The campaign 7881
committee of a statewide candidate shall file the monthly 7882
statement not later than three business days after the last day of 7883
the month covered by the statement. During the period beginning on 7884
the nineteenth day before the general election in which a 7885
statewide candidate seeks election to office and extending through 7886
the day of that general election, each time the campaign committee 7887
of the joint candidates for the offices of governor and lieutenant 7888
governor or of a candidate for the office of secretary of state, 7889
auditor of state, treasurer of state, or attorney general receives 7890
a contribution from a contributor that causes the aggregate amount 7891
of contributions received from that contributor during that period 7892
to equal or exceed ten thousand dollars and each time the campaign 7893
committee of a candidate for the office of chief justice or 7894
justice of the supreme court receives a contribution from a 7895
contributor that causes the aggregate amount of contributions 7896
received from that contributor during that period to exceed ten 7897
thousand dollars, the campaign committee shall file a 7898
two-business-day statement reflecting that contribution. During 7899
the period beginning on the nineteenth day before a primary 7900
election in which a candidate for statewide office seeks 7901
nomination to office and extending through the day of that primary 7902

election, each time either the campaign committee of a statewide
candidate in that primary election that files a notice under
division (C)(1) of section 3517.103 of the Revised Code or the
campaign committee of a statewide candidate in that primary
election to which, in accordance with division (D) of section
3517.103 of the Revised Code, the contribution limitations
prescribed in section 3517.102 of the Revised Code no longer apply
receives a contribution from a contributor that causes the
aggregate amount of contributions received from that contributor
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. 7935

If a campaign committee or political action committee has no 7936
balance on hand and no outstanding obligations and desires to 7937
terminate itself, it shall file a statement to that effect, on a 7938
form prescribed under this section and made under penalty of 7939
election falsification, with the official with whom it files a 7940
statement under division (A) of this section after filing a final 7941
statement of contributions and a final statement of expenditures, 7942
if contributions have been received or expenditures made since the 7943
period reflected in its last previously filed statement. 7944

(B) Except as otherwise provided in division (C)(7) of this 7945
section, each statement required by division (A) of this section 7946
shall contain the following information: 7947

(1) The full name and address of each campaign committee, 7948
political action committee, legislative campaign fund, or 7949
political party, including any treasurer of the committee, fund, 7950
or party, filing a contribution and expenditure statement; 7951

(2)(a) In the case of a campaign committee, the candidate's 7952
full name and address; 7953

(b) In the case of a political action committee, the 7954
registration number assigned to the committee under division 7955
(D)(1) of this section. 7956

(3) The date of the election and whether it was or will be a 7957
general, primary, or special election; 7958

(4) A statement of contributions received, which shall 7959
include the following information: 7960

(a) The month, day, and year of the contribution; 7961

(b)(i) The full name and address of each person, political 7962
party, campaign committee, legislative campaign fund, or political 7963
action committee from whom contributions are received and the 7964

registration number assigned to the political action committee 7965
under division (D)(1) of this section. The requirement of filing 7966
the full address does not apply to any statement filed by a state 7967
or local committee of a political party, to a finance committee of 7968
such committee, or to a committee recognized by a state or local 7969
committee as its fund-raising auxiliary. Notwithstanding division 7970
(F) of this section, the requirement of filing the full address 7971
shall be considered as being met if the address filed is the same 7972
address the contributor provided under division (E)(1) of this 7973
section. 7974

(ii) If a political action committee, legislative campaign 7975
fund, or political party that is required to file campaign finance 7976
statements by electronic means of transmission under section 7977
3517.106 of the Revised Code or a campaign committee of a 7978
statewide candidate or candidate for the office of member of the 7979
general assembly receives a contribution from an individual that 7980
exceeds one hundred dollars, the name of the individual's current 7981
employer, if any, or, if the individual is self-employed, the 7982
individual's occupation and the name of the individual's business, 7983
if any; 7984

(iii) If a campaign committee of a statewide candidate or 7985
candidate for the office of member of the general assembly 7986
receives a contribution transmitted pursuant to section 3599.031 7987
of the Revised Code from amounts deducted from the wages and 7988
salaries of two or more employees that exceeds in the aggregate 7989
one hundred dollars during any one filing period under division 7990
(A)(1), (2), (3), or (4) of this section, the full name of the 7991
employees' employer and the full name of the labor organization of 7992
which the employees are members, if any. 7993

(c) A description of the contribution received, if other than 7994
money; 7995

(d) The value in dollars and cents of the contribution; 7996

(e) A separately itemized account of all contributions and 7997
expenditures regardless of the amount, except a receipt of a 7998
contribution from a person in the sum of twenty-five dollars or 7999
less at one social or fund-raising activity and a receipt of a 8000
contribution transmitted pursuant to section 3599.031 of the 8001
Revised Code from amounts deducted from the wages and salaries of 8002
employees if the contribution from the amount deducted from the 8003
wages and salary of any one employee is twenty-five dollars or 8004
less aggregated in a calendar year. An account of the total 8005
contributions from each social or fund-raising activity shall 8006
include a description of and the value of each in-kind 8007
contribution received at that activity from any person who made 8008
one or more such contributions whose aggregate value exceeded two 8009
hundred fifty dollars and shall be listed separately, together 8010
with the expenses incurred and paid in connection with that 8011
activity. A campaign committee, political action committee, 8012
legislative campaign fund, or political party shall keep records 8013
of contributions from each person in the amount of twenty-five 8014
dollars or less at one social or fund-raising activity and 8015
contributions from amounts deducted under section 3599.031 of the 8016
Revised Code from the wages and salary of each employee in the 8017
amount of twenty-five dollars or less aggregated in a calendar 8018
year. No continuing association that is recognized by a state or 8019
local committee of a political party as an auxiliary of the party 8020
and that makes a contribution from funds derived solely from 8021
regular dues paid by members of the auxiliary shall be required to 8022
list the name or address of any members who paid those dues. 8023

Contributions that are other income shall be itemized 8024
separately from all other contributions. The information required 8025
under division (B)(4) of this section shall be provided for all 8026
other income itemized. As used in this paragraph, "other income" 8027

means a loan, investment income, or interest income. 8028

(f) In the case of a campaign committee of a state elected 8029
officer, if a person doing business with the state elected officer 8030
in the officer's official capacity makes a contribution to the 8031
campaign committee of that officer, the information required under 8032
division (B)(4) of this section in regard to that contribution, 8033
which shall be filed together with and considered a part of the 8034
committee's statement of contributions as required under division 8035
(A) of this section but shall be filed on a separate form provided 8036
by the secretary of state. As used in this division: 8037

(i) "State elected officer" has the same meaning as in 8038
section 3517.092 of the Revised Code. 8039

(ii) "Person doing business" means a person or an officer of 8040
an entity who enters into one or more contracts with a state 8041
elected officer or anyone authorized to enter into contracts on 8042
behalf of that officer to receive payments for goods or services, 8043
if the payments total, in the aggregate, more than five thousand 8044
dollars during a calendar year. 8045

(5) A statement of expenditures which shall include the 8046
following information: 8047

(a) The month, day, and year of the expenditure; 8048

(b) The full name and address of each person, political 8049
party, campaign committee, legislative campaign fund, or political 8050
action committee to whom the expenditure was made and the 8051
registration number assigned to the political action committee 8052
under division (D)(1) of this section; 8053

(c) The object or purpose for which the expenditure was made; 8054

(d) The amount of each expenditure. 8055

(C)(1) The statement of contributions and expenditures shall 8056
be signed by the person completing the form. If a statement of 8057

contributions and expenditures is filed by electronic means of 8058
transmission pursuant to this section or section 3517.106 of the 8059
Revised Code, the electronic signature of the person who executes 8060
the statement and transmits the statement by electronic means of 8061
transmission, as provided in division (H) of section 3517.106 of 8062
the Revised Code, shall be attached to or associated with the 8063
statement and shall be binding on all persons and for all purposes 8064
under the campaign finance reporting law as if the signature had 8065
been handwritten in ink on a printed form. 8066

(2) The person filing the statement, under penalty of 8067
election falsification, shall include with it a list of each 8068
anonymous contribution, the circumstances under which it was 8069
received, and the reason it cannot be attributed to a specific 8070
donor. 8071

(3) Each statement of a campaign committee of a candidate who 8072
holds public office shall contain a designation of each 8073
contributor who is an employee in any unit or department under the 8074
candidate's direct supervision and control. In a space provided in 8075
the statement, the person filing the statement shall affirm that 8076
each such contribution was voluntarily made. 8077

(4) A campaign committee that did not receive contributions 8078
or make expenditures in connection with the nomination or election 8079
of its candidate shall file a statement to that effect, on a form 8080
prescribed under this section and made under penalty of election 8081
falsification, on the date required in division (A)(2) of this 8082
section. 8083

(5) The campaign committee of any person who attempts to 8084
become a candidate and who, for any reason, does not become 8085
certified in accordance with Title XXXV of the Revised Code for 8086
placement on the official ballot of a primary, general, or special 8087
election to be held in this state, and who, at any time prior to 8088

or after an election, receives contributions or makes 8089
expenditures, or has given consent for another to receive 8090
contributions or make expenditures, for the purpose of bringing 8091
about the person's nomination or election to public office, shall 8092
file the statement or statements prescribed by this section and a 8093
termination statement, if applicable. Division (C)(5) of this 8094
section does not apply to any person with respect to an election 8095
to the offices of member of a county or state central committee, 8096
presidential elector, or delegate to a national convention or 8097
conference of a political party. 8098

(6)(a) The statements required to be filed under this section 8099
shall specify the balance in the hands of the campaign committee, 8100
political action committee, legislative campaign fund, or 8101
political party and the disposition intended to be made of that 8102
balance. 8103

(b) The secretary of state shall prescribe the form for all 8104
statements required to be filed under this section and shall 8105
furnish the forms to the boards of elections in the several 8106
counties. The boards of elections shall supply printed copies of 8107
those forms without charge. The secretary of state shall prescribe 8108
the appropriate methodology, protocol, and data file structure for 8109
statements required or permitted to be filed by electronic means 8110
of transmission under division (A) of this section, divisions (E), 8111
(F), and (G) of section 3517.106, division (D) of section 8112
3517.1011, division (B) of section 3517.1012, and division (C) of 8113
section 3517.1013 of the Revised Code. Subject to division (A) of 8114
this section, divisions (E), (F), and (G) of section 3517.106, 8115
division (D) of section 3517.1011, division (B) of section 8116
3517.1012, and division (C) of section 3517.1013 of the Revised 8117
Code, the statements required to be stored on computer by the 8118
secretary of state under division (B) of section 3517.106 of the 8119
Revised Code shall be filed in whatever format the secretary of 8120

state considers necessary to enable the secretary of state to 8121
store the information contained in the statements on computer. Any 8122
such format shall be of a type and nature that is readily 8123
available to whoever is required to file the statements in that 8124
format. 8125

(c) The secretary of state shall assess the need for training 8126
regarding the filing of campaign finance statements by electronic 8127
means of transmission and regarding associated technologies for 8128
candidates, campaign committees, political action committees, 8129
legislative campaign funds, or political parties, for individuals, 8130
partnerships, or other entities, or for persons making 8131
disbursements to pay the direct costs of producing or airing 8132
electioneering communications, required or permitted to file 8133
statements by electronic means of transmission under this section 8134
or section 3517.105, 3517.106, 3517.1011, 3517.1012, or 3517.1013 8135
of the Revised Code. If, in the opinion of the secretary of state, 8136
training in these areas is necessary, the secretary of state shall 8137
arrange for the provision of voluntary training programs for 8138
candidates, campaign committees, political action committees, 8139
legislative campaign funds, or political parties, for individuals, 8140
partnerships, and other entities, or for persons making 8141
disbursements to pay the direct costs of producing or airing 8142
electioneering communications, as appropriate. 8143

(7) Each monthly statement and each two-business-day 8144
statement required by division (A) of this section shall contain 8145
the information required by divisions (B)(1) to (4), (C)(2), and, 8146
if appropriate, (C)(3) of this section. Each statement shall be 8147
signed as required by division (C)(1) of this section. 8148

(D)(1) Prior to receiving a contribution or making an 8149
expenditure, every campaign committee, political action committee, 8150
legislative campaign fund, or political party shall appoint a 8151
treasurer and shall file, on a form prescribed by the secretary of 8152

state, a designation of that appointment, including the full name
and address of the treasurer and of the campaign committee,
political action committee, legislative campaign fund, or
political party. That designation shall be filed with the official
with whom the campaign committee, political action committee,
legislative campaign fund, or political party is required to file
statements under section 3517.11 of the Revised Code. The name of
a campaign committee shall include at least the last name of the
campaign committee's candidate. The secretary of state shall
assign a registration number to each political action committee
that files a designation of the appointment of a treasurer under
this division if the political action committee is required by
division (A)(1) of section 3517.11 of the Revised Code to file the
statements prescribed by this section with the secretary of state.

(2) The treasurer appointed under division (D)(1) of this
section shall keep a strict account of all contributions, from
whom received and the purpose for which they were disbursed.

(3)(a) Except as otherwise provided in section 3517.108 of
the Revised Code, a campaign committee shall deposit all monetary
contributions received by the committee into an account separate
from a personal or business account of the candidate or campaign
committee.

(b) A political action committee shall deposit all monetary
contributions received by the committee into an account separate
from all other funds.

(c) A state or county political party may establish a state
candidate fund that is separate from an account that contains the
public moneys received from the Ohio political party fund under
section 3517.17 of the Revised Code and from all other funds. A
state or county political party may deposit into its state
candidate fund any amounts of monetary contributions that are made

to or accepted by the political party subject to the applicable 8184
limitations, if any, prescribed in section 3517.102 of the Revised 8185
Code. A state or county political party shall deposit all other 8186
monetary contributions received by the party into one or more 8187
accounts that are separate from its state candidate fund and from 8188
its account that contains the public moneys received from the Ohio 8189
political party fund under section 3517.17 of the Revised Code. 8190

(d) Each state political party shall have only one 8191
legislative campaign fund for each house of the general assembly. 8192
Each such fund shall be separate from any other funds or accounts 8193
of that state party. A legislative campaign fund is authorized to 8194
receive contributions and make expenditures for the primary 8195
purpose of furthering the election of candidates who are members 8196
of that political party to the house of the general assembly with 8197
which that legislative campaign fund is associated. Each 8198
legislative campaign fund shall be administered and controlled in 8199
a manner designated by the caucus. As used in this division, 8200
"caucus" has the same meaning as in section 3517.01 of the Revised 8201
Code and includes, as an ex officio member, the chairperson of the 8202
state political party with which the caucus is associated or that 8203
chairperson's designee. 8204

(4) Every expenditure in excess of twenty-five dollars shall 8205
be vouched for by a receipted bill, stating the purpose of the 8206
expenditure, that shall be filed with the statement of 8207
expenditures. A canceled check with a notation of the purpose of 8208
the expenditure is a receipted bill for purposes of division 8209
(D)(4) of this section. 8210

(5) The secretary of state or the board of elections, as the 8211
case may be, shall issue a receipt for each statement filed under 8212
this section and shall preserve a copy of the receipt for a period 8213
of at least six years. All statements filed under this section 8214
shall be open to public inspection in the office where they are 8215

filed and shall be carefully preserved for a period of at least 8216
six years after the year in which they are filed. 8217

(6) The secretary of state, by rule adopted pursuant to 8218
section 3517.23 of the Revised Code, shall prescribe both of the 8219
following: 8220

(a) The manner of immediately acknowledging, with date and 8221
time received, and preserving the receipt of statements that are 8222
transmitted by electronic means of transmission to the secretary 8223
of state pursuant to this section or section 3517.106, 3517.1011, 8224
3517.1012, or 3517.1013 of the Revised Code; 8225

(b) The manner of preserving the contribution and 8226
expenditure, contribution and disbursement, deposit and 8227
disbursement, or gift and disbursement information in the 8228
statements described in division (D)(6)(a) of this section. The 8229
secretary of state shall preserve the contribution and 8230
expenditure, contribution and disbursement, deposit and 8231
disbursement, or gift and disbursement information in those 8232
statements for at least ten years after the year in which they are 8233
filed by electronic means of transmission. 8234

(7) The secretary of state, pursuant to division (I) of 8235
section 3517.106 of the Revised Code, shall make available online 8236
to the public through the internet the contribution and 8237
expenditure, contribution and disbursement, deposit and 8238
disbursement, or gift and disbursement information in all 8239
statements, all addenda, amendments, or other corrections to 8240
statements, and all amended statements filed with the secretary of 8241
state by electronic or other means of transmission under this 8242
section, division (B)(2)(b) or (C)(2)(b) of section 3517.105, or 8243
section 3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.11 of 8244
the Revised Code. The secretary of state may remove the 8245
information from the internet after a reasonable period of time. 8246

(E)(1) Any person, political party, campaign committee, 8247
legislative campaign fund, or political action committee that 8248
makes a contribution in connection with the nomination or election 8249
of any candidate or in connection with any ballot issue or 8250
question at any election held or to be held in this state shall 8251
provide its full name and address to the recipient of the 8252
contribution at the time the contribution is made. The political 8253
action committee also shall provide the registration number 8254
assigned to the committee under division (D)(1) of this section to 8255
the recipient of the contribution at the time the contribution is 8256
made. 8257

(2) Any individual who makes a contribution that exceeds one 8258
hundred dollars to a political action committee, legislative 8259
campaign fund, or political party or to a campaign committee of a 8260
statewide candidate or candidate for the office of member of the 8261
general assembly shall provide the name of the individual's 8262
current employer, if any, or, if the individual is self-employed, 8263
the individual's occupation and the name of the individual's 8264
business, if any, to the recipient of the contribution at the time 8265
the contribution is made. Sections 3599.39 and 3599.40 of the 8266
Revised Code do not apply to division (E)(2) of this section. 8267

(3) If a campaign committee shows that it has exercised its 8268
best efforts to obtain, maintain, and submit the information 8269
required under divisions (B)(4)(b)(ii) and (iii) of this section, 8270
that committee is considered to have met the requirements of those 8271
divisions. A campaign committee shall not be considered to have 8272
exercised its best efforts unless, in connection with written 8273
solicitations, it regularly includes a written request for the 8274
information required under division (B)(4)(b)(ii) of this section 8275
from the contributor or the information required under division 8276
(B)(4)(b)(iii) of this section from whoever transmits the 8277
contribution. 8278

(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.

(F) As used in this section:

(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.

(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.

(c) If an address is required in this section, a campaign committee, political action committee, legislative campaign fund, or political party 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, or political party may be used in addition to that address.

(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:

(i) The same meaning as in division (F)(1)(a) of this section;

(ii) All of the following, if they exist: the contributor's post-office box number and city or village, state, and zip code as

used in the contributor's post-office address. 8309

(e) As used with regard to the reporting under this section 8310
of any expenditure, "address" means all of the following if they 8311
exist: apartment number, street, road, or highway name and number, 8312
rural delivery route number, city or village, state, and zip code 8313
as used in a person's post-office address, or post-office box. If 8314
an address concerning any expenditure is required in this section, 8315
a campaign committee, political action committee, legislative 8316
campaign fund, or political party may use the business or 8317
residence address of its treasurer or deputy treasurer or its 8318
post-office box number. 8319

(2) "Statewide candidate" means the joint candidates for the 8320
offices of governor and lieutenant governor or a candidate for the 8321
office of secretary of state, auditor of state, treasurer of 8322
state, attorney general, member of the state board of education, 8323
chief justice of the supreme court, or justice of the supreme 8324
court. 8325

(3) "Candidate for county office" means a candidate for the 8326
office of county auditor, county treasurer, clerk of the court of 8327
common pleas, judge of the court of common pleas, sheriff, county 8328
recorder, county engineer, county commissioner, prosecuting 8329
attorney, and coroner. 8330

(G) An independent expenditure shall be reported whenever and 8331
in the same manner that an expenditure is required to be reported 8332
under this section and shall be reported pursuant to division 8333
(B)(2)(a) or (C)(2)(a) of section 3517.105 of the Revised Code. 8334

(H)(1) Except as otherwise provided in division (H)(2) of 8335
this section, if, during the combined pre-election and 8336
postelection reporting periods for an election, a campaign 8337
committee has received contributions of five hundred dollars or 8338
less and has made expenditures in the total amount of five hundred 8339

dollars or less, it may file a statement to that effect, under 8340
penalty of election falsification, in lieu of the statement 8341
required by division (A)(2) of this section. The statement shall 8342
indicate the total amount of contributions received and the total 8343
amount of expenditures made during those combined reporting 8344
periods. 8345

(2) In the case of a successful candidate at a primary 8346
election, if either the total contributions received by or the 8347
total expenditures made by the candidate's campaign committee 8348
during the preprimary, postprimary, pregeneral, and postgeneral 8349
election periods combined equal more than five hundred dollars, 8350
the campaign committee may file the statement under division 8351
(H)(1) of this section only for the primary election. The first 8352
statement that the campaign committee files in regard to the 8353
general election shall reflect all contributions received and all 8354
expenditures made during the preprimary and postprimary election 8355
periods. 8356

(3) Divisions (H)(1) and (2) of this section do not apply if 8357
a campaign committee receives contributions or makes expenditures 8358
prior to the first day of January of the year of the election at 8359
which the candidate seeks nomination or election to office or if 8360
the campaign committee does not file a termination statement with 8361
its postprimary election statement in the case of an unsuccessful 8362
primary election candidate or with its postgeneral election 8363
statement in the case of other candidates. 8364

(I) In the case of a contribution made by a partner of a 8365
partnership or an owner or a member of another unincorporated 8366
business from any funds of the partnership or other unincorporated 8367
business, all of the following apply: 8368

(1) The recipient of the contribution shall report the 8369
contribution by listing both the partnership or other 8370

unincorporated business and the name of the partner, owner, or member making the contribution. 8371
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(2) For purposes of section 3517.102 of the Revised Code, the contribution shall be considered to have been made by the partner, owner, or member reported under division (I)(1) of this section. 8373
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(3) No contribution from a partner of a partnership or an owner or a member of another unincorporated business shall be accepted from any funds of the partnership or other unincorporated business unless the recipient reports the contribution under division (I)(1) of this section. 8376
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(4) No partnership or other unincorporated business shall make a contribution or contributions solely in the name of the partnership or other unincorporated business. 8381
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(5) As used in division (I) of this section, "partnership or other unincorporated business" includes, but is not limited to, a cooperative, a sole proprietorship, a general partnership, a limited partnership, a limited partnership association, a limited liability partnership, and a limited liability company. 8384
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(J) A candidate shall have only one campaign committee at any given time for all of the offices for which the person is a candidate or holds office. 8389
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(K)(1) In addition to filing a designation of appointment of a treasurer under division (D)(1) of this section, the campaign committee of any candidate for an elected municipal office that pays an annual amount of compensation of five thousand dollars or less, the campaign committee of any candidate for member of a board of education except member of the state board of education, or the campaign committee of any candidate for township trustee or township clerk may sign, under penalty of election falsification, a certificate attesting that the committee will not accept contributions during an election period that exceed in the 8392
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aggregate two thousand dollars from all contributors and one 8402
hundred dollars from any one individual, and that the campaign 8403
committee will not make expenditures during an election period 8404
that exceed in the aggregate two thousand dollars. 8405

The certificate shall be on a form prescribed by the 8406
secretary of state and shall be filed not later than ten days 8407
after the candidate files a declaration of candidacy and petition, 8408
a nominating petition, or a declaration of intent to be a write-in 8409
candidate. 8410

(2) Except as otherwise provided in division (K)(3) of this 8411
section, a campaign committee that files a certificate under 8412
division (K)(1) of this section is not required to file the 8413
statements required by division (A) of this section. 8414

(3) If, after filing a certificate under division (K)(1) of 8415
this section, a campaign committee exceeds any of the limitations 8416
described in that division during an election period, the 8417
certificate is void and thereafter the campaign committee shall 8418
file the statements required by division (A) of this section. If 8419
the campaign committee has not previously filed a statement, then 8420
on the first statement the campaign committee is required to file 8421
under division (A) of this section after the committee's 8422
certificate is void, the committee shall report all contributions 8423
received and expenditures made from the time the candidate filed 8424
the candidate's declaration of candidacy and petition, nominating 8425
petition, or declaration of intent to be a write-in candidate. 8426

(4) As used in division (K) of this section, "election 8427
period" means the period of time beginning on the day a person 8428
files a declaration of candidacy and petition, nominating 8429
petition, or declaration of intent to be a write-in candidate 8430
through the day of the election at which the person seeks 8431
nomination to office if the person is not elected to office, or, 8432

if the candidate was nominated in a primary election, the day of 8433
the election at which the candidate seeks office. 8434

Sec. 3517.106. (A) As used in this section: 8435

(1) "Statewide office" means any of the offices of governor, 8436
lieutenant governor, secretary of state, auditor of state, 8437
treasurer of state, attorney general, chief justice of the supreme 8438
court, and justice of the supreme court. 8439

(2) "Addendum to a statement" includes an amendment or other 8440
correction to that statement. 8441

(B)(1) The secretary of state shall store on computer the 8442
information contained in statements of contributions and 8443
expenditures and monthly statements required to be filed under 8444
section 3517.10 of the Revised Code and in statements of 8445
independent expenditures required to be filed under section 8446
3517.105 of the Revised Code by any of the following: 8447

(a) The campaign committees of candidates for statewide 8448
office; 8449

(b) The political action committees described in division 8450
(A)(1) of section 3517.11 of the Revised Code; 8451

(c) Legislative campaign funds; 8452

(d) State political parties; 8453

(e) Individuals, partnerships, corporations, labor 8454
organizations, or other entities that make independent 8455
expenditures in support of or opposition to a statewide candidate 8456
or a statewide ballot issue or question; 8457

(f) The campaign committees of candidates for the office of 8458
member of the general assembly; 8459

(g) County political parties, with respect to their state 8460
candidate funds. 8461

(2) The secretary of state shall store on computer the information contained in disclosure of electioneering communications statements required to be filed under section 3517.1011 of the Revised Code.

(3) The secretary of state shall store on computer the information contained in deposit and disbursement statements required to be filed with the office of the secretary of state under section 3517.1012 of the Revised Code.

(4) The secretary of state shall store on computer the gift and disbursement information contained in statements required to be filed with the office of the secretary of state under section 3517.1013 of the Revised Code.

(C)(1) The secretary of state shall make available to the campaign committees, political action committees, legislative campaign funds, political parties, individuals, partnerships, corporations, labor organizations, and other entities described in division (B) of this section, and to members of the news media and other interested persons, for a reasonable fee, computer programs that are compatible with the secretary of state's method of storing the information contained in the statements.

(2) The secretary of state shall make the information required to be stored under division (B) of this section available on computer at the secretary of state's office so that, to the maximum extent feasible, individuals may obtain at the secretary of state's office any part or all of that information for any given year, subject to the limitation expressed in division (D) of this section.

(D) The secretary of state shall keep the information stored on computer under division (B) of this section for at least six years.

(E)(1) Subject to division (L) of this section and subject to

the secretary of state having implemented, tested, and verified 8493
the successful operation of any system the secretary of state 8494
prescribes pursuant to division (H)(1) of this section and 8495
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 8496
Code for the filing of campaign finance statements by electronic 8497
means of transmission, the campaign committee of each candidate 8498
for statewide office may file the statements prescribed by section 8499
3517.10 of the Revised Code by electronic means of transmission 8500
or, if the total amount of the contributions received or the total 8501
amount of the expenditures made by the campaign committee for the 8502
applicable reporting period as specified in division (A) of 8503
section 3517.10 of the Revised Code exceeds ten thousand dollars, 8504
shall file those statements by electronic means of transmission. 8505

Except as otherwise provided in this division, within five 8506
business days after a statement filed by a campaign committee of a 8507
candidate for statewide office is received by the secretary of 8508
state by electronic or other means of transmission, the secretary 8509
of state shall make available online to the public through the 8510
internet, as provided in division (I) of this section, the 8511
contribution and expenditure information in that statement. The 8512
secretary of state shall not make available online to the public 8513
through the internet any contribution or expenditure information 8514
contained in a statement for any candidate until the secretary of 8515
state is able to make available online to the public through the 8516
internet the contribution and expenditure information for all 8517
candidates for a particular office, or until the applicable filing 8518
deadline for that statement has passed, whichever is sooner. As 8519
soon as the secretary of state has available all of the 8520
contribution and expenditure information for all candidates for a 8521
particular office, or as soon as the applicable filing deadline 8522
for a statement has passed, whichever is sooner, the secretary of 8523
state shall simultaneously make available online to the public 8524

through the internet the information for all candidates for that office. 8525
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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. 8527
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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. 8535
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(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 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, legislative campaign fund, or state political party for the applicable reporting period as specified 8544
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in division (A) of section 3517.10 of the Revised Code exceeds ten 8557
thousand dollars, shall file those statements by electronic means 8558
of transmission. 8559

Within five business days after a statement filed by a 8560
political action committee described in division (B)(1)(b) of this 8561
section, a legislative campaign fund, or a state political party 8562
is received by the secretary of state by electronic or other means 8563
of transmission, the secretary of state shall make available 8564
online to the public through the internet, as provided in division 8565
(I) of this section, the contribution and expenditure information 8566
in that statement. 8567

If a statement filed by electronic means of transmission is 8568
found to be incomplete or inaccurate after the examination of the 8569
statement for completeness and accuracy pursuant to division 8570
(B)(3)(a) of section 3517.11 of the Revised Code, the political 8571
action committee, legislative campaign fund, or state political 8572
party shall file by electronic means of transmission any addendum 8573
to the statement that provides the information necessary to 8574
complete or correct the statement or, if required by the secretary 8575
of state under that division, an amended statement. 8576

Within five business days after the secretary of state 8577
receives from a political action committee described in division 8578
(B)(1)(b) of this section, a legislative campaign fund, or a state 8579
political party an addendum to the statement or an amended 8580
statement by electronic or other means of transmission under this 8581
division or division (B)(3)(a) of section 3517.11 of the Revised 8582
Code, the secretary of state shall make the contribution and 8583
expenditure information in the addendum or amended statement 8584
available online to the public through the internet as provided in 8585
division (I) of this section. 8586

(3) Subject to the secretary of state having implemented, 8587

tested, and verified the successful operation of any system the 8588
secretary of state prescribes pursuant to division (H)(1) of this 8589
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 8590
the Revised Code for the filing of campaign finance statements by 8591
electronic means of transmission, a county political party shall 8592
file the statements prescribed by section 3517.10 of the Revised 8593
Code with respect to its state candidate fund by electronic means 8594
of transmission to the office of the secretary of state. 8595

Within five business days after a statement filed by a county 8596
political party with respect to its state candidate fund is 8597
received by the secretary of state by electronic means of 8598
transmission, the secretary of state shall make available online 8599
to the public through the internet, as provided in division (I) of 8600
this section, the contribution and expenditure information in that 8601
statement. 8602

If a statement is found to be incomplete or inaccurate after 8603
the examination of the statement for completeness and accuracy 8604
pursuant to division (B)(3)(a) of section 3517.11 of the Revised 8605
Code, a county political party shall file by electronic means of 8606
transmission any addendum to the statement that provides the 8607
information necessary to complete or correct the statement or, if 8608
required by the secretary of state under that division, an amended 8609
statement. 8610

Within five business days after the secretary of state 8611
receives from a county political party an addendum to the 8612
statement or an amended statement by electronic means of 8613
transmission under this division or division (B)(3)(a) of section 8614
3517.11 of the Revised Code, the secretary of state shall make the 8615
contribution and expenditure information in the addendum or 8616
amended statement available online to the public through the 8617
internet as provided in division (I) of this section. 8618

(F)(1) Subject to division (L) of this section and subject to 8619
the secretary of state having implemented, tested, and verified 8620
the successful operation of any system the secretary of state 8621
prescribes pursuant to division (H)(1) of this section and 8622
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 8623
Code for the filing of campaign finance statements by electronic 8624
means of transmission, a campaign committee of a candidate for the 8625
office of member of the general assembly or a campaign committee 8626
of a candidate for the office of judge of a court of appeals may 8627
file the statements prescribed by section 3517.10 of the Revised 8628
Code in accordance with division (A)(2) of section 3517.11 of the 8629
Revised Code or by electronic means of transmission to the office 8630
of the secretary of state or, if the total amount of the 8631
contributions received by the campaign committee for the 8632
applicable reporting period as specified in division (A) of 8633
section 3517.10 of the Revised Code exceeds ten thousand dollars, 8634
shall file those statements by electronic means of transmission to 8635
the office of the secretary of state. 8636

Except as otherwise provided in this division, within five 8637
business days after a statement filed by a campaign committee of a 8638
candidate for the office of member of the general assembly or a 8639
campaign committee of a candidate for the office of judge of a 8640
court of appeals is received by the secretary of state by 8641
electronic or other means of transmission, the secretary of state 8642
shall make available online to the public through the internet, as 8643
provided in division (I) of this section, the contribution and 8644
expenditure information in that statement. The secretary of state 8645
shall not make available online to the public through the internet 8646
any contribution or expenditure information contained in a 8647
statement for any candidate until the secretary of state is able 8648
to make available online to the public through the internet the 8649
contribution and expenditure information for all candidates for a 8650

particular office, or until the applicable filing deadline for 8651
that statement has passed, whichever is sooner. As soon as the 8652
secretary of state has available all of the contribution and 8653
expenditure information for all candidates for a particular 8654
office, or as soon as the applicable filing deadline for a 8655
statement has passed, whichever is sooner, the secretary of state 8656
shall simultaneously make available online to the public through 8657
the internet the information for all candidates for that office. 8658

If a statement filed by electronic means of transmission is 8659
found to be incomplete or inaccurate after the examination of the 8660
statement for completeness and accuracy pursuant to division 8661
(B)(3)(a) of section 3517.11 of the Revised Code, the campaign 8662
committee shall file by electronic means of transmission to the 8663
office of the secretary of state any addendum to the statement 8664
that provides the information necessary to complete or correct the 8665
statement or, if required by the secretary of state under that 8666
division, an amended statement. 8667

Within five business days after the secretary of state 8668
receives from a campaign committee of a candidate for the office 8669
of member of the general assembly or a campaign committee of a 8670
candidate for the office of judge of a court of appeals an 8671
addendum to the statement or an amended statement by electronic or 8672
other means of transmission under this division or division 8673
(B)(3)(a) of section 3517.11 of the Revised Code, the secretary of 8674
state shall make the contribution and expenditure information in 8675
the addendum or amended statement available online to the public 8676
through the internet as provided in division (I) of this section. 8677

(2) If a statement, addendum, or amended statement is not 8678
filed by electronic means of transmission to the office of the 8679
secretary of state but is filed by printed version only under 8680
division (A)(2) of section 3517.11 of the Revised Code with the 8681
appropriate board of elections, the campaign committee of a 8682

candidate for the office of member of the general assembly or a
campaign committee of a candidate for the office of judge of a
court of appeals shall file two copies of the printed version of
the statement, addendum, or amended statement with the board of
elections. The board of elections shall send one of those copies
by overnight delivery service to the secretary of state before the
close of business on the day the board of elections receives the
statement, addendum, or amended statement.

(G) 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, any individual, partnership, or
other entity that makes independent expenditures in support of or
opposition to a statewide candidate or a statewide ballot issue or
question as provided in division (B)(2)(b) or (C)(2)(b) of section
3517.105 of the Revised Code may file the statement specified in
that division by electronic means of transmission or, if the total
amount of independent expenditures made during the reporting
period under that division exceeds ten thousand dollars, shall
file the statement specified in that division by electronic means
of transmission.

Within five business days after a statement filed by an
individual, partnership, or other entity 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 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 individual,
partnership, or other entity 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.

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Within five business days after the secretary of state
receives from an individual, partnership, or other entity
described in division (B)(2)(b) or (C)(2)(b) of section 3517.105
of the Revised Code 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 expenditure
information in the addendum or amended statement available online
to the public through the internet as provided in division (I) of
this section.

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(H)(1) The secretary of state, by rule adopted pursuant to
section 3517.23 of the Revised Code, shall prescribe one or more
techniques by which a person who executes and transmits by
electronic means a statement of contributions and expenditures, a
statement of independent expenditures, a disclosure of
electioneering communications statement, a deposit and
disbursement statement, or a gift and disbursement statement, an
addendum to any of those statements, an amended statement of
contributions and expenditures, an amended statement of
independent expenditures, an amended disclosure of electioneering
communications statement, an amended deposit and disbursement
statement, or an amended gift and disbursement statement, under
this section or section 3517.10, 3517.105, 3517.1011, 3517.1012,
or 3517.1013 of the Revised Code shall electronically sign the
statement, addendum, or amended statement. Any technique
prescribed by the secretary of state pursuant to this division

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8746

shall create an electronic signature that satisfies all of the 8747
following: 8748

(a) It is unique to the signer. 8749

(b) It objectively identifies the signer. 8750

(c) It involves the use of a signature device or other means 8751
or method that is under the sole control of the signer and that 8752
cannot be readily duplicated or compromised. 8753

(d) It is created and linked to the electronic record to 8754
which it relates in a manner that, if the record or signature is 8755
intentionally or unintentionally changed after signing, the 8756
electronic signature is invalidated. 8757

(2) An electronic signature prescribed by the secretary of 8758
state under division (H)(1) of this section shall be attached to 8759
or associated with the statement of contributions and 8760
expenditures, the statement of independent expenditures, the 8761
disclosure of electioneering communications statement, the deposit 8762
and disbursement statement, or the gift and disbursement 8763
statement, the addendum to any of those statements, the amended 8764
statement of contributions and expenditures, the amended statement 8765
of independent expenditures, the amended disclosure of 8766
electioneering communications statement, the amended deposit and 8767
disbursement statement, or the amended gift and disbursement 8768
statement that is executed and transmitted by electronic means by 8769
the person to whom the electronic signature is attributed. The 8770
electronic signature that is attached to or associated with the 8771
statement, addendum, or amended statement under this division 8772
shall be binding on all persons and for all purposes under the 8773
campaign finance reporting law as if the signature had been 8774
handwritten in ink on a printed form. 8775

(I) The secretary of state shall make the contribution and 8776
expenditure, the contribution and disbursement, the deposit and 8777

disbursement, or the gift and disbursement information in all 8778
statements, all addenda to the statements, and all amended 8779
statements that are filed with the secretary of state by 8780
electronic or other means of transmission under this section or 8781
section 3517.10, 3517.105, 3517.1011, 3517.1012, 3517.1013, or 8782
3517.11 of the Revised Code available online to the public by any 8783
means that are searchable, viewable, and accessible through the 8784
internet. 8785

(J)(1) As used in this division, "library" means a library 8786
that is open to the public and that is one of the following: 8787

(a) A library that is maintained and regulated under section 8788
715.13 of the Revised Code; 8789

(b) A library that is created, maintained, and regulated 8790
under Chapter 3375. of the Revised Code. 8791

(2) The secretary of state shall notify all libraries of the 8792
location on the internet at which the contribution and 8793
expenditure, contribution and disbursement, deposit and 8794
disbursement, or gift and disbursement information in campaign 8795
finance statements required to be made available online to the 8796
public through the internet pursuant to division (I) of this 8797
section may be accessed. 8798

If that location is part of the world wide web and if the 8799
secretary of state has notified a library of that world wide web 8800
location as required by this division, the library shall include a 8801
link to that world wide web location on each internet-connected 8802
computer it maintains that is accessible to the public. 8803

(3) If the system the secretary of state prescribes for the 8804
filing of campaign finance statements by electronic means of 8805
transmission pursuant to division (H)(1) of this section and 8806
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 8807
Code includes filing those statements through the internet via the 8808

world wide web, the secretary of state shall notify all libraries 8809
of the world wide web location at which those statements may be 8810
filed. 8811

If those statements may be filed through the internet via the 8812
world wide web and if the secretary of state has notified a 8813
library of that world wide web location as required by this 8814
division, the library shall include a link to that world wide web 8815
location on each internet-connected computer it maintains that is 8816
accessible to the public. 8817

(K) It is an affirmative defense to a complaint or charge 8818
brought against any campaign committee, political action 8819
committee, legislative campaign fund, or political party, any 8820
individual, partnership, or other entity, or any person making 8821
disbursements to pay the direct costs of producing or airing 8822
electioneering communications, for the failure to file by 8823
electronic means of transmission a campaign finance statement as 8824
required by this section or section 3517.10, 3517.105, 3517.1011, 8825
3517.1012, or 3517.1013 of the Revised Code that all of the 8826
following apply to the campaign committee, political action 8827
committee, legislative campaign fund, or political party, the 8828
individual, partnership, or other entity, or the person making 8829
disbursements to pay the direct costs of producing or airing 8830
electioneering communications, that failed to so file: 8831

(1) The campaign committee, political action committee, 8832
legislative campaign fund, or political party, the individual, 8833
partnership, or other entity, or the person making disbursements 8834
to pay the direct costs of producing or airing electioneering 8835
communications attempted to file by electronic means of 8836
transmission the required statement prior to the deadline set 8837
forth in the applicable section. 8838

(2) The campaign committee, political action committee, 8839

legislative campaign fund, or political party, the individual, 8840
partnership, or other entity, or the person making disbursements 8841
to pay the direct costs of producing or airing electioneering 8842
communications was unable to file by electronic means of 8843
transmission due to an expected or unexpected shutdown of the 8844
whole or part of the electronic campaign finance statement-filing 8845
system, such as for maintenance or because of hardware, software, 8846
or network connection failure. 8847

(3) The campaign committee, political action committee, 8848
legislative campaign fund, or political party, the individual, 8849
partnership, or other entity, or the person making disbursements 8850
to pay the direct costs of producing or airing electioneering 8851
communications filed by electronic means of transmission the 8852
required statement within a reasonable period of time after being 8853
unable to so file it under the circumstance described in division 8854
(K)(2) of this section. 8855

(L)(1) The secretary of state shall adopt rules pursuant to 8856
Chapter 119. of the Revised Code to permit a campaign committee of 8857
a candidate for statewide office that makes expenditures of less 8858
than twenty-five thousand dollars during the filing period or a 8859
campaign committee for the office of member of the general 8860
assembly or the office of judge of a court of appeals that would 8861
otherwise be required to file campaign finance statements by 8862
electronic means of transmission under division (E) or (F) of this 8863
section to file those statements by paper with the office of the 8864
secretary of state. Those rules shall provide for all of the 8865
following: 8866

(a) An eligible campaign committee that wishes to file a 8867
campaign finance statement by paper instead of by electronic means 8868
of transmission shall file the statement on paper with the office 8869
of the secretary of state not sooner than twenty-four hours after 8870
the end of the filing period set forth in section 3517.10 of the 8871

Revised Code that is covered by the applicable statement. 8872

(b) The statement shall be accompanied by a fee, the amount 8873
of which the secretary of state shall determine by rule. The 8874
amount of the fee established under this division shall not exceed 8875
the data entry and data verification costs the secretary of state 8876
will incur to convert the information on the statement to an 8877
electronic format as required under division (I) of this section. 8878

(c) The secretary of state shall arrange for the information 8879
in campaign finance statements filed pursuant to division (L) of 8880
this section to be made available online to the public through the 8881
internet in the same manner, and at the same times, as information 8882
is made available under divisions (E), (F), and (I) of this 8883
section for candidates whose campaign committees file those 8884
statements by electronic means of transmission. 8885

(d) The candidate of an eligible campaign committee that 8886
intends to file a campaign finance statement pursuant to division 8887
(L) of this section shall file ~~an affidavit~~ a notice indicating 8888
that the candidate's campaign committee intends to so file and 8889
stating that filing the statement by electronic means of 8890
transmission would constitute a hardship for the candidate or for 8891
the eligible campaign committee. 8892

(e) An eligible campaign committee that files a campaign 8893
finance statement on paper pursuant to division (L) of this 8894
section shall review the contribution and information made 8895
available online by the secretary of state with respect to that 8896
paper filing and shall notify the secretary of state of any errors 8897
with respect to that filing that appear in the data made available 8898
on that web site. 8899

(f) If an eligible campaign committee whose candidate has 8900
filed ~~an affidavit~~ a notice in accordance with rules adopted under 8901
division (L)(1)(d) of this section subsequently fails to file that 8902

statement on paper by the applicable deadline established in rules 8903
adopted under division (L)(1)(a) of this section, penalties for 8904
the late filing of the campaign finance statement shall apply to 8905
that campaign committee for each day after that paper filing 8906
deadline, as if the campaign committee had filed the statement 8907
after the applicable deadline set forth in division (A) of section 8908
3517.10 of the Revised Code. 8909

(2) The process for permitting campaign committees that would 8910
otherwise be required to file campaign finance statements by 8911
electronic means of transmission to file those statements on paper 8912
with the office of the secretary of state that is required to be 8913
developed under division (L)(1) of this section shall be in effect 8914
and available for use by eligible campaign committees for all 8915
campaign finance statements that are required to be filed on or 8916
after June 30, 2005. Notwithstanding any provision of the Revised 8917
Code to the contrary, if the process the secretary of state is 8918
required to develop under division (L)(1) of this section is not 8919
in effect and available for use on and after June 30, 2005, all 8920
penalties for the failure of campaign committees to file campaign 8921
finance statements by electronic means of transmission shall be 8922
suspended until such time as that process is in effect and 8923
available for use. 8924

(3) Notwithstanding any provision of the Revised Code to the 8925
contrary, any eligible campaign committee that files campaign 8926
finance statements on paper with the office of the secretary of 8927
state pursuant to division (L)(1) of this section shall be deemed 8928
to have filed those campaign finance statements by electronic 8929
means of transmission to the office of the secretary of state. 8930

Sec. 3517.1011. (A) As used in this section: 8931

(1) "Address" has the same meaning as in section 3517.10 of 8932
the Revised Code. 8933

(2) "Broadcast, cable, or satellite communication" means a communication that is publicly distributed by a television station, radio station, cable television system, or satellite system.

(3) "Candidate" has the same meaning as in section 3501.01 of the Revised Code;

(4) "Contribution" means any loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, or transfer of funds or of anything of value, including a transfer of funds from an inter vivos or testamentary trust or decedent's estate, and the payment by any person other than the person to whom the services are rendered for the personal services of another person, that is made, received, or used to pay the direct costs of producing or airing electioneering communications.

~~(4)~~(5)(a) "Coordinated electioneering communication" means any electioneering communication that is made pursuant to any arrangement, coordination, or direction by a candidate or a candidate's campaign committee, by an officer, agent, employee, or consultant of a candidate or a candidate's campaign committee, or by a former officer, former agent, former employee, or former consultant of a candidate or a candidate's campaign committee prior to the airing, broadcasting, or cablecasting of the communication. An electioneering communication is presumed to be a "coordinated electioneering communication" when it is either of the following:

(i) Based on information about a candidate's plans, projects, 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; 8965
8966

(ii) Made by or through any person who is, or has been, 8967
authorized to raise or expend funds on behalf of a candidate or 8968
the candidate's campaign committee, who is, or has been, an 8969
officer, agent, employee, or consultant of the candidate or of the 8970
candidate's campaign committee, or who is, or has been, receiving 8971
any form of compensation or reimbursement from the candidate or 8972
the candidate's campaign committee or from an officer, agent, 8973
employee, or consultant of the candidate or of the candidate's 8974
campaign committee. 8975

(b) An electioneering communication shall not be presumed to 8976
be a "coordinated electioneering communication" under division 8977
(A)(4)(a)(ii) of this section if the communication is made through 8978
any person who provides a service that does not affect the content 8979
of the communication, such as communications placed through the 8980
efforts of a media buyer, unless that person also affects the 8981
content of the communication. 8982

~~(5)~~(6) "Disclosure date" means both of the following: 8983

(a) The first date during any calendar year by which a person 8984
makes disbursements for the direct costs of producing or airing 8985
electioneering communications aggregating in excess of ten 8986
thousand dollars; 8987

(b) The same day of the week of each remaining week in the 8988
same calendar year as the day of the week of the initial 8989
disclosure date established under division (A)(5)(a) of this 8990
section, if, during that remaining week, the person makes 8991
disbursements for the direct costs of producing or airing 8992
electioneering communications aggregating in excess of one dollar. 8993

~~(6)~~(7)(a) "Electioneering communication" means any broadcast, 8994
cable, or satellite communication that refers to a clearly 8995

identified candidate and that is made during either of the 8996
following periods of time: 8997

(i) If the person becomes a candidate before the day of the 8998
primary election at which candidates will be nominated for 8999
election to that office, between the date that the person becomes 9000
a candidate and the thirtieth day prior to that primary election, 9001
and between the date of the primary election and the thirtieth day 9002
prior to the general election at which a candidate will be elected 9003
to that office; 9004

(ii) If the person becomes a candidate after the day of the 9005
primary election at which candidates were nominated for election 9006
to that office, between the date of the primary election and the 9007
thirtieth day prior to the general election at which a candidate 9008
will be elected to that office. 9009

(b) "Electioneering communication" does not include any of 9010
the following: 9011

(i) A communication that is publicly disseminated through a 9012
means of communication other than a broadcast, cable, or satellite 9013
television or radio station. For example, "electioneering 9014
communication" does not include communications appearing in print 9015
media, including a newspaper or magazine, handbill, brochure, 9016
bumper sticker, yard sign, poster, billboard, and other written 9017
materials, including mailings; communications over the internet, 9018
including electronic mail; or telephone communications. 9019

(ii) A communication that appears in a news story, 9020
commentary, public service announcement, bona fide news 9021
programming, or editorial distributed through the facilities of 9022
any broadcast, cable, or satellite television or radio station, 9023
unless those facilities are owned or controlled by any political 9024
party, political committee, or candidate; 9025

(iii) A communication that constitutes an expenditure or an 9026

independent expenditure under section 3517.01 of the Revised Code; 9027

(iv) A communication that constitutes a candidate debate or 9028
forum or that solely promotes a candidate debate or forum and is 9029
made by or on behalf of the person sponsoring the debate or forum. 9030

~~(7)~~(8) "Filing date" has the same meaning as in section 9031
3517.109 of the Revised Code. 9032

~~(8)~~(9) "Immigration and Nationality Act" means the 9033
Immigration and Nationality Act, 110 Stat. 309 (1996), 8 U.S.C. 9034
1101 et seq., as amended. 9035

~~(9)~~(10) "Person" has the same meaning as in section 1.59 of 9036
the Revised Code and includes any political organization 9037
considered exempt from income taxation under section 527 of the 9038
Internal Revenue Code. 9039

~~(10)~~(11) "Political committee" means any of the following: 9040

(a) Any committee, club, association, or other group of 9041
persons that receives contributions aggregating in excess of one 9042
thousand dollars during a calendar year or that makes expenditures 9043
aggregating in excess of one thousand dollars during a calendar 9044
year; 9045

(b) Any separate segregated fund; 9046

(c) Any state, county, or local committee of a political 9047
party that does any of the following: 9048

(i) Receives contributions aggregating in excess of five 9049
thousand dollars during a calendar year; 9050

(ii) Makes payments that do not constitute contributions or 9051
expenditures aggregating in excess of five thousand dollars during 9052
a calendar year; 9053

(iii) Makes contributions or expenditures aggregating in 9054
excess of one thousand dollars during a calendar year. 9055

~~(11)~~(12) "Publicly distributed" means aired, broadcast, 9056
cablecast, or otherwise disseminated for a fee. 9057

~~(12)~~(13) "Refers to a clearly identified candidate" means 9058
that the candidate's name, nickname, photograph, or drawing 9059
appears, or the identity of the candidate is otherwise apparent 9060
through an unambiguous reference to the person such as "the chief 9061
justice," "the governor," "member of the Ohio senate," "member of 9062
the Ohio house of representatives," "county auditor," "mayor," or 9063
"township trustee" or through an unambiguous reference to the 9064
person's status as a candidate. 9065

(B) For the purposes of this section, a person shall be 9066
considered to have made a disbursement if the person has entered 9067
into a contract to make the disbursement. 9068

(C) Any person intending to make a disbursement or 9069
disbursements for the direct costs of producing or airing 9070
electioneering communications, prior to making the first 9071
disbursement for the direct costs of producing or airing an 9072
electioneering communication, shall file a notice with the office 9073
of the secretary of state that the person is intending to make 9074
such disbursements. 9075

(D)(1) Every person that makes a disbursement or 9076
disbursements for the direct costs of producing and airing 9077
electioneering communications aggregating in excess of ten 9078
thousand dollars during any calendar year shall file, within 9079
twenty-four hours of each disclosure date, a disclosure of 9080
electioneering communications statement containing the following 9081
information: 9082

(a) The full name and address of the person making the 9083
disbursement, of any person sharing or exercising direction or 9084
control over the activities of the person making the disbursement, 9085
and of the custodian of the books and accounts of the person 9086

making the disbursement; 9087

(b) The principal place of business of the person making the 9088
disbursement, if not an individual; 9089

(c) The amount of each disbursement of more than one dollar 9090
during the period covered by the statement and the identity of the 9091
person to whom the disbursement was made; 9092

(d) The nominations or elections to which the electioneering 9093
communications pertain and the names, if known, of the candidates 9094
identified or to be identified; 9095

(e) If the disbursements were paid out of a segregated bank 9096
account that consists of funds contributed solely by individuals 9097
who are United States citizens or nationals or lawfully admitted 9098
for permanent residence as defined in section 101(a)(20) of the 9099
Immigration and Nationality Act directly to the account for 9100
electioneering communications, the information specified in 9101
division (D)(2) of this section for all contributors who 9102
contributed an aggregate amount of two hundred dollars or more to 9103
the segregated bank account and whose contributions were used for 9104
making the disbursement or disbursements required to be reported 9105
under division (D) of this section during the period covered by 9106
the statement. Nothing in this division prohibits or shall be 9107
construed to prohibit the use of funds in such a segregated bank 9108
account for a purpose other than electioneering communications. 9109

(f) If the disbursements were paid out of funds not described 9110
in division (D)(1)(e) of this section, the information specified 9111
in division (D)(2) of this section for all contributors who 9112
contributed an aggregate amount of two hundred dollars or more to 9113
the person making the disbursement and whose contributions were 9114
used for making the disbursement or disbursements required to be 9115
reported under division (D) of this section during the period 9116
covered by the statement. 9117

(2) For each contributor for which information is required to be reported under division (D)(1)(e) or (f) of this section, all of the following shall be reported:

(a) The month, day, and year that the contributor made the contribution or contributions aggregating two hundred dollars or more;

(b)(i) The full name and address of the contributor, and, if the contributor is a political action committee, the registration number assigned to the political action committee under division (D)(1) of section 3517.10 of the Revised Code;

(ii) If the contributor is an individual, 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;

(iii) If the contribution is transmitted pursuant to section 3599.031 of the Revised Code from amounts deducted from the wages and salaries of two or more employees that exceed in the aggregate one hundred dollars during the period specified in division (D)(1)(e) or (f) of this section, as applicable, the full name of the employees' employer and the full name of the labor organization of which the employees are members, if any.

(c) A description of the contribution, if other than money;

(d) The value in dollars and cents of the contribution.

(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 divisions (C)(6)(b) and (D)(6) of section 3517.10 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 person shall file the disclosure of electioneering communications statement prescribed

under divisions (D)(1) and (2) of this section by electronic means 9148
of transmission to the office of the secretary of state. 9149

Within five business days after the secretary of state 9150
receives a disclosure of electioneering communications statement 9151
under this division, the secretary of state shall make available 9152
online to the public through the internet, as provided in division 9153
(I) of section 3517.106 of the Revised Code, the contribution and 9154
disbursement information in that statement. 9155

If a filed disclosure of electioneering communications 9156
statement is found to be incomplete or inaccurate after its 9157
examination for completeness and accuracy pursuant to division 9158
(B)(3)(a) of section 3517.11 of the Revised Code, the person shall 9159
file by electronic means of transmission to the office of the 9160
secretary of state any addendum, amendment, or other correction to 9161
the statement that provides the information necessary to complete 9162
or correct the statement or, if required by the secretary of state 9163
under that division, an amended statement. 9164

Within five business days after the secretary of state 9165
receives an addendum, amendment, or other correction to a 9166
disclosure of electioneering communications statement or an 9167
amended statement by electronic means of transmission under this 9168
division or division (B)(3)(a) of section 3517.11 of the Revised 9169
Code, the secretary of state shall make the contribution and 9170
disbursement information in the addendum, amendment, or other 9171
correction to the statement or amended statement available online 9172
to the public through the internet as provided in division (I) of 9173
section 3517.106 of the Revised Code. 9174

(E)(1) Any person who makes a contribution for the purpose of 9175
funding the direct costs of producing or airing an electioneering 9176
communication under this section shall provide the person's full 9177
name and address to the recipient of the contribution at the time 9178

the contribution is made. 9179

(2) Any individual who makes a contribution or contributions 9180
aggregating two hundred dollars or more for the purpose of funding 9181
the direct costs of producing or airing an electioneering 9182
communication under this section shall provide the name of the 9183
individual's current employer, if any, or, if the individual is 9184
self-employed, the individual's occupation and the name of the 9185
individual's business, if any, to the recipient of the 9186
contribution at the time the contribution is made. 9187

(F) In each electioneering communication, a statement shall 9188
appear or be presented in a clear and conspicuous manner that does 9189
both of the following: 9190

(1) Clearly indicates that the electioneering communication 9191
is not authorized by the candidate or the candidate's campaign 9192
committee; 9193

(2) Clearly identifies the person making the disbursement for 9194
the electioneering communication in accordance with section 9195
3517.20 of the Revised Code. 9196

(G) Any coordinated electioneering communication is an 9197
in-kind contribution, subject to the applicable contribution 9198
limits prescribed in section 3517.102 of the Revised Code, to the 9199
candidate by the person making disbursements to pay the direct 9200
costs of producing or airing the communication. 9201

(H) No person shall make, during the thirty days preceding a 9202
primary election or during the thirty days preceding a general 9203
election, any broadcast, cable, or satellite communication that 9204
refers to a clearly identified candidate using any contributions 9205
received from a corporation or labor organization. 9206

Sec. 3519.05. If the measure to be submitted proposes a 9207
constitutional amendment, the heading of each part of the petition 9208

shall be prepared in the following form, and printed in capital 9209
letters in type of the approximate size set forth: 9210

_INITIATIVE PETITION 9211

Number 9212

Issued to 9213

~~(Name of solicitor)~~ 9214

Date of issuance 9215

..... 9216

Amendment to the Constitution 9217

Proposed by Initiative Petition 9218

To be submitted directly to the electors_" 9219

"Amendment" printed in fourteen-point boldface type shall 9220
precede the title, which shall be briefly expressed and printed in 9221
eight-point type. The summary shall then be set forth printed in 9222
ten-point type, and then shall follow the certification of the 9223
attorney general, under proper date, which shall also be printed 9224
in ten-point type. The petition shall then set forth the names and 9225
addresses of the committee of not less than three nor more than 9226
five to represent the petitioners in all matters relating to the 9227
petition or its circulation. 9228

Immediately above the heading of the place for signatures on 9229
each part of the petition the following notice shall be printed in 9230
boldface type: 9231

"NOTICE 9232

Whoever knowingly signs this petition more than once, signs a 9233
name other than one's own, or signs when not a qualified voter, is 9234
liable to prosecution. 9235

~~In consideration for services in soliciting signatures to 9236~~

~~this petition, the solicitor has received or expects to 9237~~

~~receive 9238~~

from 9239

(Whose address is)..... 9240

....." 9241

~~Before any elector signs the part petition, the solicitor shall~~ 9242
~~completely fill in the above blanks if the solicitor has received~~ 9243
~~or will receive any consideration, and if the solicitor has not~~ 9244
~~received and will not receive any consideration, the solicitor~~ 9245
~~shall insert "nothing."~~ 9246

The heading of the place for signatures shall be 9247
substantially as follows: 9248

"(Sign with ink ~~or indelible pencil~~. Your name, residence, and 9249
date of signing must be given.) 9250

Rural Route or 9251
other Post- 9252
Signature County Township office Address Month Day Year 9253
9254
9255

(Voters who do not live in a municipal corporation should fill in 9256
the information called for by headings printed above.) 9257

(Voters who reside in municipal corporations should fill in the 9258
information called for by headings printed below.) 9259
9260

City Street 9261
or and 9262
Signature County Village Number Ward Precinct Month Day Year" 9263
9264

The text of the proposed amendment shall be printed in full, 9265
immediately following the place for signatures, and shall be 9266
prefaced by "Be it resolved by the people of the State of Ohio." 9267
Immediately following the text of the proposed amendment must 9268

appear the following form: 9269

"I,, declare under penalty of election 9270
falsification that I am the circulator of the foregoing petition 9271
paper containing the signatures of electors, that the 9272
signatures appended hereto were made and appended in my presence 9273
on the date set opposite each respective name, and are the 9274
signatures of the persons whose names they purport to be, and that 9275
the electors signing this petition did so with knowledge of the 9276
contents of same. I am employed to circulate this petition by 9277
..... (Name and address of employer). 9278
(The preceding sentence shall be completed as required by section 9279
3501.38 of the Revised Code if the circulator is being employed to 9280
circulate the petition.) 9281

(Signed) (Solicitor) 9282
(Address)..... 9283

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 9284
OF THE FIFTH DEGREE." 9285

If the measure proposes a law, the heading of each part of 9286
the petition shall be prepared as follows: 9287

INITIATIVE PETITION 9288

~~Number~~ 9289

..... 9290

~~Issued to~~ 9291

..... 9292

~~(Name of Solicitor)~~ 9293

~~Date of issuance~~ 9294

..... 9295

Law proposed by initiative petition first to be submitted to 9296
the General Assembly." 9297

In all other respects the form shall be as provided for the 9298
submission of a constitutional amendment, except that the text of 9299
the proposed law shall be prefaced by "Be it enacted by the people 9300
of the state of Ohio." 9301

The form for a supplementary initiative petition shall be the 9302
same as that provided for an initiative petition, with the 9303
exception that "supplementary" shall precede "initiative" in the 9304
title thereof. 9305

The general provisions set forth in this section relative to 9306
the form and order of an initiative petition shall be, so far as 9307
practical, applicable to a referendum petition, the heading of 9308
which shall be as follows: 9309

"REFERENDUM PETITION 9310

~~Number~~ 9311

..... 9312

~~Issued to~~ 9313

..... 9314

~~(Name of Solicitor)~~ 9315

~~Date of issuance~~ 9316

..... 9317

To be submitted to the electors for their approval or 9318

rejection" 9319

The title, which follows the heading, shall contain a brief 9320
legislative history of the law, section, or item of law to be 9321
referred. The text of the law so referred shall be followed by the 9322
certification of the secretary of state, in accordance with 9323
division (B)(2)(b) of section 3519.01 of the Revised Code, that it 9324
has been compared with the copy of the enrolled act, on file in 9325
the secretary of state's office, containing such law, section, or 9326
item of law, and found to be correct. 9327

Sec. 3523.05. The election provided for in section 3523.01 of 9328
the Revised Code shall be by ballot, which may be separate from 9329
any ballot to be used at the same election. Such ballot shall 9330
first state the substance of the proposed amendment to the 9331
~~constitution~~ Constitution of the United States. This shall be 9332
followed by appropriate instructions to the voter. It shall then 9333
contain perpendicular columns of equal width, headed respectively 9334
in plain type, "for ratification," "against ratification," and 9335
"unpledged." In the column headed "for ratification" shall be 9336
placed the names of the nominees nominated as in favor of 9337
ratification. In the column headed "against ratification" shall be 9338
placed the names of the nominees nominated as against 9339
ratification. In the column headed "unpledged" shall be placed the 9340
names of the nominees nominated as unpledged. The voter shall 9341
indicate ~~his~~ the voter's choice by making one or more punches or 9342
marks in the appropriate spaces provided on the ballot. No ballot 9343
shall be held void because any such punch or mark is irregular in 9344
character. The ballot shall be so arranged that the voter may, by 9345
making a single punch or mark, vote for the entire group of 9346
nominees whose names are comprised in any column. The ballot shall 9347
be in substantially the following form: 9348

PROPOSED AMENDMENT TO THE 9349
CONSTITUTION OF THE UNITED STATES 9350

Delegates to the convention to ratify the proposed amendment. 9351

The congress has proposed an amendment to the ~~constitution~~ 9352
Constitution of the United States which provides (insert here the 9353
substance of the proposed amendment). 9354

The congress has also proposed that the said amendment shall 9355
be ratified by conventions in the states. 9356

INSTRUCTIONS TO VOTERS 9357

Do not vote for more than fifty-two candidates. 9358

To vote for all candidates in favor of ratification, or for 9359
all candidates against ratification, or for all candidates who 9360
intend to remain unpledged, make a mark in the CIRCLE. If you do 9361
this, make no other mark. To vote for an individual candidate make 9362
a mark in the SQUARE at the left of the name. 9363

For Ratification	Against Ratification	Unpledged	
O	O	O	9364
[] John Doe	[] Charles Coe	[] Daniel De Foe	9366
[] Richard Doe	[] Michael Moe	[] Louis St Loe	9367

All rights on the part of lists of candidates to name 9368
~~challengers and witnesses~~ observers in the polling places shall be 9369
the same as those under Title XXXV of the Revised Code. 9370

The fifty-two nominees who receive the highest number of 9371
votes shall be delegates to the convention. 9372

Sec. 3599.11. (A) No person shall knowingly register or make 9373
application or attempt to register in a precinct in which the 9374
person is not a qualified voter; or knowingly aid or abet any 9375
person to so register; or attempt to register or knowingly induce 9376
or attempt to induce any person to so register; or knowingly 9377
impersonate another or write or assume the name of another, real 9378
or fictitious, in registering or attempting to register; or by 9379
false statement or other unlawful means procure, aid, or attempt 9380
to procure the erasure or striking out on the register or 9381
duplicate list of the name of a qualified elector therein; or 9382
knowingly induce or attempt to induce a registrar or other 9383
election authority to refuse registration in a precinct to an 9384
elector thereof; or knowingly swear or affirm falsely upon a 9385
lawful examination by or before any registering officer; or make, 9386
print, or issue any false or counterfeit certificate of 9387
registration or knowingly alter any certificate of registration. 9388

No person shall knowingly register under more than one name 9389

or knowingly induce any person to so register. 9390

No person shall knowingly make any false statement on any 9391
form for registration or change of registration or upon any 9392
application or return envelope for an absent voter's ballot. 9393

Whoever violates this division is guilty of a felony of the 9394
fifth degree. 9395

(B)(1) No person who helps another person register outside an 9396
official voter registration place shall knowingly destroy, or 9397
knowingly help another person to destroy, any completed 9398
registration form, ~~or~~. 9399

Whoever violates this division is guilty of election 9400
falsification, a felony of the fifth degree. 9401

(2)(a) No person who helps another person register outside an 9402
official voter registration place shall knowingly fail to return 9403
any registration form entrusted to that person to the board of 9404
elections of the county in which the applicant is seeking to 9405
register to vote or to a designated agency in that county on or 9406
before the thirtieth day before the election. 9407

Whoever violates this division is guilty of a ~~misdemeanor of~~ 9408
~~the first degree~~ election falsification, a felony of the fifth 9409
degree. 9410

(b) Subject to division (C)(2) of this section, no person who 9411
helps another person register outside an official registration 9412
place shall knowingly return any registration form entrusted to 9413
that person to any location other than the board of elections of 9414
the county in which the applicant is seeking to register to vote 9415
or to a designated agency in that county. 9416

Whoever violates this division is guilty of election 9417
falsification, a felony of the fifth degree. 9418

(C)(1) No person who receives compensation for registering a 9419

voter shall knowingly fail to return any registration form 9420
entrusted to that person to the board of elections of the county 9421
in which the applicant is seeking to register to vote within ten 9422
days after that voter registration form is completed or on or 9423
before the thirtieth day before the election, whichever is 9424
earlier. 9425

Whoever violates this division is guilty of election 9426
falsification, a felony of the fifth degree. 9427

(2) No person who receives compensation for registering a 9428
voter shall knowingly return any registration form entrusted to 9429
that person to any location other than the board of elections of 9430
the county in which the applicant is seeking to register to vote. 9431

Whoever violates this division is guilty of election 9432
falsification, a felony of the fifth degree. 9433

(D) As used in division (C) of this section, "registering a 9434
voter" includes any effort, for compensation, to provide voter 9435
registration forms or to assist persons in completing or returning 9436
those forms. 9437

Sec. 3599.111. (A) As used in this section, "registering a 9438
voter" or "registering voters" includes any effort, for 9439
compensation, to provide voter registration forms or to assist 9440
persons in completing or returning those forms ~~or returning them~~ 9441
~~to the board of elections, the office of the secretary of state,~~ 9442
~~or other appropriate public office.~~ 9443

(B) No person shall receive compensation on a fee per 9444
signature or fee per volume basis for circulating any declaration 9445
of candidacy, nominating petition, declaration of intent to be a 9446
write-in candidate, initiative petition, referendum petition, 9447
recall petition, or any other election-related petition that is 9448
filed with or transmitted to a board of elections, the office of 9449

the secretary of state, or other appropriate public office. 9450

(C) No person shall receive compensation on a fee per 9451
registration or fee per volume basis for registering a voter. 9452

(D) ~~Compensation~~ No person shall pay any other person for 9453
collecting signatures on election-related petitions ~~and or~~ for 9454
registering voters ~~shall be paid solely~~ except on the basis of 9455
time worked. 9456

(E)(1) Whoever violates division (B) ~~or (C)~~ of this section 9457
is guilty of ~~election falsification under section 3599.36 of the~~ 9458
~~Revised Code~~ receiving improper compensation for circulating a 9459
petition, a felony of the fifth degree. 9460

(2) Whoever violates division (C) of this section is guilty 9461
of receiving improper compensation for registering a voter, a 9462
felony of the fifth degree. 9463

(3) Whoever violates division (D) of this section is guilty 9464
of paying improper compensation for circulating a petition or 9465
registering a voter, a felony of the fifth degree. 9466

Sec. 3599.12. (A) No person shall do any of the following: 9467

(1) Vote or attempt to vote in any primary, special, or 9468
general election in a precinct in which that person is not a 9469
legally qualified elector; 9470

(2) Vote or attempt to vote more than once at the same 9471
election by any means, including voting or attempting to vote both 9472
by absent voter's ballots under division ~~(B), (C), or~~ (G) of 9473
section 3503.16 of the Revised Code and by regular ballot at the 9474
polls at the same election, or voting or attempting to vote both 9475
by absent voter's ballots under division ~~(B), (C), or~~ (G) of 9476
section 3503.16 of the Revised Code and by absent voter's ballots 9477
under Chapter 3509. or armed service absent voter's ballots under 9478
Chapter 3511. of the Revised Code at the same election; 9479

(3) Impersonate or sign the name of another person, real or fictitious, living or dead, and vote or attempt to vote as that other person in any such election;	9480 9481 9482
(4) Cast a ballot at any such election after objection has been made and sustained to that person's vote;	9483 9484
(5) Knowingly vote or attempt to vote a ballot other than the official ballot.	9485 9486
(B) Whoever violates division (A) of this section is guilty of a felony of the fourth degree.	9487 9488
Sec. 3599.21. (A) No person shall knowingly do any of the following:	9489 9490
(1) Impersonate another, or make a false representation in order to obtain an absent voter's ballot;	9491 9492
(2) Aid or abet a person to vote an absent voter's ballot illegally;	9493 9494
(3) If the person is an election official, open, destroy, steal, mark, or mutilate any absent voter's ballot;	9495 9496
(4) Aid or abet another person to open, destroy, steal, mark, or mutilate any absent voter's ballot after the ballot has been voted;	9497 9498 9499
(5) Delay the delivery of any such ballot with a view to preventing its arrival in time to be counted;	9500 9501
(6) Hinder or attempt to hinder the delivery or counting of such absent voter's ballot;	9502 9503
(7) Fail to forward to the appropriate election official an absent voter's ballot application entrusted to that person to so forward;	9504 9505 9506
<u>(8) Fail to forward to the appropriate election official an</u>	9507

absent voter's ballot application entrusted to that person to so 9508
forward within such a time period that the failure to so forward 9509
the application disenfranchises the voter with respect to a 9510
particular election; 9511

(9) Except as authorized under Chapters 3509. and 3511. of 9512
the Revised Code, possess the absent voter's ballot of another. 9513

(B)(1) Subject to division (B)(2) of this section, no person 9514
who receives compensation for soliciting persons to apply to vote 9515
by absent voter's ballots shall fail to forward to the appropriate 9516
election official an absent voter's ballot application entrusted 9517
to that person to so forward within ten days after that 9518
application is completed. 9519

(2) No person who receives compensation for soliciting 9520
persons to apply to vote by absent voter's ballots shall fail to 9521
forward to the appropriate election official an absent voter's 9522
ballot application entrusted to that person to so forward within 9523
such a time period that the failure to so forward the application 9524
disenfranchises the voter with respect to a particular election. 9525
Whoever violates division (A) or (B) of this section is guilty of 9526
a felony of the fourth degree. 9527

(C) As used in this section, "person who receives 9528
compensation for soliciting persons to apply to vote by absent 9529
voter's ballots" includes any effort, for compensation, to provide 9530
absent voter's ballot applications or to assist persons in 9531
completing those applications or returning them to the director of 9532
the board of elections of the county in which the applicant's 9533
voting residence is located. 9534

Sec. 3599.24. (A) No person shall do any of the following: 9535

(1) By force, fraud, or other improper means, obtain or 9536
attempt to obtain possession of the ballots, ballot boxes, or 9537

pollbooks;	9538
(2) Recklessly destroy any property used in the conduct of elections;	9539 9540
(3) Attempt to intimidate an election officer, or prevent an election official from performing the official's duties;	9541 9542
(4) Knowingly tear down, remove, or destroy any of the registration lists or sample ballots furnished by the board of elections at the polling place;	9543 9544 9545
(5) Loiter in or about a registration or polling place during registration or the casting and counting of ballots so as to hinder, delay, or interfere with the conduct of the registration or election;	9546 9547 9548 9549
(6) Remove from the voting place the pencils, cards of instruction, supplies, or other conveniences furnished to enable the voter to mark the voter's ballot.	9550 9551 9552
(B) Whoever violates division (A)(1) or (2) of this section is guilty of a felony of the fifth degree. Whoever violates division (A)(3) or, (4), (5), or (6) of this section is guilty of a misdemeanor of the first degree. Whoever violates division (A)(5) or (6) of this section is guilty of a minor misdemeanor.	9553 9554 9555 9556 9557
Sec. 3599.38. (A) No election official, witness, challenger <u>observer</u> , deputy sheriff, special deputy sheriff, or police officer, while performing that person's duties related to the casting of votes, shall do either of the following:	9558 9559 9560 9561
(1) Wear any badge, sign, or other insignia or thing indicating that person's preference for any candidate or for any question submitted at an election;	9562 9563 9564
(2) Influence or attempt to influence any voter to cast the voter's ballot for or against any candidate or issue submitted at	9565 9566

an election. 9567

(B) Whoever violates division (A) of this section is guilty 9568
of a misdemeanor of the first degree. 9569

Sec. 4301.33. (A) The board of elections shall provide to a 9570
petitioner circulating a petition for an election for the 9571
submission of one or more of the questions specified in divisions 9572
(A) to (D) of section 4301.35 or section 4301.351 of the Revised 9573
Code, at the time of taking out the petition, the names of the 9574
streets and, if appropriate, the address numbers of residences and 9575
business establishments within the precinct in which the election 9576
is sought, and a form prescribed by the secretary of state for 9577
notifying affected permit holders and liquor agency stores of the 9578
circulation of a petition for an election for the submission of 9579
one or more of the questions specified in divisions (A) to (D) of 9580
section 4301.35 or section 4301.351 of the Revised Code. The 9581
petitioner shall, not less than forty-five days before the 9582
petition-filing deadline for the election, as provided in this 9583
section, file with the division of liquor control the information 9584
regarding names of streets and, if appropriate, address numbers of 9585
residences and business establishments provided by the board of 9586
elections, and specify to the division the precinct that is 9587
concerned and that would be affected by the results of the 9588
election and the filing deadline. The division shall, within a 9589
reasonable period of time and not later than fifteen days before 9590
the filing deadline, supply the petitioner with a list of the 9591
names and addresses of permit holders and liquor agency stores, if 9592
any, that would be affected by the election. The list shall 9593
contain a heading with the following words: "Liquor permit holders 9594
and liquor agency stores that would be affected by the question(s) 9595
set forth on petition for a local option election." 9596

Within five days after a petitioner has received from the 9597

division the list of liquor permit holders and liquor agency 9598
stores, if any, that would be affected by the question or 9599
questions set forth on a petition for local option election, the 9600
petitioner shall, using the form provided by the board of 9601
elections, notify by certified mail each permit holder and liquor 9602
agency store whose name appears on that list. The form for 9603
notifying affected permit holders and liquor agency stores shall 9604
require the petitioner to state the petitioner's name and street 9605
address and shall contain a statement that a petition is being 9606
circulated for an election for the submission of the question or 9607
questions specified in divisions (A) to (D) of section 4301.35 or 9608
section 4301.351 of the Revised Code. The form shall require the 9609
petitioner to state the question or questions to be submitted as 9610
they appear on the petition. 9611

The petitioner shall attach a copy of the list provided by 9612
the division to each petition paper. A part petition paper 9613
circulated at any time without the list of affected permit holders 9614
and liquor agency stores attached to it is invalid. 9615

At the time the petitioner files the petition with the board 9616
of elections, the petitioner shall provide to the board the list 9617
supplied by the division and an affidavit certifying that the 9618
petitioner notified all affected permit holders and liquor agency 9619
stores, if any, on the list in the manner and within the time 9620
required in this section and that, at the time each signer of the 9621
petition affixed the signer's signature to the petition, the 9622
petition paper contained a copy of the list of affected permit 9623
holders and liquor agency stores. 9624

Within five days after receiving a petition calling for an 9625
election for the submission of one or more of the questions 9626
specified in divisions (A) to (D) of section 4301.35 or section 9627
4301.351 of the Revised Code, the board shall give notice by 9628
certified mail that it has received the petition to all liquor 9629

permit holders and liquor agency stores, if any, whose names
appear on the list of affected permit holders and liquor agency
stores 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 and liquor agency stores,
if any, invalidates the entire petition. The board of elections
shall provide to a permit holder or liquor agency store that would
be affected by a proposed local option election, on the permit
holder's or liquor agency store'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 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
or liquor agency store.

(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 more of the questions
specified in section 4301.35 of the Revised Code, or a petition
for the submission of one or more of the questions specified in
section 4301.351 of the Revised Code, designating the particular
question or questions specified in section 4301.35 or 4301.351 of
the Revised Code that are to be submitted, and signed by the
qualified electors of the precinct concerned, equal in number to
thirty-five per cent of the total number of votes cast in the
precinct concerned for the office of governor at the preceding
general election for that office, the board shall submit the
question or questions specified in the petition to the electors of
the precinct concerned, on the day of the next general or primary
election, whichever occurs first and shall proceed as follows:

(1) Such board shall, not later than the ~~sixty-sixth~~ 9662
sixty-eighth day before the day of the election for which the 9663
question or questions on the petition would qualify for submission 9664
to the electors of the precinct, examine and determine the 9665
sufficiency of the signatures and review, examine, and determine 9666
the validity of the petition and, in case of overlapping precinct 9667
petitions presented within that period, determine which of the 9668
petitions shall govern the further proceedings of the board. In 9669
the case where the board determines that two or more overlapping 9670
petitions are valid, the earlier filed petition shall govern. The 9671
board shall certify the sufficiency and validity of any petition 9672
determined to be valid. The board shall determine the validity of 9673
the petition as of the time of certification as described in this 9674
division. 9675

(2) If a petition is sufficient, and, in case of overlapping 9676
precinct petitions, after the board has determined the governing 9677
petition, the board to which the petition has been presented shall 9678
order the holding of a special election in the precinct for the 9679
submission of whichever of the questions specified in section 9680
4301.35 or 4301.351 of the Revised Code are designated in the 9681
petition, on the day of the next general or primary election, 9682
whichever occurs first. 9683

(3) All petitions filed with a board of elections under this 9684
section shall be open to public inspection under rules adopted by 9685
the board. 9686

(4) Protest against local option petitions may be filed by 9687
any elector eligible to vote on the question or questions 9688
described in the petitions or by a permit holder or liquor agency 9689
store in the precinct as described in the petitions, not later 9690
than four p.m. of the sixty-fourth day before the day of the 9691
general or primary election for which the petition qualified. The 9692
protest shall be in writing and shall be filed with the election 9693

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 of the permit holder's permit premises. If the business conducted by a class C or D permit holder at the permit premises has a name

different from the permit holder's personal or corporate name, the 9724
name of the permit holder's business shall be stated along with 9725
the permit holder's personal or corporate name. 9726

(D) Not later than five days after the certified copy of the 9727
judgment prescribed under division (A) of this section is filed, 9728
the board shall give notice by certified mail that it has received 9729
the certified copy of the judgment to the liquor permit holder 9730
whose permit would be affected by the results of the election 9731
required by the filing of the certified copy of the judgment. 9732
Failure of the petitioner to supply a complete and accurate 9733
address of the liquor permit holder to the board of elections 9734
invalidates the election. 9735

For purposes of this section, "complete and accurate address" 9736
means all of the following: 9737

(1) The address of the liquor permit premises; 9738

(2) The address of the statutory agent of the liquor permit 9739
holder, if applicable; 9740

(3) The address of the liquor permit holder if different from 9741
the liquor permit premises address. 9742

(E) Not later than the ~~sixty-sixth~~ sixty-eighth day before 9743
the day of the next general or primary election, whichever occurs 9744
first, the board shall certify the sufficiency and validity of the 9745
certified copy of the judgment, make such determination as of the 9746
time of certification, and order the holding of an election in the 9747
precinct on the day of that general or primary election for the 9748
submission of the question set forth in section 4301.352 of the 9749
Revised Code. 9750

(F) A certified copy of the judgment filed with the board of 9751
elections under division (A) of this section shall be open to 9752
public inspection under rules adopted by the board. 9753

An elector who is eligible to vote on the question set forth 9754
in section 4301.352 of the Revised Code or the permit holder named 9755
on the certified copy of the judgment, not later than four p.m. of 9756
the sixty-fourth day before the day of the election at which the 9757
question will be submitted to the electors, may file a protest 9758
against a local option petition. The protest shall be in writing 9759
and shall be filed with the election officials with whom the 9760
certified copy of the judgment was filed. Upon the filing of the 9761
protest, the election officials with whom it is filed shall 9762
promptly fix a time and place for hearing the protest, and shall 9763
mail notice of the time and place for hearing it to the person who 9764
filed the certified copy of the judgment and to the person who 9765
filed the protest. At the time and place fixed, the election 9766
officials shall hear the protest and determine the validity of the 9767
certified copy of the judgment. 9768

Sec. 4301.332. (A) The board of elections shall provide to a 9769
petitioner circulating a petition for an election for the 9770
submission of one or more of the questions specified in section 9771
4301.353 or 4301.354 of the Revised Code, at the time of taking 9772
out the petition, the names of the streets and, if appropriate, 9773
the address numbers of residences and business establishments 9774
within the precinct that would be affected by the results of the 9775
election, and a form prescribed by the secretary of state for 9776
notifying affected permit holders of the circulation of a petition 9777
for an election for the submission of one or more of the questions 9778
specified in section 4301.353 or 4301.354 of the Revised Code. The 9779
petitioner shall, not less than forty-five days before the 9780
petition-filing deadline for the election, as provided in this 9781
section, file with the division of liquor control the information 9782
regarding names of streets and, if appropriate, address numbers of 9783
residences and business establishments provided by the board of 9784
elections, and specify to the division the portion of the precinct 9785

that would be affected by the results of the election and the 9786
filing deadline. The division shall, within a reasonable period of 9787
time and not later than fifteen days before the filing deadline, 9788
supply the petitioner with a list of the names and addresses of 9789
permit holders, if any, who would be affected by the election. The 9790
list shall contain a heading with the following words: "Liquor 9791
permit holders who would be affected by the question(s) set forth 9792
on petition for a local option election." 9793

Within five days after a petitioner has received from the 9794
division the list of liquor permit holders, if any, who would be 9795
affected by the question or questions set forth on a petition for 9796
local option election, the petitioner, using the form provided by 9797
the board of elections, shall notify by certified mail each permit 9798
holder whose name appears on that list. The form for notifying 9799
affected permit holders shall require the petitioner to state the 9800
petitioner's name and street address and shall contain a statement 9801
that a petition is being circulated for an election for the 9802
submission of the question or questions specified in section 9803
4301.353 or 4301.354 of the Revised Code. The form shall require 9804
the petitioner to state the question or questions to be submitted 9805
as they appear on the petition. 9806

The petitioner shall attach a copy of the list provided by 9807
the division to each petition paper. A part petition paper 9808
circulated at any time without the list of affected permit holders 9809
attached to it is invalid. 9810

At the time the petitioner files the petition with the board 9811
of elections, the petitioner shall provide to the board the list 9812
supplied by the division and an affidavit certifying that the 9813
petitioner notified all affected permit holders, if any, on the 9814
list in the manner and within the time required in this section 9815
and that, at the time each signer of the petition affixed the 9816
signer's signature to the petition, the petition paper contained a 9817

copy of the list of affected permit holders.

9818

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.

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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.

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(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 question or questions specified in section 4301.353 or 4301.354 of the Revised Code that are to be submitted, and signed by the qualified electors of the precinct concerned, equal in number to

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thirty-five per cent of the total number of votes cast in the 9850
precinct concerned for the office of governor at the preceding 9851
general election for that office, the board shall submit the 9852
question or questions specified in the petition to the electors of 9853
the precinct concerned, on the day of the next general or primary 9854
election, whichever occurs first and shall proceed as follows: 9855

(1) Such board shall, not later than the ~~sixty-sixth~~ 9856
sixty-eighth day before the day of the election for which the 9857
question or questions on the petition would qualify for submission 9858
to the electors of the precinct, examine and determine the 9859
sufficiency of the signatures and review, examine, and determine 9860
the validity of the petition and, in case of overlapping precinct 9861
petitions presented within that period, determine which of the 9862
petitions shall govern the further proceedings of the board. In 9863
the case where the board determines that two or more overlapping 9864
petitions are valid, the earlier filed petition shall govern. The 9865
board shall certify the sufficiency and validity of any petition 9866
determined to be valid. The board shall determine the validity of 9867
the petition as of the time of certification as described in this 9868
division. 9869

(2) If a petition is sufficient, and, in case of overlapping 9870
precinct petitions, after the board has determined the governing 9871
petition, the board to which the petition has been presented shall 9872
order the holding of a special election in the precinct for the 9873
submission of whichever of the questions specified in section 9874
4301.353 or 4301.354 of the Revised Code are designated in the 9875
petition, on the day of the next general or primary election, 9876
whichever occurs first. 9877

(C) All petitions filed with a board of elections under this 9878
section shall be open to public inspection under rules adopted by 9879
the board. 9880

(D) Protest against local option petitions may be filed by 9881
any elector eligible to vote on the question or questions 9882
described in the petitions or by a permit holder in the precinct 9883
as described in the petitions, not later than four p.m. of the 9884
sixty-fourth day before the day of the general or primary election 9885
for which the petition qualified. The protest shall be in writing 9886
and shall be filed with the election officials with whom the 9887
petition was filed. Upon filing of the protest, the election 9888
officials with whom it is filed shall promptly fix the time for 9889
hearing it, and shall mail notice of the filing of the protest and 9890
the time and place for hearing it to the person who filed the 9891
petition and to the person who filed the protest. At the time and 9892
place fixed, the election officials shall hear the protest and 9893
determine the validity of the petition. 9894

Sec. 4301.333. (A) The privilege of local option conferred by 9895
section 4301.323 of the Revised Code may be exercised if, not 9896
later than four p.m. of the seventy-fifth day before the day of a 9897
general or primary election, a petition is presented to the board 9898
of elections of the county in which the precinct is situated by a 9899
petitioner who is one of the following: 9900

(1) An applicant for the issuance or transfer of a liquor 9901
permit at, or to, a particular location within the precinct; 9902

(2) The holder of a liquor permit at a particular location 9903
within the precinct; 9904

(3) A person who operates or seeks to operate a liquor agency 9905
store at a particular location within the precinct; 9906

(4) The designated agent for an applicant, liquor permit 9907
holder, or liquor agency store described in division (A)(1), (2), 9908
or (3) of this section. 9909

(B) The petition shall be signed by the electors of the 9910

precinct equal in number to at least thirty-five per cent of the 9911
total number of votes cast in the precinct for the office of 9912
governor at the preceding general election for that office and 9913
shall contain all of the following: 9914

(1) A notice that the petition is for the submission of the 9915
question or questions set forth in section 4301.355 of the Revised 9916
Code; 9917

(2) The name of the applicant for the issuance or transfer, 9918
or the holder, of the liquor permit or, if applicable, the name of 9919
the liquor agency store, including any trade or fictitious names 9920
under which the applicant, holder, or liquor agency store either 9921
intends to do or does business at the particular location; 9922

(3) The address and proposed use of the particular location 9923
within the election precinct to which the results of the question 9924
or questions specified in section 4301.355 of the Revised Code 9925
shall apply. For purposes of this division, "use" means all of the 9926
following: 9927

(a) The type of each liquor permit applied for by the 9928
applicant or held by the liquor permit holder as described in 9929
sections 4303.11 to 4303.183 of the Revised Code, including a 9930
description of the type of beer or intoxicating liquor sales 9931
authorized by each permit as provided in those sections; 9932

(b) If a liquor agency store, the fact that the business 9933
operated as a liquor agency store authorized to operate by this 9934
state; 9935

(c) A description of the general nature of the business of 9936
the applicant, liquor permit holder, or liquor agency store. 9937

(4) If the petition seeks approval of Sunday sales under 9938
question (B)(2) as set forth in section 4301.355 of the Revised 9939
Code, a statement indicating whether the hours of sale sought are 9940

between ten a.m. and midnight or between one p.m. and midnight. 9941

(C)(1) At the time the petitioner files the petition with the 9942
board of elections, the petitioner shall provide to the board both 9943
of the following: 9944

(a) An affidavit that is signed by the petitioner and that 9945
states the proposed use of the location following the election 9946
held to authorize the sale of beer or intoxicating liquor 9947
authorized by each permit as provided in sections 4303.11 to 9948
4303.183 of the Revised Code; 9949

(b) Written evidence of the designation of an agent by the 9950
applicant, liquor permit holder, or liquor agency store described 9951
in division (A)(1), (2), or (3) of this section for the purpose of 9952
petitioning for the local option election, if the petitioner is 9953
the designated agent of the applicant, liquor permit holder, or 9954
liquor agency store. 9955

(2) Failure to supply the affidavit, or the written evidence 9956
of the designation of the agent if the petitioner for the local 9957
option election is the agent of the applicant, liquor permit 9958
holder, or liquor agency store described in division (A)(1), (2), 9959
or (3) of this section, at the time the petition is filed 9960
invalidates the entire petition. 9961

(D) Not later than the ~~sixty-sixth~~ sixty-eighth day before 9962
the day of the next general or primary election, whichever occurs 9963
first, the board shall examine and determine the sufficiency of 9964
the signatures and the validity of the petition. If the board 9965
finds that the petition contains sufficient signatures and in 9966
other respects is valid, it shall order the holding of an election 9967
in the precinct on the day of the next general or primary 9968
election, whichever occurs first, for the submission of the 9969
question or questions set forth in section 4301.355 of the Revised 9970
Code. 9971

(E) A petition filed with the board of elections under this section shall be open to public inspection under rules adopted by the board.

(F) An elector who is eligible to vote on the question or questions set forth in section 4301.355 of the Revised Code may file, not later than four p.m. of the sixty-fourth day before the day of the election at which the question or questions will be submitted to the electors, a protest against a local option petition circulated and filed pursuant to this section. The protest shall be in writing and shall be filed with the election officials with whom the petition was filed. Upon the filing of the protest, the election officials with whom it is filed shall promptly establish a time and place for hearing the protest and shall mail notice of the time and place for the hearing to the applicant for, or the holder of, the liquor permit who is specified in the petition and to the elector who filed the protest. At the time and place established in the notice, the election officials shall hear the protest and determine the validity of the petition.

Sec. 4301.334. (A) The privilege of local option conferred by section 4301.324 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 and other information required by division (B) of this section are presented to the board of elections of the county in which the community facility named in the petition is located. The petition shall be signed by electors of the municipal corporation or unincorporated area of the township in which the community facility is located equal in number to at least ten per cent of the total number of votes cast in the municipal corporation or unincorporated area of the township in which the community facility is located for the office

of governor at the most recent general election for that office 10003
and shall contain both of the following: 10004

(1) A notice that the petition is for the submission of the 10005
question set forth in section 4301.356 of the Revised Code; 10006

(2) The name and address of the community facility for which 10007
the local option election is sought and, if the community facility 10008
is a community entertainment district, the boundaries of the 10009
district. 10010

(B) Upon the request of a petitioner, a board of elections of 10011
a county shall furnish to the petitioner a copy of the 10012
instructions prepared by the secretary of state under division (P) 10013
of section 3501.05 of the Revised Code and, within fifteen days 10014
after the request, a certificate indicating the number of valid 10015
signatures that will be required on a petition to hold an election 10016
in the municipal corporation or unincorporated area of the 10017
township in which the community facility is located on the 10018
question specified in section 4301.356 of the Revised Code. 10019

The petitioner shall, not less than thirty days before the 10020
petition-filing deadline for an election on the question specified 10021
in section 4301.356 of the Revised Code, specify to the division 10022
of liquor control the name and address of the community facility 10023
for which the election is sought and, if the community facility is 10024
a community entertainment district, the boundaries of the 10025
district, the municipal corporation or unincorporated area of a 10026
township in which the election is sought, and the filing deadline. 10027
The division shall, within a reasonable period of time and not 10028
later than ten days before the filing deadline, supply the 10029
petitioner with the name and address of any permit holder for or 10030
within the community facility. 10031

The petitioner shall file the name and address of any permit 10032
holder who would be affected by the election at the time the 10033

petitioner files the petition with the board of elections. Within 10034
five days after receiving the petition, the board shall give 10035
notice by certified mail to any permit holder within the community 10036
facility that it has received the petition. Failure of the 10037
petitioner to supply the name and address of any permit holder for 10038
or within the community facility as furnished to the petitioner by 10039
the division invalidates the petition. 10040

(C) Not later than the ~~sixty-sixth~~ sixty-eighth day before 10041
the day of the next general or primary election, whichever occurs 10042
first, the board shall examine and determine the sufficiency of 10043
the signatures on the petition. If the board finds that the 10044
petition is valid, it shall order the holding of an election in 10045
the municipal corporation or unincorporated area of a township on 10046
the day of the next general or primary election, whichever occurs 10047
first, for the submission of the question set forth in section 10048
4301.356 of the Revised Code. 10049

(D) A petition filed with a board of elections under this 10050
section shall be open to public inspection under rules adopted by 10051
the board. 10052

(E) An elector who is eligible to vote on the question set 10053
forth in section 4301.356 of the Revised Code or any permit holder 10054
for or within the community facility may, not later than four p.m. 10055
of the sixty-fourth day before the day of the election at which 10056
the question will be submitted to the electors, file a written 10057
protest against the local option petition with the board of 10058
elections with which the petition was filed. Upon the filing of 10059
the protest, the board shall promptly fix a time and place for 10060
hearing the protest and shall mail notice of the time and place to 10061
the person who filed the petition and to the person who filed the 10062
protest. At the time and place fixed, the board shall hear the 10063
protest and determine the validity of the petition. 10064

Sec. 4305.14. (A) The following questions regarding the sale of beer by holders of C or D permits may be presented to the qualified electors of an election precinct:

(1) "Shall the sale of beer as defined in section 4305.08 of the Revised Code under permits which authorize sale for off-premises consumption only be permitted within this precinct?"

(2) "Shall the sale of beer as defined in section 4305.08 of the Revised Code under permits which authorize sale for on-premises consumption only, and under permits which authorize sale for both on-premises and off-premises consumption, be permitted in this precinct?"

The exact wording of the question as submitted and form of ballot as printed shall be determined by the board of elections in the county wherein the election is held, subject to approval of the secretary of state.

Upon the request of an elector, a board of elections of a county that encompasses an election precinct shall furnish to the elector a copy of the instructions prepared by the secretary of state under division (P) of section 3501.05 of the Revised Code and, within fifteen days after the request, with a certificate indicating the number of valid signatures that will be required on a petition to hold a special election in that precinct on either or both of the questions specified in this section.

The board shall provide to a petitioner, at the time the petitioner takes out a 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 of the circulation of a petition for an election for the submission of one or more of the questions

specified in division (A) of this section. The petitioner shall, 10095
not less than forty-five days before the petition-filing deadline 10096
for an election provided for in this section, file with the 10097
division of liquor control the information regarding names of 10098
streets and, if appropriate, address numbers of residences and 10099
business establishments provided by the board of elections, and 10100
specify to the division the precinct that is concerned or that 10101
would be affected by the results of the election and the filing 10102
deadline. The division shall, within a reasonable period of time 10103
and not later than fifteen days before the filing deadline, supply 10104
the petitioner with a list of the names and addresses of permit 10105
holders who would be affected by the election. The list shall 10106
contain a heading with the following words: "liquor permit holders 10107
who would be affected by the question(s) set forth on a petition 10108
for a local option election." 10109

Within five days after receiving from the division the list 10110
of liquor permit holders who would be affected by the question or 10111
questions set forth on a petition for local option election, the 10112
petitioner shall, using the form provided by the board of 10113
elections, notify by certified mail each permit holder whose name 10114
appears on that list. The form for notifying affected permit 10115
holders shall require the petitioner to state the petitioner's 10116
name and street address and shall contain a statement that a 10117
petition is being circulated for an election for the submission of 10118
the question or questions specified in division (B) of this 10119
section. The form shall require the petitioner to state the 10120
question or questions to be submitted as they appear on the 10121
petition. 10122

The petitioner shall attach a copy of the list provided by 10123
the division to each petition paper. A part petition paper 10124
circulated at any time without the list of affected permit holders 10125
attached to it is invalid. 10126

At the time of filing the petition with the board of 10127
elections, the petitioner shall provide to the board of elections 10128
the list supplied by the division and an affidavit certifying that 10129
the petitioner notified all affected permit holders on the list in 10130
the manner and within the time required in this section and that, 10131
at the time each signer of the petition signed the petition, the 10132
petition paper contained a copy of the list of affected permit 10133
holders. 10134

Within five days after receiving a petition calling for an 10135
election for the submission of the question or questions set forth 10136
in this section, the board of elections shall give notice by 10137
certified mail that it has received the petition to all liquor 10138
permit holders whose names appear on the list of affected permit 10139
holders filed by the petitioner. Failure of the petitioner to 10140
supply the affidavit required by this section and a complete and 10141
accurate list of liquor permit holders invalidates the entire 10142
petition. The board of elections shall provide to a permit holder 10143
who would be affected by a proposed local option election, on the 10144
permit holder's request, the names of the streets, and, if 10145
appropriate, the address numbers of residences and business 10146
establishments within the precinct in which the election is sought 10147
and that would be affected by the results of the election. The 10148
board may charge a reasonable fee for this information when 10149
provided to the petitioner and the permit holder. 10150

Upon presentation not later than four p.m. of the 10151
seventy-fifth day before the day of a general or primary election, 10152
of a petition to the board of elections of the county wherein such 10153
election is sought to be held, requesting the holding of such 10154
election on either or both of the questions specified in this 10155
section, signed by qualified electors of the precinct concerned 10156
equal in number to thirty-five per cent of the total number of 10157
votes cast in the precinct concerned for the office of governor at 10158

the preceding general election for that office, such board shall
submit the question or questions specified in the petition to the
electors of the precinct concerned, on the day of the next general
or primary election, whichever occurs first.

(B) The board shall proceed as follows:

(1) Such board shall, upon the filing of a petition under
this section, but not later than the ~~sixty-sixth~~ sixty-eighth day
before the day of the election for which the question or questions
on the petition would qualify for submission to the electors of
the precinct, examine and determine the sufficiency of the
signatures and review, examine, and determine the validity of such
petition and, in case of overlapping precinct petitions presented
within that period, determine which of the petitions shall govern
the further proceedings of the board. In the case where the board
determines that two or more overlapping petitions are valid, the
earlier petition shall govern. The board shall certify the
sufficiency of signatures contained in the petition as of the time
of filing and the validity of the petition as of the time of
certification as described in division (C)(1) of this section if
the board finds the petition to be both sufficient and valid.

(2) If the petition contains sufficient signatures and is
valid, and, in case of overlapping precinct petitions, after the
board has determined the governing petition, the board shall order
the holding of a special election in the precinct for the
submission of the question or questions specified in the petition,
on the day of the next general or primary election, whichever
occurs first.

(3) All petitions filed with a board of elections under this
section shall be open to public inspection under rules adopted by
the board.

(C) Protest against a local option petition may be filed by

any qualified elector eligible to vote on the question or 10190
questions specified in the petition or by a permit holder in the 10191
precinct as described in the petition, not later than four p.m. of 10192
the sixty-fourth day before the day of such general or primary 10193
election for which the petition qualified. Such protest shall be 10194
in writing and shall be filed with the election officials with 10195
whom the petition was filed. Upon filing of such protest the 10196
election officials with whom it is filed shall promptly fix the 10197
time for hearing it, and shall forthwith mail notice of the filing 10198
of the protest and the time for hearing it to the person who filed 10199
the petition which is protested and to the person who filed the 10200
protest. At the time and place fixed, the election officials shall 10201
hear the protest and determine the validity of the petition. 10202

(D) If a majority of the electors voting on the question in 10203
the precinct vote "yes" on question (1) or (2) as set forth in 10204
division (A) of this section, the sale of beer as specified in 10205
that question shall be permitted in the precinct and no subsequent 10206
election shall be held in the precinct under this section on the 10207
same question for a period of at least four years from the date of 10208
the most recent election. 10209

If a majority of the electors voting on the question in the 10210
precinct vote "no" on question (1) or (2) as set forth in division 10211
(A) of this section, no C or D permit holder shall sell beer as 10212
specified in that question within the precinct during the period 10213
the election is in effect and no subsequent election shall be held 10214
in the precinct under this section on the same question for a 10215
period of at least four years from the date of the most recent 10216
election. 10217

Sec. 4504.021. The question of repeal of a county permissive 10218
tax adopted as an emergency measure pursuant to section 4504.02, 10219
4504.15, or 4504.16 of the Revised Code may be initiated by filing 10220

with the board of elections of the county not less than 10221
seventy-five days before the general election in any year a 10222
petition requesting that an election be held on such question. 10223
Such petition shall be signed by qualified electors residing in 10224
the county equal in number to ten per cent of those voting for 10225
governor at the most recent gubernatorial election. 10226

After determination by it that such petition is valid, the 10227
board of elections shall submit the question to the electors of 10228
the county at the next general election. The election shall be 10229
conducted, canvassed, and certified in the same manner as regular 10230
elections for county offices in the county. Notice of the election 10231
shall be published in a newspaper of general circulation in the 10232
district once a week for ~~four~~ two consecutive weeks prior to the 10233
election, stating the purpose, the time, and the place of the 10234
election. The form of the ballot cast at such election shall be 10235
prescribed by the secretary of state. The question covered by such 10236
petition shall be submitted as a separate proposition, but it may 10237
be printed on the same ballot with any other proposition submitted 10238
at the same election other than the election of officers. If a 10239
majority of the qualified electors voting on the question of 10240
repeal approve the repeal, the result of the election shall be 10241
certified immediately after the canvass by the board of elections 10242
to the county commissioners, who shall thereupon, after the 10243
current year, cease to levy the tax. 10244

Sec. 5705.191. The taxing authority of any subdivision, other 10245
than the board of education of a school district or the taxing 10246
authority of a county school financing district, by a vote of 10247
two-thirds of all its members, may declare by resolution that the 10248
amount of taxes that may be raised within the ten-mill limitation 10249
by levies on the current tax duplicate will be insufficient to 10250
provide an adequate amount for the necessary requirements of the 10251
subdivision, and that it is necessary to levy a tax in excess of 10252

such limitation for any of the purposes in section 5705.19 of the Revised Code, or to supplement the general fund for the purpose of making appropriations for one or more of the following purposes: public assistance, human or social services, relief, welfare, hospitalization, health, and support of general hospitals, and that the question of such additional tax levy shall be submitted to the electors of the subdivision at a general, primary, or special election to be held at a time therein specified. Such resolution shall not include a levy on the current tax list and duplicate unless such election is to be held at or prior to the general election day of the current tax year. Such resolution shall conform to the requirements of section 5705.19 of the Revised Code, except that a levy to supplement the general fund for the purposes of public assistance, human or social services, relief, welfare, hospitalization, health, or the support of general or tuberculosis hospitals may not be for a longer period than ten years. All other levies under this section may not be for a longer period than five years unless a longer period is permitted by section 5705.19 of the Revised Code, and the resolution shall specify the date of holding such election, which shall not be earlier than seventy-five days after the adoption and certification of such resolution. The resolution shall go into immediate effect upon its passage and no publication of the same is necessary other than that provided for in the notice of election. A copy of such resolution, immediately after its passage, shall be certified to the board of elections of the proper county or counties in the manner provided by section 5705.25 of the Revised Code, and such section shall govern the arrangements for the submission of such question and other matters 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 10286
question may be held in any one calendar year and provided that a 10287
special election may be held upon the same day a primary election 10288
is held. Publication of notice of such election shall be made in 10289
one or more newspapers of general circulation in the county once a 10290
week for ~~four~~ two consecutive weeks. 10291

If a majority of the electors voting on the question vote in 10292
favor thereof, the taxing authority of the subdivision may make 10293
the necessary levy within such subdivision at the additional rate 10294
or at any lesser rate outside the ten-mill limitation on the tax 10295
list and duplicate for the purpose stated in the resolution. Such 10296
tax levy shall be included in the next annual tax budget that is 10297
certified to the county budget commission. 10298

After the approval of such a levy by the electors, the taxing 10299
authority of the subdivision may anticipate a fraction of the 10300
proceeds of such levy and issue anticipation notes. In the case of 10301
a continuing levy that is not levied for the purpose of current 10302
expenses, notes may be issued at any time after approval of the 10303
levy in an amount not more than fifty per cent of the total 10304
estimated proceeds of the levy for the succeeding ten years, less 10305
an amount equal to the fraction of the proceeds of the levy 10306
previously anticipated by the issuance of anticipation notes. In 10307
the case of a levy for a fixed period that is not for the purpose 10308
of current expenses, notes may be issued at any time after 10309
approval of the levy in an amount not more than fifty per cent of 10310
the total estimated proceeds of the levy throughout the remaining 10311
life of the levy, less an amount equal to the fraction of the 10312
proceeds of the levy previously anticipated by the issuance of 10313
anticipation notes. In the case of a levy for current expenses, 10314
notes may be issued after the approval of the levy by the electors 10315
and prior to the time when the first tax collection from the levy 10316
can be made. Such notes may be issued in an amount not more than 10317

fifty per cent of the total estimated proceeds of the levy 10318
throughout the term of the levy in the case of a levy for a fixed 10319
period, or fifty per cent of the total estimated proceeds for the 10320
first ten years of the levy in the case of a continuing levy. 10321

No anticipation notes that increase the net indebtedness of a 10322
county may be issued without the prior consent of the board of 10323
county commissioners of that county. The notes shall be issued as 10324
provided in section 133.24 of the Revised Code, shall have 10325
principal payments during each year after the year of their 10326
issuance over a period not exceeding the life of the levy 10327
anticipated, and may have a principal payment in the year of their 10328
issuance. 10329

"Taxing authority" and "subdivision" have the same meanings 10330
as in section 5705.01 of the Revised Code. 10331

This section is supplemental to and not in derogation of 10332
sections 5705.20, 5705.21, and 5705.22 of the Revised Code. 10333

Sec. 5705.194. The board of education of any city, local, 10334
exempted village, cooperative education, or joint vocational 10335
school district at any time may declare by resolution that the 10336
revenue that will be raised by all tax levies which the district 10337
is authorized to impose, when combined with state and federal 10338
revenues, will be insufficient to provide for the emergency 10339
requirements of the school district or to avoid an operating 10340
deficit, and that it is therefore necessary to levy an additional 10341
tax in excess of the ten-mill limitation. The resolution shall be 10342
confined to a single purpose and shall specify that purpose. If 10343
the levy is proposed to renew all or a portion of the proceeds 10344
derived from one or more existing levies imposed pursuant to this 10345
section, it shall be called a renewal levy and shall be so 10346
designated on the ballot. If two or more existing levies are to be 10347
included in a single renewal levy but are not scheduled to expire 10348

in the same year, the resolution shall specify that the existing levies to be renewed shall not be levied after the year preceding the year in which the renewal levy is first imposed. Notwithstanding the original purpose of any one or more existing levies that are to be in any single renewal levy, the purpose of the renewal levy may be either to avoid an operating deficit or to provide for the emergency requirements of the school district. The resolution shall further specify the amount of money it is necessary to raise for the specified purpose for each calendar year the millage is to be imposed; if a renewal levy, whether the levy is to renew all, or a portion of, the proceeds derived from one or more existing levies; and the number of years in which the millage is to be in effect, which may include a levy upon the current year's tax list. The number of years may be any number not exceeding five.

The question shall be submitted at a special election on a date specified in the resolution. The date shall not be earlier than eighty days after the adoption and certification of the resolution to the county auditor and shall be consistent with the requirements of section 3501.01 of the Revised Code. A resolution for a renewal levy shall not be placed on the ballot unless the question is submitted on a date on which a special election may be held under division (D) of section 3501.01 of the Revised Code, except for the first Tuesday after the first Monday in February and August, during the last year the levy to be renewed may be extended on the real and public utility property tax list and duplicate, or at any election held in the ensuing year, except that if the resolution proposes renewing two or more existing levies, the question shall be submitted on the date of the general or primary election held during the last year at least one of the levies to be renewed may be extended on that list and duplicate, or at any election held during the ensuing year. For purposes of this section, a levy shall be considered to be an "existing levy"

through the year following the last year it can be placed on the 10382
real and public utility property tax list and duplicate. 10383

The submission of questions to the electors under this 10384
section is subject to the limitation on the number of election 10385
dates established by section 5705.214 of the Revised Code. 10386

The resolution shall go into immediate effect upon its 10387
passage, and no publication of the resolution shall be necessary 10388
other than that provided for in the notice of election. A copy of 10389
the resolution shall immediately after its passing be certified to 10390
the county auditor of the proper county. Section 5705.195 of the 10391
Revised Code shall govern the arrangements for the submission of 10392
questions to the electors under this section and other matters 10393
concerning the election. Publication of notice of the election 10394
shall be made in one or more newspapers of general circulation in 10395
the county once a week for ~~three~~ two consecutive weeks. If a 10396
majority of the electors voting on the question submitted in an 10397
election vote in favor of the levy, the board of education of the 10398
school district may make the additional levy necessary to raise 10399
the amount specified in the resolution for the purpose stated in 10400
the resolution. The tax levy shall be included in the next tax 10401
budget that is certified to the county budget commission. 10402

After the approval of the levy and prior to the time when the 10403
first tax collection from the levy can be made, the board of 10404
education may anticipate a fraction of the proceeds of the levy 10405
and issue anticipation notes in an amount not exceeding the total 10406
estimated proceeds of the levy to be collected during the first 10407
year of the levy. 10408

The notes shall be issued as provided in section 133.24 of 10409
the Revised Code, shall have principal payments during each year 10410
after the year of their issuance over a period not to exceed five 10411
years, and may have principal payment in the year of their 10412

issuance. 10413

Sec. 5705.196. The election provided for in section 5705.194 10414
of the Revised Code shall be held at the regular places for voting 10415
in the district, and shall be conducted, canvassed, and certified 10416
in the same manner as regular elections in the district for the 10417
election of county officers, provided that in any such election in 10418
which only part of the electors of a precinct are qualified to 10419
vote, the board of elections may assign voters in such part to an 10420
adjoining precinct. Such an assignment may be made to an adjoining 10421
precinct in another county with the consent and approval of the 10422
board of elections of such other county. Notice of the election 10423
shall be published in one or more newspapers of general 10424
circulation in the district once a week for ~~three~~ two consecutive 10425
weeks prior to the election. Such notice shall state the annual 10426
proceeds of the proposed levy, the purpose for which such proceeds 10427
are to be used, the number of years during which the levy shall 10428
run, and the estimated average additional tax rate expressed in 10429
dollars and cents for each one hundred dollars of valuation as 10430
well as in mills for each one dollar of valuation, outside the 10431
limitation imposed by Section 2 of Article XII, Ohio Constitution, 10432
as certified by the county auditor. 10433

Sec. 5705.21. (A) At any time, the board of education of any 10434
city, local, exempted village, cooperative education, or joint 10435
vocational school district, by a vote of two-thirds of all its 10436
members, may declare by resolution that the amount of taxes which 10437
may be raised within the ten-mill limitation by levies on the 10438
current tax duplicate will be insufficient to provide an adequate 10439
amount for the necessary requirements of the school district, that 10440
it is necessary to levy a tax in excess of such limitation for one 10441
of the purposes specified in division (A), (D), (F), (H), or (DD) 10442
of section 5705.19 of the Revised Code, for general permanent 10443

improvements, for the purpose of operating a cultural center, or 10444
for the purpose of providing education technology, and that the 10445
question of such additional tax levy shall be submitted to the 10446
electors of the school district at a special election on a day to 10447
be specified in the resolution. 10448

As used in this section, "cultural center" means a 10449
freestanding building, separate from a public school building, 10450
that is open to the public for educational, musical, artistic, and 10451
cultural purposes; "education technology" means, but is not 10452
limited to, computer hardware, equipment, materials, and 10453
accessories, equipment used for two-way audio or video, and 10454
software; and "general permanent improvements" means permanent 10455
improvements without regard to the limitation of division (F) of 10456
section 5705.19 of the Revised Code that the improvements be a 10457
specific improvement or a class of improvements that may be 10458
included in a single bond issue. 10459

The submission of questions to the electors under this 10460
section is subject to the limitation on the number of election 10461
dates established by section 5705.214 of the Revised Code. 10462

(B) Such resolution shall be confined to a single purpose and 10463
shall specify the amount of the increase in rate that it is 10464
necessary to levy, the purpose of the levy, and the number of 10465
years during which the increase in rate shall be in effect. The 10466
number of years may be any number not exceeding five or, if the 10467
levy is for current expenses of the district or for general 10468
permanent improvements, for a continuing period of time. The 10469
resolution shall specify the date of holding such election, which 10470
shall not be earlier than seventy-five days after the adoption and 10471
certification of the resolution and which shall be consistent with 10472
the requirements of section 3501.01 of the Revised Code. 10473

The resolution may propose to renew one or more existing 10474
levies imposed under this section or to increase or decrease a 10475

single levy imposed under this section. If the board of education
imposes one or more existing levies for the purpose specified in
division (F) of section 5705.19 of the Revised Code, the
resolution may propose to renew one or more of those existing
levies, or to increase or decrease a single such existing levy,
for the purpose of general permanent improvements. If the
resolution proposes to renew two or more existing levies, the
levies shall be levied for the same purpose. The resolution shall
identify those levies and the rates at which they are levied. The
resolution also shall specify that the existing levies shall not
be extended on the tax lists after the year preceding the year in
which the renewal levy is first imposed, regardless of the years
for which those levies originally were authorized to be levied.

The resolution 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. 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
election shall be made in one or more newspapers of general
circulation in the county once a week for ~~four~~ two consecutive
weeks. 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 10540
the Revised Code, shall have principal payments during each year 10541
after the year of their issuance over a period not to exceed ten 10542
years, and may have a principal payment in the year of their 10543
issuance. 10544

Sec. 5705.218. (A) The board of education of a city, local, 10545
or exempted village school district, at any time by a vote of 10546
two-thirds of all its members, may declare by resolution that it 10547
may be necessary for the school district to issue general 10548
obligation bonds for permanent improvements. The resolution shall 10549
state all of the following: 10550

(1) The necessity and purpose of the bond issue; 10551

(2) The date of the special election at which the question 10552
shall be submitted to the electors; 10553

(3) The amount, approximate date, estimated rate of interest, 10554
and maximum number of years over which the principal of the bonds 10555
may be paid; 10556

(4) The necessity of levying a tax outside the ten-mill 10557
limitation to pay debt charges on the bonds and any anticipatory 10558
securities. 10559

On adoption of the resolution, the board shall certify a copy 10560
of it to the county auditor. The county auditor promptly shall 10561
estimate and certify to the board the average annual property tax 10562
rate required throughout the stated maturity of the bonds to pay 10563
debt charges on the bonds, in the same manner as under division 10564
(C) of section 133.18 of the Revised Code. 10565

(B) After receiving the county auditor's certification under 10566
division (A) of this section, the board of education of the city, 10567
local, or exempted village school district, by a vote of 10568
two-thirds of all its members, may declare by resolution that the 10569

amount of taxes that can be raised within the ten-mill limitation 10570
will be insufficient to provide an adequate amount for the present 10571
and future requirements of the school district; that it is 10572
necessary to issue general obligation bonds of the school district 10573
for permanent improvements and to levy an additional tax in excess 10574
of the ten-mill limitation to pay debt charges on the bonds and 10575
any anticipatory securities; that it is necessary for a specified 10576
number of years or for a continuing period of time to levy 10577
additional taxes in excess of the ten-mill limitation to provide 10578
funds for the acquisition, construction, enlargement, renovation, 10579
and financing of permanent improvements or to pay for current 10580
operating expenses, or both; and that the question of the bonds 10581
and taxes shall be submitted to the electors of the school 10582
district at a special election, which shall not be earlier than 10583
seventy-five days after certification of the resolution to the 10584
board of elections, and the date of which shall be consistent with 10585
section 3501.01 of the Revised Code. The resolution shall specify 10586
all of the following: 10587

(1) The county auditor's estimate of the average annual 10588
property tax rate required throughout the stated maturity of the 10589
bonds to pay debt charges on the bonds; 10590

(2) The proposed rate of the tax, if any, for current 10591
operating expenses, the first year the tax will be levied, and the 10592
number of years it will be levied, or that it will be levied for a 10593
continuing period of time; 10594

(3) The proposed rate of the tax, if any, for permanent 10595
improvements, the first year the tax will be levied, and the 10596
number of years it will be levied, or that it will be levied for a 10597
continuing period of time. 10598

The resolution shall apportion the annual rate of the tax 10599
between current operating expenses and permanent improvements, if 10600

both taxes are proposed. The apportionment may but need not be the
same for each year of the tax, but the respective portions of the
rate actually levied each year for current operating expenses and
permanent improvements shall be limited by the apportionment. The
resolution shall go into immediate effect upon its passage, and no
publication of it is necessary other than that provided in the
notice of election. The board of education shall certify a copy of
the resolution, along with copies of the auditor's estimate and
its resolution under division (A) of this section, to the board of
elections immediately after its adoption.

(C) The board of elections shall make the arrangements for
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. 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;	10632
(5) The proposed rate of the additional tax, if any, for current operating expenses;	10633 10634
(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;	10635 10636 10637
(7) The proposed rate of the additional tax, if any, for permanent improvements;	10638 10639
(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;	10640 10641 10642
(9) The time and place of the special election.	10643
(D) The form of the ballot for an election under this section is as follows:	10644 10645
"Shall the school district be authorized to do the following:	10646 10647
(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?"	10648 10649 10650 10651 10652 10653 10654 10655 10656 10657
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:	10658 10659 10660
"(2) Levy an additional property tax to provide funds for the	10661

acquisition, construction, enlargement, renovation, and financing 10662
of permanent improvements at a rate not exceeding mills 10663
for each one dollar of tax valuation, which amounts to 10664
(rate expressed in cents or dollars and cents) for each \$100 of 10665
tax valuation, for (number of years of the levy, or a 10666
continuing period of time)? 10667

(3) Levy an additional property tax to pay current operating 10668
expenses at a rate not exceeding mills for each one dollar 10669
of tax valuation, which amounts to (rate expressed in 10670
cents or dollars and cents) for each \$100 of tax valuation, for 10671
..... (number of years of the levy, or a continuing period of 10672
time)? 10673

	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 10678
of the election to the tax commissioner and the county auditor of 10679
the county in which the school district is located. If a majority 10680
of the electors voting on the question vote for it, the board of 10681
education may proceed with issuance of the bonds and with the levy 10682
and collection of the property tax or taxes at the additional rate 10683
or any lesser rate in excess of the ten-mill limitation. Any 10684
securities issued by the board of education under this section are 10685
Chapter 133. securities, as that term is defined in section 133.01 10686
of the Revised Code. 10687

(F)(1) After the approval of a tax for current operating 10688
expenses under this section and prior to the time the first 10689
collection and distribution from the levy can be made, the board 10690
of education may anticipate a fraction of the proceeds of such 10691
levy and issue anticipation notes in a principal amount not 10692

exceeding fifty per cent of the total estimated proceeds of the 10693
tax to be collected during the first year of the levy. 10694

(2) After the approval of a tax under this section for 10695
permanent improvements having a specific purpose, the board of 10696
education may anticipate a fraction of the proceeds of such tax 10697
and issue anticipation notes in a principal amount not exceeding 10698
fifty per cent of the total estimated proceeds of the tax 10699
remaining to be collected in each year over a period of five years 10700
after issuance of the notes. 10701

(3) After the approval of a tax for general, on-going 10702
permanent improvements under this section, the board of education 10703
may anticipate a fraction of the proceeds of such tax and issue 10704
anticipation notes in a principal amount not exceeding fifty per 10705
cent of the total estimated proceeds of the tax to be collected in 10706
each year over a specified period of years, not exceeding ten, 10707
after issuance of the notes. 10708

Anticipation notes under this section shall be issued as 10709
provided in section 133.24 of the Revised Code. Notes issued under 10710
division (F)(1) or (2) of this section shall have principal 10711
payments during each year after the year of their issuance over a 10712
period not to exceed five years, and may have a principal payment 10713
in the year of their issuance. Notes issued under division (F)(3) 10714
of this section shall have principal payments during each year 10715
after the year of their issuance over a period not to exceed ten 10716
years, and may have a principal payment in the year of their 10717
issuance. 10718

(G) A tax for current operating expenses or for permanent 10719
improvements levied under this section for a specified number of 10720
years may be renewed or replaced in the same manner as a tax for 10721
current operating expenses or for permanent improvements levied 10722
under section 5705.21 of the Revised Code. A tax for current 10723

operating expenses or for permanent improvements levied under this 10724
section for a continuing period of time may be decreased in 10725
accordance with section 5705.261 of the Revised Code. 10726

(H) The submission of a question to the electors under this 10727
section is subject to the limitation on the number of elections 10728
that can be held in a year under section 5705.214 of the Revised 10729
Code. 10730

(I) A school district board of education proposing a ballot 10731
measure under this section to generate local resources for a 10732
project under the school building assistance expedited local 10733
partnership program under section 3318.36 of the Revised Code may 10734
combine the questions under division (D) of this section with a 10735
question for the levy of a property tax to generate moneys for 10736
maintenance of the classroom facilities acquired under that 10737
project as prescribed in section 3318.361 of the Revised Code. 10738

Sec. 5705.25. (A) A copy of any resolution adopted as 10739
provided in section 5705.19 of the Revised Code shall be certified 10740
by the taxing authority to the board of elections of the proper 10741
county not less than seventy-five days before the general election 10742
in any year, and the board shall submit the proposal to the 10743
electors of the subdivision at the succeeding November election. 10744
Except as otherwise provided in this division, a resolution to 10745
renew an existing levy, regardless of the section of the Revised 10746
Code under which the tax was imposed, shall not be placed on the 10747
ballot unless the question is submitted at the general election 10748
held during the last year the tax to be renewed or replaced may be 10749
extended on the real and public utility property tax list and 10750
duplicate, or at any election held in the ensuing year. The 10751
limitation of the foregoing sentence does not apply to a 10752
resolution to renew and increase or to renew part of an existing 10753
levy that was imposed under section 5705.191 of the Revised Code 10754

to supplement the general fund for the purpose of making 10755
appropriations for one or more of the following purposes: for 10756
public assistance, human or social services, relief, welfare, 10757
hospitalization, health, and support of general hospitals. The 10758
limitation of the second preceding sentence also does not apply to 10759
a resolution that proposes to renew two or more existing levies 10760
imposed under section 5705.21 of the Revised Code, in which case 10761
the question shall be submitted on the date of the general or 10762
primary election held during the last year at least one of the 10763
levies to be renewed may be extended on the real and public 10764
utility property tax list and duplicate, or at any election held 10765
during the ensuing year. For purposes of this section, a levy 10766
shall be considered to be an "existing levy" through the year 10767
following the last year it can be placed on that tax list and 10768
duplicate. 10769

The board shall make the necessary arrangements for the 10770
submission of such questions to the electors of such subdivision, 10771
and the election shall be conducted, canvassed, and certified in 10772
the same manner as regular elections in such subdivision for the 10773
election of county officers. Notice of the election shall be 10774
published in a newspaper of general circulation in the subdivision 10775
once a week for ~~four~~ two consecutive weeks prior to the election, 10776
stating the purpose, the proposed increase in rate, expressed in 10777
dollars and cents for each one hundred dollars of valuation as 10778
well as in mills for each one dollar of valuation, the number of 10779
years during which the increase will be in effect, the first month 10780
and year in which the tax will be levied, and the time and place 10781
of the election. 10782

(B) The form of the ballots cast at an election held pursuant 10783
to division (A) of this section shall be as follows: 10784

"An additional tax for the benefit of (name of subdivision or 10785
public library) for the purpose of (purpose stated in 10786

the resolution) at a rate not exceeding mills 10787
 for each one dollar of valuation, which amounts to (rate expressed 10788
 in dollars and cents) for each one hundred dollars of 10789
 valuation, for (life of indebtedness or number of years the 10790
 levy is to run). 10791

	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 10796
 time, the notice of election and the form of ballot shall so state 10797
 instead of setting forth a specified number of years for the levy. 10798

If the tax is to be placed on the current tax list, the form 10799
 of the ballot shall be modified by adding, after the statement of 10800
 the number of years the levy is to run, the phrase ", commencing 10801
 in (first year the tax is to be levied), first due in 10802
 calendar year (first calendar year in which the tax 10803
 shall be due)." 10804

If the levy submitted is a proposal to renew, increase, or 10805
 decrease an existing levy, the form of the ballot specified in 10806
 division (B) of this section may be changed by substituting for 10807
 the words "An additional" at the beginning of the form, the words 10808
 "A renewal of a" in case of a proposal to renew an existing levy 10809
 in the same amount; the words "A renewal of mills and an 10810
 increase of mills to constitute a" in the case of an 10811
 increase; or the words "A renewal of part of an existing levy, 10812
 being a reduction of mills, to constitute a" in the case of 10813
 a decrease in the proposed levy. 10814

If the levy submitted is a proposal to renew two or more 10815
 existing levies imposed under section 5705.21 of the Revised Code, 10816
 the form of the ballot specified in division (B) of this section 10817

shall be modified by substituting for the words "an additional 10818
tax" the words "a renewal of(insert the number of levies to 10819
be renewed) existing taxes." 10820

The question covered by such resolution shall be submitted as 10821
a separate proposition but may be printed on the same ballot with 10822
any other proposition submitted at the same election, other than 10823
the election of officers. More than one such question may be 10824
submitted at the same election. 10825

(D) A levy voted in excess of the ten-mill limitation under 10826
this section shall be certified to the tax commissioner. In the 10827
first year of the levy, it shall be extended on the tax lists 10828
after the February settlement succeeding the election. If the 10829
additional tax is to be placed upon the tax list of the current 10830
year, as specified in the resolution providing for its submission, 10831
the result of the election shall be certified immediately after 10832
the canvass by the board of elections to the taxing authority, who 10833
shall make the necessary levy and certify it to the county 10834
auditor, who shall extend it on the tax lists for collection. 10835
After the first year, the tax levy shall be included in the annual 10836
tax budget that is certified to the county budget commission. 10837

Sec. 5705.251. (A) A copy of a resolution adopted under 10838
section 5705.212 or 5705.213 of the Revised Code shall be 10839
certified by the board of education to the board of elections of 10840
the proper county not less than seventy-five days before the date 10841
of the election specified in the resolution, and the board of 10842
elections shall submit the proposal to the electors of the school 10843
district at a special election to be held on that date. The board 10844
of elections shall make the necessary arrangements for the 10845
submission of the question or questions to the electors of the 10846
school district, and the election shall be conducted, canvassed, 10847
and certified in the same manner as regular elections in the 10848

school district for the election of county officers. Notice of the 10849
election shall be published in a newspaper of general circulation 10850
in the subdivision once a week for ~~four~~ two consecutive weeks 10851
prior to the election. 10852

(1) In the case of a resolution adopted under section 10853
5705.212 of the Revised Code, the notice shall state separately, 10854
for each tax being proposed, the purpose; the proposed increase in 10855
rate, expressed in dollars and cents for each one hundred dollars 10856
of valuation as well as in mills for each one dollar of valuation; 10857
the number of years during which the increase will be in effect; 10858
and the first calendar year in which the tax will be due. For an 10859
election on the question of a renewal levy, the notice shall state 10860
the purpose; the proposed rate, expressed in dollars and cents for 10861
each one hundred dollars of valuation as well as in mills for each 10862
one dollar of valuation; and the number of years the tax will be 10863
in effect. 10864

(2) In the case of a resolution adopted under section 10865
5705.213 of the Revised Code, the notice shall state the purpose; 10866
the amount proposed to be raised by the tax in the first year it 10867
is levied; the estimated average additional tax rate for the first 10868
year it is proposed to be levied, expressed in mills for each one 10869
dollar of valuation and in dollars and cents for each one hundred 10870
dollars of valuation; the number of years during which the 10871
increase will be in effect; and the first calendar year in which 10872
the tax will be due. The notice also shall state the amount by 10873
which the amount to be raised by the tax may be increased in each 10874
year after the first year. The amount of the allowable increase 10875
may be expressed in terms of a dollar increase over, or a 10876
percentage of, the amount raised by the tax in the immediately 10877
preceding year. For an election on the question of a renewal levy, 10878
the notice shall state the purpose; the amount proposed to be 10879
raised by the tax; the estimated tax rate, expressed in mills for 10880

each one dollar of valuation and in dollars and cents for each one 10881
hundred dollars of valuation; and the number of years the tax will 10882
be in effect. 10883

In any case, the notice also shall state the time and place 10884
of the election. 10885

(B) The form of the ballot in an election on taxes proposed 10886
under section 5705.212 of the Revised Code shall be as follows: 10887

"Shall the school district be authorized to levy 10888
taxes for current expenses, the aggregate rate of which may 10889
increase in (number) increment(s) of not more than 10890
mill(s) for each dollar of valuation, from an original rate of 10891
..... mill(s) for each dollar of valuation, which amounts to 10892
..... (rate expressed in dollars and cents) for each one hundred 10893
dollars of valuation, to a maximum rate of mill(s) for each 10894
dollar of valuation, which amounts to (rate expressed in 10895
dollars and cents) for each one hundred dollars of valuation? The 10896
original tax is first proposed to be levied in (the first 10897
year of the tax), and the incremental tax in (the first 10898
year of the increment) (if more than one incremental tax is 10899
proposed in the resolution, the first year that each incremental 10900
tax is proposed to be levied shall be stated in the preceding 10901
format, and the increments shall be referred to as the first, 10902
second, third, or fourth increment, depending on their number). 10903
The aggregate rate of tax so authorized will (insert 10904
either, "expire with the original rate of tax which shall be in 10905
effect for years" or "be in effect for a continuing period 10906
of time"). 10907

	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 10912
renewal levy under section 5705.212 of the Revised Code shall be 10913
as follows: 10914

"Shall the school district be authorized to renew a 10915
tax for current expenses at a rate not exceeding mills 10916
for each dollar of valuation, which amounts to (rate 10917
expressed in dollars and cents) for each one hundred dollars of 10918
valuation, for (number of years the levy shall be in 10919
effect, or a continuing period of time)? 10920

	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 10925
of the ballot shall be modified by adding, after the statement of 10926
the number of years the levy is to be in effect, the phrase ", 10927
commencing in (first year the tax is to be levied), 10928
first due in calendar year (first calendar year in 10929
which the tax shall be due)." 10930

(C) The form of the ballot in an election on a tax proposed 10931
under section 5705.213 of the Revised Code shall be as follows: 10932

"Shall the school district be authorized to levy the 10933
following tax for current expenses? The tax will first be levied 10934
in (year) to raise (dollars). In the (number 10935
of years) following years, the tax will increase by not more than 10936
..... (per cent or dollar amount of increase) each year, so that, 10937
during (last year of the tax), the tax will raise 10938
approximately (dollars). The county auditor estimates that 10939
the rate of the tax per dollar of valuation will be 10940
mill(s), which amounts to \$. per one hundred dollars of 10941
valuation, both during (first year of the tax) and 10942

mill(s), which amounts to \$. per one hundred dollars of 10943
valuation, during (last year of the tax). The tax will not 10944
be levied after (year). 10945

	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 10950
renewal levy under section 5705.213 of the Revised Code shall be 10951
as follows: 10952

"Shall the school district be authorized to renew a 10953
tax for current expenses which will raise (dollars), 10954
estimated by the county auditor to be mills for each 10955
dollar of valuation, which amounts to (rate expressed in 10956
dollars and cents) for each one hundred dollars of valuation? The 10957
tax shall be in effect for (the number of years the levy 10958
shall be in effect, or a continuing period of time). 10959

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

10960
10961
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10963

If the tax is to be placed on the current tax list, the form 10964
of the ballot shall be modified by adding, after the statement of 10965
the number of years the levy is to be in effect, the phrase ", 10966
commencing in (first year the tax is to be levied), 10967
first due in calendar year (first calendar year in 10968
which the tax shall be due)." 10969

(D) The question covered by a resolution adopted under 10970
section 5705.212 or 5705.213 of the Revised Code shall be 10971
submitted as a separate question, but may be printed on the same 10972

ballot with any other question submitted at the same election, 10973
other than the election of officers. More than one question may be 10974
submitted at the same election. 10975

(E) Taxes voted in excess of the ten-mill limitation under 10976
division (B) or (C) of this section shall be certified to the tax 10977
commissioner. If an additional tax is to be placed upon the tax 10978
list of the current year, as specified in the resolution providing 10979
for its submission, the result of the election shall be certified 10980
immediately after the canvass by the board of elections to the 10981
board of education. The board of education immediately shall make 10982
the necessary levy and certify it to the county auditor, who shall 10983
extend it on the tax list for collection. After the first year, 10984
the levy shall be included in the annual tax budget that is 10985
certified to the county budget commission. 10986

Sec. 5705.261. The question of decrease of an increased rate 10987
of levy approved for a continuing period of time by the voters of 10988
a subdivision may be initiated by the filing of a petition with 10989
the board of elections of the proper county not less than 10990
seventy-five days before the general election in any year 10991
requesting that an election be held on such question. Such 10992
petition shall state the amount of the proposed decrease in the 10993
rate of levy and shall be signed by qualified electors residing in 10994
the subdivision equal in number to at least ten per cent of the 10995
total number of votes cast in the subdivision for the office of 10996
governor at the most recent general election for that office. Only 10997
one such petition may be filed during each five-year period 10998
following the election at which the voters approved the increased 10999
rate for a continuing period of time. 11000

After determination by it that such petition is valid, the 11001
board of elections shall submit the question to the electors of 11002
the district at the succeeding general election. The election 11003

shall be conducted, canvassed, and certified in the same manner as 11004
regular elections in such subdivision for county offices. Notice 11005
of the election shall be published in a newspaper of general 11006
circulation in the district once a week for ~~four~~ two consecutive 11007
weeks prior to the election, stating the purpose, the amount of 11008
the proposed decrease in rate and the time and place of the 11009
election. The form of the ballot cast at such election shall be 11010
prescribed by the secretary of state. The question covered by such 11011
petition shall be submitted as a separate proposition but it may 11012
be printed on the same ballot with any other propositions 11013
submitted at the same election other than the election of 11014
officers. If a majority of the qualified electors voting on the 11015
question of a decrease at such election approve the proposed 11016
decrease in rate, the result of the election shall be certified 11017
immediately after the canvass by the board of elections to the 11018
subdivision's taxing authority, which shall thereupon, after the 11019
current year, cease to levy such increased rate or levy such tax 11020
at such reduced rate upon the duplicate of the subdivision. If 11021
notes have been issued in anticipation of the collection of such 11022
levy, the taxing authority shall continue to levy and collect 11023
under authority of the election authorizing the original levy such 11024
amounts as will be sufficient to pay the principal of and interest 11025
on such anticipation notes as the same fall due. 11026

Sec. 5705.71. (A) The electors of a county may initiate the 11027
question of a tax levy for support of senior citizens services or 11028
facilities by the filing of a petition with the board of elections 11029
of that county not less than seventy-five days before the date of 11030
any primary or general election requesting that an election be 11031
held on such question. The petition shall be signed by at least 11032
ten per cent of the qualified electors residing in the county and 11033
voting for the office of governor at the last general election. 11034

(B) The petition shall state the purpose for which the senior citizens tax levy is being proposed, shall specify the amount of the proposed increase in rate, the period of time during which the increase is to be in effect, and whether the levy is to be imposed in the current year. The number of years may be any number not exceeding five, except that when the additional rate is for the payment of debt charges the increased rate shall be for the life of the indebtedness.

(C) 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 succeeding primary or general election.

(D) The election shall be conducted, canvassed, and certified in the same manner as regular elections in such county for county offices. 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 the purpose, the amount of the proposed increase in rate, and the time and place of the election.

(E) The form of the ballot cast at such election shall be prescribed by the secretary of state. If the tax is to be placed on the tax list of the current tax year, the form of the ballot shall include a statement to that effect and shall indicate the first calendar year the tax will be due. 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.

(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 11066
certified immediately after the canvass by the board of elections 11067
to the board of county commissioners, which shall forthwith make 11068
the necessary levy and certify it to the county auditor, who shall 11069
extend it on the tax list for collection. After the first year, 11070
the tax levy shall be included in the annual tax budget that is 11071
certified to the county budget commission. 11072

Sec. 5739.022. (A) The question of repeal of either a county 11073
permissive tax or an increase in the rate of a county permissive 11074
tax that was adopted as an emergency measure pursuant to section 11075
5739.021 or 5739.026 of the Revised Code may be initiated by 11076
filing with the board of elections of the county not less than 11077
seventy-five days before the general election in any year a 11078
petition requesting that an election be held on the question. The 11079
question of repealing an increase in the rate of the county 11080
permissive tax shall be submitted to the electors as a separate 11081
question from the repeal of the tax in effect prior to the 11082
increase in the rate. Any petition filed under this section shall 11083
be signed by qualified electors residing in the county equal in 11084
number to ten per cent of those voting for governor at the most 11085
recent gubernatorial election. 11086

After determination by it that the petition is valid, the 11087
board of elections shall submit the question to the electors of 11088
the county at the next general election. The election shall be 11089
conducted, canvassed, and certified in the same manner as regular 11090
elections for county offices in the county. The board of elections 11091
shall notify the tax commissioner, in writing, of the election 11092
upon determining that the petition is valid. Notice of the 11093
election shall also be published in a newspaper of general 11094
circulation in the district once a week for ~~four~~ two consecutive 11095
weeks prior to the election, stating the purpose, the time, and 11096

the place of the election. The form of the ballot cast at the 11097
election shall be prescribed by the secretary of state; however, 11098
the ballot question shall read, "shall the tax (or, increase in 11099
the rate of the tax) be retained? 11100

	Yes
	No

"

11101
11102
11103
11104

The question covered by the petition shall be submitted as a 11105
separate proposition, but it may be printed on the same ballot 11106
with any other proposition submitted at the same election other 11107
than the election of officers. 11108

(B) If a majority of the qualified electors voting on the 11109
question of repeal of either a county permissive tax or an 11110
increase in the rate of a county permissive tax approve the 11111
repeal, the board of elections shall notify the board of county 11112
commissioners and the tax commissioner of the result of the 11113
election immediately after the result has been declared. The board 11114
of county commissioners shall, on the first day of the calendar 11115
quarter following the expiration of sixty-five days after the date 11116
the board and the tax commissioner receive the notice, in the case 11117
of a repeal of a county permissive tax, cease to levy the tax, or, 11118
in the case of a repeal of an increase in the rate of a county 11119
permissive tax, levy the tax at the rate at which it was imposed 11120
immediately prior to the increase in rate and cease to levy the 11121
increased rate. 11122

(C) Upon receipt from a board of elections of a notice of the 11123
results of an election required by division (B) of this section, 11124
the tax commissioner shall provide notice of a tax repeal or rate 11125
change in a manner that is reasonably accessible to all affected 11126
vendors. The commissioner shall provide this notice at least sixty 11127

days prior to the effective date of the rate change. The 11128
commissioner, by rule, may establish the method by which notice 11129
will be provided. 11130

(D) If a vendor that is registered with the central 11131
electronic registration system provided for in section 5740.05 of 11132
the Revised Code makes a sale in this state by printed catalog and 11133
the consumer computed the tax on the sale based on local rates 11134
published in the catalog, any tax repealed or rate changed under 11135
this section shall not apply to such a sale until the first day of 11136
a calendar quarter following the expiration of one hundred twenty 11137
days from the date of notice by the tax commissioner pursuant to 11138
division (C) of this section. 11139

Sec. 5748.02. (A) The board of education of any school 11140
district, except a joint vocational school district, may declare, 11141
by resolution, the necessity of raising annually a specified 11142
amount of money for school district purposes. A copy of the 11143
resolution shall be certified to the tax commissioner no later 11144
than eighty-five days prior to the date of the election at which 11145
the board intends to propose a levy under this section. Upon 11146
receipt of the copy of the resolution, the tax commissioner shall 11147
estimate both of the following: 11148

(1) The property tax rate that would have to be imposed in 11149
the current year by the district to produce an equivalent amount 11150
of money; 11151

(2) The income tax rate that would have had to have been in 11152
effect for the current year to produce an equivalent amount of 11153
money from a school district income tax. 11154

Within ten days of receiving the copy of the board's 11155
resolution, the commissioner shall prepare these estimates and 11156
certify them to the board. Upon receipt of the certification, the 11157

board may adopt a resolution proposing an income tax under 11158
division (B) of this section at the estimated rate contained in 11159
the certification rounded to the nearest one-fourth of one per 11160
cent. The commissioner's certification applies only to the board's 11161
proposal to levy an income tax at the election for which the board 11162
requested the certification. If the board intends to submit a 11163
proposal to levy an income tax at any other election, it shall 11164
request another certification for that election in the manner 11165
prescribed in this division. 11166

(B)(1) Upon the receipt of a certification from the tax 11167
commissioner under division (A) of this section, a majority of the 11168
members of a board of education may adopt a resolution proposing 11169
the levy of an annual tax for school district purposes on the 11170
school district income of individuals and of estates. The proposed 11171
levy may be for a continuing period of time or for a specified 11172
number of years. The resolution shall set forth the purpose for 11173
which the tax is to be imposed, the rate of the tax, which shall 11174
be the rate set forth in the commissioner's certification rounded 11175
to the nearest one-fourth of one per cent, the number of years the 11176
tax will be levied or that it will be levied for a continuing 11177
period of time, the date on which the tax shall take effect, which 11178
shall be the first day of January of any year following the year 11179
in which the question is submitted, and the date of the election 11180
at which the proposal shall be submitted to the electors of the 11181
district, which shall be on the date of a primary, general, or 11182
special election the date of which is consistent with section 11183
3501.01 of the Revised Code. If the board of education currently 11184
imposes an income tax pursuant to this chapter that is due to 11185
expire and a question is submitted under this section for a 11186
proposed income tax to take effect upon the expiration of the 11187
existing tax, the board may specify in the resolution that the 11188
proposed tax renews the expiring tax and is not an additional 11189

income tax, provided that the tax rate being proposed is no higher 11190
than the tax rate that is currently imposed. 11191

(2) A board of education adopting a resolution under division 11192
(B)(1) of this section proposing a school district income tax for 11193
a continuing period of time and limited to the purpose of current 11194
expenses may propose in that resolution to reduce the rate or 11195
rates of one or more of the school district's property taxes 11196
levied for a continuing period of time in excess of the ten-mill 11197
limitation for the purpose of current expenses. The reduction in 11198
the rate of a property tax may be any amount, expressed in mills 11199
per one dollar in valuation, not exceeding the rate at which the 11200
tax is authorized to be levied. The reduction in the rate of a tax 11201
shall first take effect for the tax year that includes the day on 11202
which the school district income tax first takes effect, and shall 11203
continue for each tax year that both the school district income 11204
tax and the property tax levy are in effect. 11205

In addition to the matters required to be set forth in the 11206
resolution under division (B)(1) of this section, a resolution 11207
containing a proposal to reduce the rate of one or more property 11208
taxes shall state for each such tax the maximum rate at which it 11209
currently may be levied and the maximum rate at which the tax 11210
could be levied after the proposed reduction, expressed in mills 11211
per one dollar in valuation, and that the tax is levied for a 11212
continuing period of time. 11213

If a board of education proposes to reduce the rate of one or 11214
more property taxes under division (B)(2) of this section, the 11215
board, when it makes the certification required under division (A) 11216
of this section, shall designate the specific levy or levies to be 11217
reduced, the maximum rate at which each levy currently is 11218
authorized to be levied, and the rate by which each levy is 11219
proposed to be reduced. The tax commissioner, when making the 11220
certification to the board under division (A) of this section, 11221

also shall certify the reduction in the total effective tax rate 11222
for current expenses for each class of property that would have 11223
resulted if the proposed reduction in the rate or rates had been 11224
in effect the previous tax year. As used in this paragraph, 11225
"effective tax rate" has the same meaning as in section 323.08 of 11226
the Revised Code. 11227

(C) A resolution adopted under division (B) of this section 11228
shall go into immediate effect upon its passage, and no 11229
publication of the resolution shall be necessary other than that 11230
provided for in the notice of election. Immediately after its 11231
adoption and at least seventy-five days prior to the election at 11232
which the question will appear on the ballot, a copy of the 11233
resolution shall be certified to the board of elections of the 11234
proper county, which shall submit the proposal to the electors on 11235
the date specified in the resolution. The form of the ballot shall 11236
be as provided in section 5748.03 of the Revised Code. Publication 11237
of notice of the election shall be made in one or more newspapers 11238
of general circulation in the county once a week for ~~four~~ two 11239
consecutive weeks. The notice shall contain the time and place of 11240
the election and the question to be submitted to the electors. The 11241
question covered by the resolution shall be submitted as a 11242
separate proposition, but may be printed on the same ballot with 11243
any other proposition submitted at the same election, other than 11244
the election of officers. 11245

(D) No board of education shall submit the question of a tax 11246
on school district income to the electors of the district more 11247
than twice in any calendar year. If a board submits the question 11248
twice in any calendar year, one of the elections on the question 11249
shall be held on the date of the general election. 11250

Sec. 5748.04. The question of the repeal of a school district 11251
income tax levied for more than five years may be initiated not 11252

more than once in any five-year period by filing with the board of 11253
elections of the appropriate counties not later than seventy-five 11254
days before the general election in any year after the year in 11255
which it is approved by the electors a petition requesting that an 11256
election be held on the question. The petition shall be signed by 11257
qualified electors residing in the school district levying the 11258
income tax equal in number to ten per cent of those voting for 11259
governor at the most recent gubernatorial election. 11260

11261

The board of elections shall determine whether the petition 11262
is valid, and if it so determines, it shall submit the question to 11263
the electors of the district at the next general election. The 11264
election shall be conducted, canvassed, and certified in the same 11265
manner as regular elections for county offices in the county. 11266
Notice of the election shall be published in a newspaper of 11267
general circulation in the district once a week for ~~four~~ two 11268
consecutive weeks prior to the election, stating the purpose, the 11269
time, and the place of the election. The form of the ballot cast 11270
at the election shall be as follows: 11271

"Shall the annual income tax of per cent, currently 11272
levied on the school district income of individuals and estates by 11273
..... (state the name of the school district) for the purpose 11274
of (state purpose of the tax), be repealed? 11275

11276

	For repeal of the income tax
	Against repeal of the income tax

"

11277

11278

11279

If the rate of one or more property tax levies was reduced 11280
for the duration of the income tax levy pursuant to division 11281
(B)(2) of section 5748.02 of the Revised Code, the form of the 11282
ballot shall be modified by adding the following language 11283

immediately after "repealed": ", and shall the rate of an existing 11284
tax on property for the purpose of current expenses, which rate 11285
was reduced for the duration of the income tax, be INCREASED from 11286
. . . . mills to mills per one dollar of valuation beginning 11287
in (state the first year for which the rate of the property 11288
tax will increase)." In lieu of "for repeal of the income tax" and 11289
"against repeal of the income tax," the phrases "for the issue" 11290
and "against the issue," respectively, shall be substituted. 11291

If the rate of more than one property tax was reduced for the 11292
duration of the income tax, the ballot language shall be modified 11293
accordingly to express the rates at which those taxes currently 11294
are levied and the rates to which the taxes would be increased. 11295

The question covered by the petition shall be submitted as a 11296
separate proposition, but it may be printed on the same ballot 11297
with any other proposition submitted at the same election other 11298
than the election of officers. If a majority of the qualified 11299
electors voting on the question vote in favor of it, the result 11300
shall be certified immediately after the canvass by the board of 11301
elections to the board of education of the school district and the 11302
tax commissioner, who shall thereupon, after the current year, 11303
cease to levy the tax, except that if notes have been issued 11304
pursuant to section 5748.05 of the Revised Code the tax 11305
commissioner shall continue to levy and collect under authority of 11306
the election authorizing the levy an annual amount, rounded upward 11307
to the nearest one-fourth of one per cent, as will be sufficient 11308
to pay the debt charges on the notes as they fall due. 11309

If a school district income tax repealed pursuant to this 11310
section was approved in conjunction with a reduction in the rate 11311
of one or more school district property taxes as provided in 11312
division (B)(2) of section 5748.02 of the Revised Code, then each 11313
such property tax may be levied after the current year at the rate 11314
at which it could be levied prior to the reduction, subject to any 11315

adjustments required by the county budget commission pursuant to 11316
Chapter 5705. of the Revised Code. Upon the repeal of a school 11317
district income tax under this section, the board of education may 11318
resume levying a property tax, the rate of which has been reduced 11319
pursuant to a question approved under section 5748.02 of the 11320
Revised Code, at the rate the board originally was authorized to 11321
levy the tax. A reduction in the rate of a property tax under 11322
section 5748.02 of the Revised Code is a reduction in the rate at 11323
which a board of education may levy that tax only for the period 11324
during which a school district income tax is levied prior to any 11325
repeal pursuant to this section. The resumption of the authority 11326
to levy the tax upon such a repeal does not constitute a tax 11327
levied in excess of the one per cent limitation prescribed by 11328
Section 2 of Article XII, Ohio Constitution, or in excess of the 11329
ten-mill limitation. 11330

This section does not apply to school district income tax 11331
levies that are levied for five or fewer years. 11332

Sec. 5748.08. (A) The board of education of a city, local, or 11333
exempted village school district, at any time by a vote of 11334
two-thirds of all its members, may declare by resolution that it 11335
may be necessary for the school district to do all of the 11336
following: 11337

(1) Raise a specified amount of money for school district 11338
purposes by levying an annual tax on the school district income of 11339
individuals and estates; 11340

(2) Issue general obligation bonds for permanent 11341
improvements, stating in the resolution the necessity and purpose 11342
of the bond issue and the amount, approximate date, estimated rate 11343
of interest, and maximum number of years over which the principal 11344
of the bonds may be paid; 11345

(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.

On adoption of the resolution, the board shall certify a copy of it to the tax commissioner and the county auditor no later than ninety days prior to the date of the special election at which the board intends to propose the income tax and bond issue. Not later than ten days of receipt of the resolution, the tax commissioner, in the same manner as required by division (A) of section 5748.02 of the Revised Code, shall estimate the rates designated in ~~division~~ divisions (A)(1) and (2) of that section and certify them to the board. Not later than ten days of receipt of the resolution, the county auditor shall estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code.

(B) On receipt of the tax commissioner's and county auditor's certifications prepared under division (A) of this section, the board of education of the city, local, or exempted village school district, by a vote of two-thirds of all its members, may adopt a resolution proposing for a specified number of years or for a continuing period of time the levy of an annual tax for school district purposes on the school district income of individuals and of estates and declaring that the amount of taxes that can be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and future requirements of the school district; that it is necessary to issue general obligation bonds of the school district for specified permanent improvements and to levy an additional tax 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 11378
taxes shall be submitted to the electors of the school district at 11379
a special election, which shall not be earlier than seventy-five 11380
days after certification of the resolution to the board of 11381
elections, and the date of which shall be consistent with section 11382
3501.01 of the Revised Code. The resolution shall specify all of 11383
the following: 11384

(1) The purpose for which the school district income tax is 11385
to be imposed and the rate of the tax, which shall be the rate set 11386
forth in the tax commissioner's certification rounded to the 11387
nearest one-fourth of one per cent; 11388

(2) The number of years the tax will be levied, or that it 11389
will be levied for a continuing period of time; 11390

(3) The date on which the tax shall take effect, which shall 11391
be the first day of January of any year following the year in 11392
which the question is submitted; 11393

(4) The county auditor's estimate of the average annual 11394
property tax rate required throughout the stated maturity of the 11395
bonds to pay debt charges on the bonds. 11396

(C) A resolution adopted under division (B) of this section 11397
shall go into immediate effect upon its passage, and no 11398
publication of the resolution shall be necessary other than that 11399
provided for in the notice of election. Immediately after its 11400
adoption and at least seventy-five days prior to the election at 11401
which the question will appear on the ballot, the board of 11402
education shall certify a copy of the resolution, along with 11403
copies of the auditor's estimate and its resolution under division 11404
(A) of this section, to the board of elections of the proper 11405
county. The board of education shall make the arrangements for the 11406
submission of the question to the electors of the school district, 11407
and the election shall be conducted, canvassed, and certified in 11408

the same manner as regular elections in the district for the 11409
election of county officers. 11410

The resolution shall be put before the electors as one ballot 11411
question, with a majority vote indicating approval of the school 11412
district income tax, the bond issue, and the levy to pay debt 11413
charges on the bonds and any anticipatory securities. The board of 11414
elections shall publish the notice of the election in one or more 11415
newspapers of general circulation in the school district once a 11416
week for ~~four~~ two consecutive weeks. The notice of election shall 11417
state all of the following: 11418

(1) The questions to be submitted to the electors; 11419

(2) The rate of the school district income tax; 11420

(3) The principal amount of the proposed bond issue; 11421

(4) The permanent improvements for which the bonds are to be 11422
issued; 11423

(5) The maximum number of years over which the principal of 11424
the bonds may be paid; 11425

(6) The estimated additional average annual property tax rate 11426
to pay the debt charges on the bonds, as certified by the county 11427
auditor; 11428

(7) The time and place of the special election. 11429

(D) The form of the ballot on a question submitted to the 11430
electors under this section shall be as follows: 11431

"Shall the school district be authorized to do both 11432
of the following: 11433

(1) Impose an annual income tax of (state the proposed 11434
rate of tax) on the school district income of individuals and of 11435
estates, for (state the number of years the tax would be 11436
levied, or that it would be levied for a continuing period of 11437

time), beginning (state the date the tax would first take effect), for the purpose of (state the purpose of the tax)?

(2) 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?

	FOR THE INCOME TAX AND BOND ISSUE
	AGAINST THE INCOME TAX AND BOND ISSUE

(E) 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.

(F) After approval of a question under this section, the

board of education may anticipate a fraction of the proceeds of 11469
the school district income tax in accordance with section 5748.05 11470
of the Revised Code. Any anticipation notes under this division 11471
shall be issued as provided in section 133.24 of the Revised Code, 11472
shall have principal payments during each year after the year of 11473
their issuance over a period not to exceed five years, and may 11474
have a principal payment in the year of their issuance. 11475

(G) The question of repeal of a school district income tax 11476
levied for more than five years may be initiated and submitted in 11477
accordance with section 5748.04 of the Revised Code. 11478

(H) No board of education shall submit a question under this 11479
section to the electors of the school district more than twice in 11480
any calendar year. If a board submits the question twice in any 11481
calendar year, one of the elections on the question shall be held 11482
on the date of the general election. 11483

Sec. 6119.18. The board of trustees of a regional water and 11484
sewer district, by a vote of two-thirds of all its members, may 11485
declare by resolution that it is necessary to levy a tax in excess 11486
of the ten-mill limitation for the purpose of providing funds to 11487
pay current expenses of the district or for the purpose of paying 11488
any portion of the cost of one or more water resource projects or 11489
parts thereof or for both of such purposes, and that the question 11490
of such tax levy shall be submitted to the electors of the 11491
district at a general or primary election. Such resolution shall 11492
conform to the requirements of section 5705.19 of the Revised 11493
Code, except as otherwise permitted by this section and except 11494
that such levy may be for a period not longer than ten years. The 11495
resolution shall go into immediate effect upon its passage and no 11496
publication of the resolution is necessary other than that 11497
provided for in the notice of election. A copy of such resolution 11498
shall, immediately after its passage, be certified to the board of 11499

elections of the proper county or counties in the manner provided 11500
by section 5705.25 of the Revised Code, and such section shall 11501
govern the arrangements for the submission of such question and 11502
other matters with respect to such election to which such section 11503
refers. Publication of the notice of such election shall be made 11504
in one or more newspapers having a general circulation in the 11505
district once a week for ~~four~~ two consecutive weeks. 11506

If a majority of the electors voting on the question vote in 11507
favor thereof, the board may make the necessary levy within the 11508
district at the additional rate or at any lesser rate on the tax 11509
list and duplicate for the purpose or purposes stated in the 11510
resolution. 11511

The taxes realized from such levy shall be collected at the 11512
same time and in the same manner as other taxes on such tax list 11513
and duplicate and such taxes, when collected, shall be paid to the 11514
district and deposited by it in a special fund which shall be 11515
established by the district for all revenues derived from such 11516
levy and for the proceeds of anticipation notes which shall be 11517
deposited in such fund. 11518

After the approval of such levy, the district may anticipate 11519
a fraction of the proceeds of such levy and, from time to time, 11520
during the life of such levy, issue anticipation notes in an 11521
amount not exceeding fifty per cent of the estimated proceeds of 11522
such levy to be collected in each year up to a period of five 11523
years after the date of issuance of such notes, less an amount 11524
equal to the proceeds of such levy previously obligated for each 11525
year by the issuance of anticipation notes, provided that the 11526
total amount maturing in any one year shall not exceed fifty per 11527
cent of the anticipated proceeds of such levy for that year. Each 11528
issue of notes shall be sold as provided in Chapter 133. of the 11529
Revised Code, and shall, except for such limitation that the total 11530
amount of such notes maturing in any one year shall not exceed 11531

fifty per cent of the anticipated proceeds of such levy for that 11532
year, mature serially in substantially equal installments during 11533
each year over a period not to exceed five years after their 11534
issuance. 11535

Section 2. That existing sections 131.23, 145.38, 305.31, 11536
306.70, 307.791, 322.021, 324.021, 503.162, 504.02, 504.03, 11537
511.28, 511.34, 513.14, 731.28, 731.29, 745.07, 747.11, 1901.07, 11538
1901.10, 1901.31, 1901.33, 3311.21, 3311.50, 3311.73, 3349.29, 11539
3354.12, 3355.09, 3501.05, 3501.11, 3501.13, 3501.26, 3501.30, 11540
3501.33, 3501.35, 3501.38, 3501.39, 3503.06, 3503.11, 3503.13, 11541
3503.14, 3503.16, 3503.19, 3503.21, 3503.23, 3503.24, 3505.16, 11542
3505.18, 3505.19, 3505.20, 3505.21, 3505.22, 3505.25, 3505.26, 11543
3505.27, 3505.32, 3506.01, 3506.05, 3506.12, 3506.13, 3506.19, 11544
3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.07, 11545
3509.08, 3511.02, 3511.04, 3511.09, 3513.04, 3513.041, 3513.05, 11546
3513.052, 3513.19, 3513.20, 3513.22, 3513.257, 3513.259, 3513.261, 11547
3513.30, 3515.03, 3515.04, 3515.07, 3515.08, 3515.13, 3517.01, 11548
3517.10, 3517.106, 3517.1011, 3519.05, 3523.05, 3599.11, 3599.111, 11549
3599.12, 3599.21, 3599.24, 3599.38, 4301.33, 4301.331, 4301.332, 11550
4301.333, 4301.334, 4305.14, 4504.021, 5705.191, 5705.194, 11551
5705.196, 5705.21, 5705.218, 5705.25, 5705.251, 5705.261, 5705.71, 11552
5739.022, 5748.02, 5748.04, 5748.08, and 6119.18 and section 11553
3503.27 of the Revised Code are hereby repealed. 11554

Section 3. If any item of law that constitutes the whole or 11555
part of a codified section of law contained in this act, or if any 11556
application of any item of law that constitutes the whole or part 11557
of a codified section of law contained in this act, is held 11558
invalid, the invalidity does not affect other items of law or 11559
applications of items of law that can be given effect without the 11560
invalid item of law or application. To this end, the items of law 11561
of which the codified sections contained in this act are composed, 11562

and their applications, are independent and severable. 11563

Section 4. Sections 1, 2, and 3 of this act shall take effect 11564
on January 1, 2006. 11565