

**As Passed by the House**

**128th General Assembly**

**Regular Session**

**2009-2010**

**Am. Sub. H. B. No. 260**

**Representatives Stewart, Heard**

**Cosponsors: Representatives Book, Domenick, Dyer, Foley, Garland,  
Letson, Okey, Skindell, Weddington, Williams, B., Yuko, Belcher, Bolon,  
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Harris, Harwood, Koziura, Mallory, Murray, Newcomb, Patten, Phillips, Pillich,  
Pryor, Szollosi, Ujvagi, Williams, S., Winburn, Yates**

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**A B I L L**

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3511.07, 3511.09, 3511.12, and 3513.20 of the	60
Revised Code to revise the Election Law.	61
	62

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

<b>Section 1.</b> That sections 133.06, 133.18, 302.03, 302.09,	63
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5743.026, 5748.02, 5748.04, 5748.08, 6105.18, 6105.20, 6119.31, 101  
and 6119.32 be amended and new sections 3509.07 and 3511.09 and 102  
sections 125.042, 3501.012, 3501.40, 3503.141, 3503.142, 3503.191, 103  
3503.20, 3503.22, 3505.331, 3507.01, 3507.02, 3507.03, 3509.10, 104  
3511.021, 3511.041, 3511.14, and 3599.30 of the Revised Code be 105  
enacted to read as follows: 106

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Sec. 125.042. (A) The department of administrative services, 109  
by rule adopted under Chapter 119. of the Revised Code, shall 110  
establish a purchasing program through which the department enters 111  
into purchase contracts for supplies used by boards of elections, 112  
including any polling place supplies required under section 113

3501.30 of the Revised Code. A board of elections that opts to 114  
participate in the purchasing program may purchase its supplies 115  
through the contracts entered into by the department. 116

(B) Purchases that a board of elections makes under this 117  
section are exempt from any competitive selection procedures 118  
otherwise required by law. 119

**Sec. 133.06.** (A) A school district shall not incur, without a 120  
vote of the electors, net indebtedness that exceeds an amount 121  
equal to one-tenth of one per cent of its tax valuation, except as 122  
provided in divisions (G) and (H) of this section and in division 123  
(C) of section 3313.372 of the Revised Code, or as prescribed in 124  
section 3318.052 or 3318.44 of the Revised Code, or as provided in 125  
division (J) of this section. 126

(B) Except as provided in divisions (E), (F), and (I) of this 127  
section, a school district shall not incur net indebtedness that 128  
exceeds an amount equal to nine per cent of its tax valuation. 129

(C) A school district shall not submit to a vote of the 130  
electors the question of the issuance of securities in an amount 131  
that will make the district's net indebtedness after the issuance 132  
of the securities exceed an amount equal to four per cent of its 133  
tax valuation, unless the superintendent of public instruction, 134  
acting under policies adopted by the state board of education, and 135  
the tax commissioner, acting under written policies of the 136  
commissioner, consent to the submission. A request for the 137  
consents shall be made at least one hundred ~~five~~ fifteen days 138  
prior to the election at which the question is to be submitted. 139

The superintendent of public instruction shall certify to the 140  
district the superintendent's and the tax commissioner's decisions 141  
within thirty days after receipt of the request for consents. 142

If the electors do not approve the issuance of securities at 143

the election for which the superintendent of public instruction 144  
and tax commissioner consented to the submission of the question, 145  
the school district may submit the same question to the electors 146  
on the date that the next special election may be held under 147  
section 3501.01 of the Revised Code without submitting a new 148  
request for consent. If the school district seeks to submit the 149  
same question at any other subsequent election, the district shall 150  
first submit a new request for consent in accordance with this 151  
division. 152

(D) In calculating the net indebtedness of a school district, 153  
none of the following shall be considered: 154

(1) Securities issued to acquire school buses and other 155  
equipment used in transporting pupils or issued pursuant to 156  
division (D) of section 133.10 of the Revised Code; 157

(2) Securities issued under division (F) of this section, 158  
under section 133.301 of the Revised Code, and, to the extent in 159  
excess of the limitation stated in division (B) of this section, 160  
under division (E) of this section; 161

(3) Indebtedness resulting from the dissolution of a joint 162  
vocational school district under section 3311.217 of the Revised 163  
Code, evidenced by outstanding securities of that joint vocational 164  
school district; 165

(4) Loans, evidenced by any securities, received under 166  
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the 167  
Revised Code; 168

(5) Debt incurred under section 3313.374 of the Revised Code; 169

(6) Debt incurred pursuant to division (B)(5) of section 170  
3313.37 of the Revised Code to acquire computers and related 171  
hardware; 172

(7) Debt incurred under section 3318.042 of the Revised Code. 173

(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	174 175
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	176 177 178
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	179 180
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	181 182 183 184
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	185 186 187
(a) A history of and a projection of the growth of the student population;	188 189
(b) The history of and a projection of the growth of the tax valuation;	190 191
(c) The projected needs;	192
(d) The estimated cost of permanent improvements proposed to meet such projected needs.	193 194
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	195 196 197
(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.	198 199 200
(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the	201 202 203

superintendent obtains, indicates a likelihood of potential 204  
average growth of tax valuation of the district during the next 205  
five years of an average of not less than three per cent per year. 206  
The findings and certification of the superintendent shall be 207  
conclusive. 208

(4) An approved special needs district may incur net 209  
indebtedness by the issuance of securities in accordance with the 210  
provisions of this chapter in an amount that does not exceed an 211  
amount equal to the greater of the following: 212

(a) Nine per cent of the sum of its tax valuation plus an 213  
amount that is the product of multiplying that tax valuation by 214  
the percentage by which the tax valuation has increased over the 215  
tax valuation on the first day of the sixtieth month preceding the 216  
month in which its board determines to submit to the electors the 217  
question of issuing the proposed securities; 218

(b) Nine per cent of the sum of its tax valuation plus an 219  
amount that is the product of multiplying that tax valuation by 220  
the percentage, determined by the superintendent of public 221  
instruction, by which that tax valuation is projected to increase 222  
during the next ten years. 223

(F) A school district may issue securities for emergency 224  
purposes, in a principal amount that does not exceed an amount 225  
equal to three per cent of its tax valuation, as provided in this 226  
division. 227

(1) A board of education, by resolution, may declare an 228  
emergency if it determines both of the following: 229

(a) School buildings or other necessary school facilities in 230  
the district have been wholly or partially destroyed, or condemned 231  
by a constituted public authority, or that such buildings or 232  
facilities are partially constructed, or so constructed or planned 233  
as to require additions and improvements to them before the 234



buildings or facilities are usable for their intended purpose, or 235  
that corrections to permanent improvements are necessary to remove 236  
or prevent health or safety hazards. 237

(b) Existing fiscal and net indebtedness limitations make 238  
adequate replacement, additions, or improvements impossible. 239

(2) Upon the declaration of an emergency, the board of 240  
education may, by resolution, submit to the electors of the 241  
district pursuant to section 133.18 of the Revised Code the 242  
question of issuing securities for the purpose of paying the cost, 243  
in excess of any insurance or condemnation proceeds received by 244  
the district, of permanent improvements to respond to the 245  
emergency need. 246

(3) The procedures for the election shall be as provided in 247  
section 133.18 of the Revised Code, except that: 248

(a) The form of the ballot shall describe the emergency 249  
existing, refer to this division as the authority under which the 250  
emergency is declared, and state that the amount of the proposed 251  
securities exceeds the limitations prescribed by division (B) of 252  
this section; 253

(b) The resolution required by division (B) of section 133.18 254  
of the Revised Code shall be certified to the county auditor and 255  
the board of elections at least ~~seventy-five~~ ninety-five days 256  
prior to the election; 257

(c) The county auditor shall advise and, not later than 258  
~~sixty-five~~ ninety days before the election, confirm that advice by 259  
certification to, the board of education of the information 260  
required by division (C) of section 133.18 of the Revised Code; 261

(d) The board of education shall then certify its resolution 262  
and the information required by division (D) of section 133.18 of 263  
the Revised Code to the board of elections not less than ~~sixty~~ 264  
eighty-five days prior to the election. 265

(4) Notwithstanding division (B) of section 133.21 of the Revised Code, the first principal payment of securities issued under this division may be set at any date not later than sixty months after the earliest possible principal payment otherwise provided for in that division.

(G) The board of education may contract with an architect, professional engineer, or other person experienced in the design and implementation of energy conservation measures for an analysis and recommendations pertaining to installations, modifications of installations, or remodeling that would significantly reduce energy consumption in buildings owned by the district. The report shall include estimates of all costs of such installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, repairs, and debt service, and estimates of the amounts by which energy consumption and resultant operational and maintenance costs, as defined by the Ohio school facilities commission, would be reduced.

If the board finds after receiving the report that the amount of money the district would spend on such installations, modifications, or remodeling is not likely to exceed the amount of money it would save in energy and resultant operational and maintenance costs over the ensuing fifteen years, the board may submit to the commission a copy of its findings and a request for approval to incur indebtedness to finance the making or modification of installations or the remodeling of buildings for the purpose of significantly reducing energy consumption.

If the commission determines that the board's findings are reasonable, it shall approve the board's request. Upon receipt of the commission's approval, the district may issue securities without a vote of the electors in a principal amount not to exceed nine-tenths of one per cent of its tax valuation for the purpose of making such installations, modifications, or remodeling, but

the total net indebtedness of the district without a vote of the 298  
electors incurred under this and all other sections of the Revised 299  
Code, except section 3318.052 of the Revised Code, shall not 300  
exceed one per cent of the district's tax valuation. 301

So long as any securities issued under division (G) of this 302  
section remain outstanding, the board of education shall monitor 303  
the energy consumption and resultant operational and maintenance 304  
costs of buildings in which installations or modifications have 305  
been made or remodeling has been done pursuant to division (G) of 306  
this section and shall maintain and annually update a report 307  
documenting the reductions in energy consumption and resultant 308  
operational and maintenance cost savings attributable to such 309  
installations, modifications, or remodeling. The report shall be 310  
certified by an architect or engineer independent of any person 311  
that provided goods or services to the board in connection with 312  
the energy conservation measures that are the subject of the 313  
report. The resultant operational and maintenance cost savings 314  
shall be certified by the school district treasurer. The report 315  
shall be made available to the commission upon request. 316

(H) With the consent of the superintendent of public 317  
instruction, a school district may incur without a vote of the 318  
electors net indebtedness that exceeds the amounts stated in 319  
divisions (A) and (G) of this section for the purpose of paying 320  
costs of permanent improvements, if and to the extent that both of 321  
the following conditions are satisfied: 322

(1) The fiscal officer of the school district estimates that 323  
receipts of the school district from payments made under or 324  
pursuant to agreements entered into pursuant to section 725.02, 325  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 326  
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 327  
Code, or distributions under division (C) of section 5709.43 of 328  
the Revised Code, or any combination thereof, are, after 329

accounting for any appropriate coverage requirements, sufficient 330  
in time and amount, and are committed by the proceedings, to pay 331  
the debt charges on the securities issued to evidence that 332  
indebtedness and payable from those receipts, and the taxing 333  
authority of the district confirms the fiscal officer's estimate, 334  
which confirmation is approved by the superintendent of public 335  
instruction; 336

(2) The fiscal officer of the school district certifies, and 337  
the taxing authority of the district confirms, that the district, 338  
at the time of the certification and confirmation, reasonably 339  
expects to have sufficient revenue available for the purpose of 340  
operating such permanent improvements for their intended purpose 341  
upon acquisition or completion thereof, and the superintendent of 342  
public instruction approves the taxing authority's confirmation. 343

The maximum maturity of securities issued under division (H) 344  
of this section shall be the lesser of twenty years or the maximum 345  
maturity calculated under section 133.20 of the Revised Code. 346

(I) A school district may incur net indebtedness by the 347  
issuance of securities in accordance with the provisions of this 348  
chapter in excess of the limit specified in division (B) or (C) of 349  
this section when necessary to raise the school district portion 350  
of the basic project cost and any additional funds necessary to 351  
participate in a project under Chapter 3318. of the Revised Code, 352  
including the cost of items designated by the Ohio school 353  
facilities commission as required locally funded initiatives and 354  
the cost for site acquisition. The school facilities commission 355  
shall notify the superintendent of public instruction whenever a 356  
school district will exceed either limit pursuant to this 357  
division. 358

(J) A school district whose portion of the basic project cost 359  
of its classroom facilities project under sections 3318.01 to 360  
3318.20 of the Revised Code is greater than or equal to one 361

hundred million dollars may incur without a vote of the electors 362  
net indebtedness in an amount up to two per cent of its tax 363  
valuation through the issuance of general obligation securities in 364  
order to generate all or part of the amount of its portion of the 365  
basic project cost if the controlling board has approved the 366  
school facilities commission's conditional approval of the project 367  
under section 3318.04 of the Revised Code. The school district 368  
board and the Ohio school facilities commission shall include the 369  
dedication of the proceeds of such securities in the agreement 370  
entered into under section 3318.08 of the Revised Code. No state 371  
moneys shall be released for a project to which this section 372  
applies until the proceeds of any bonds issued under this section 373  
that are dedicated for the payment of the school district portion 374  
of the project are first deposited into the school district's 375  
project construction fund. 376

**Sec. 133.18.** (A) The taxing authority of a subdivision may by 377  
legislation submit to the electors of the subdivision the question 378  
of issuing any general obligation bonds, for one purpose, that the 379  
subdivision has power or authority to issue. 380

(B) When the taxing authority of a subdivision desires or is 381  
required by law to submit the question of a bond issue to the 382  
electors, it shall pass legislation that does all of the 383  
following: 384

(1) Declares the necessity and purpose of the bond issue; 385

(2) States the date of the authorized election at which the 386  
question shall be submitted to the electors; 387

(3) States the amount, approximate date, estimated net 388  
average rate of interest, and maximum number of years over which 389  
the principal of the bonds may be paid; 390

(4) Declares the necessity of levying a tax outside the tax 391

limitation to pay the debt charges on the bonds and any 392  
anticipatory securities. 393

The estimated net average interest rate shall be determined 394  
by the taxing authority based on, among other factors, then 395  
existing market conditions, and may reflect adjustments for any 396  
anticipated direct payments expected to be received by the taxing 397  
authority from the government of the United States relating to the 398  
bonds and the effect of any federal tax credits anticipated to be 399  
available to owners of all or a portion of the bonds. The 400  
estimated net average rate of interest, and any statutory or 401  
charter limit on interest rates that may then be in effect and 402  
that is subsequently amended, shall not be a limitation on the 403  
actual interest rate or rates on the securities when issued. 404

(C)(1) The taxing authority shall certify a copy of the 405  
legislation passed under division (B) of this section to the 406  
county auditor. The county auditor shall promptly calculate and 407  
advise and, not later than ~~seventy-five~~ eighty-five days before 408  
the election, confirm that advice by certification to, the taxing 409  
authority the estimated average annual property tax levy, 410  
expressed in cents or dollars and cents for each one hundred 411  
dollars of tax valuation and in mills for each one dollar of tax 412  
valuation, that the county auditor estimates to be required 413  
throughout the stated maturity of the bonds to pay the debt 414  
charges on the bonds. In calculating the estimated average annual 415  
property tax levy for this purpose, the county auditor shall 416  
assume that the bonds are issued in one series bearing interest 417  
and maturing in substantially equal principal amounts in each year 418  
over the maximum number of years over which the principal of the 419  
bonds may be paid as stated in that legislation, and that the 420  
amount of the tax valuation of the subdivision for the current 421  
year remains the same throughout the maturity of the bonds, except 422  
as otherwise provided in division (C)(2) of this section. If the 423

tax valuation for the current year is not determined, the county auditor shall base the calculation on the estimated amount of the tax valuation submitted by the county auditor to the county budget commission. If the subdivision is located in more than one county, the county auditor shall obtain the assistance of the county auditors of the other counties, and those county auditors shall provide assistance, in establishing the tax valuation of the subdivision for purposes of certifying the estimated average annual property tax levy.

(2) When considering the tangible personal property component of the tax valuation of the subdivision, the county auditor shall take into account the assessment percentages prescribed in section 5711.22 of the Revised Code. The tax commissioner may issue rules, orders, or instructions directing how the assessment percentages must be utilized.

(D) After receiving the county auditor's advice under division (C) of this section, the taxing authority by legislation may determine to proceed with submitting the question of the issue of securities, and shall, not later than the ~~seventy-fifth~~ eighty-fifth day before the day of the election, file the following with the board of elections:

(1) Copies of the legislation provided for in divisions (B) and (D) of this section;

(2) The amount of the estimated average annual property tax levy, expressed in cents or dollars and cents for each one hundred dollars of tax valuation and in mills for each one dollar of tax valuation, as estimated and certified to the taxing authority by the county auditor.

(E)(1) The board of elections shall prepare the ballots and make other necessary arrangements for the submission of the question to the electors of the subdivision. If the subdivision is

located in more than one county, the board shall inform the boards 455  
of elections of the other counties of the filings with it, and 456  
those other boards shall if appropriate make the other necessary 457  
arrangements for the election in their counties. The election 458  
shall be conducted, canvassed, and certified in the manner 459  
provided in Title XXXV of the Revised Code. 460

(2) The election shall be held at the regular places for 461  
voting in the subdivision. If the electors of only a part of a 462  
precinct are qualified to vote at the election the board of 463  
elections may assign the electors in that part to an adjoining 464  
precinct, including an adjoining precinct in another county if the 465  
board of elections of the other county consents to and approves 466  
the assignment. Each elector so assigned shall be notified of that 467  
fact prior to the election by notice mailed by the board of 468  
elections, in such manner as it determines, prior to the election. 469

(3) The board of elections shall publish a notice of the 470  
election, in one or more newspapers of general circulation in the 471  
subdivision, at least once no later than ten days prior to the 472  
election. The notice shall state all of the following: 473

(a) The principal amount of the proposed bond issue; 474

(b) The stated purpose for which the bonds are to be issued; 475

(c) The maximum number of years over which the principal of 476  
the bonds may be paid; 477

(d) The estimated additional average annual property tax 478  
levy, expressed in cents or dollars and cents for each one hundred 479  
dollars of tax valuation and in mills for each one dollar of tax 480  
valuation, to be levied outside the tax limitation, as estimated 481  
and certified to the taxing authority by the county auditor; 482

(e) The first calendar year in which the tax is expected to 483  
be due. 484



(F)(1) The form of the ballot to be used at the election 485  
shall be substantially either of the following, as applicable: 486

(a) "Shall bonds be issued by the ..... (name of 487  
subdivision) for the purpose of ..... (purpose of the bond 488  
issue) in the principal amount of ..... (principal amount of 489  
the bond issue), to be repaid annually over a maximum period of 490  
..... (the maximum number of years over which the principal 491  
of the bonds may be paid) years, and an annual levy of property 492  
taxes be made outside the ..... (as applicable, "ten-mill" or 493  
"...charter tax") limitation, estimated by the county auditor to 494  
average over the repayment period of the bond issue ..... 495  
(number of mills) mills for each one dollar of tax valuation, 496  
which amounts to ..... (rate expressed in cents or dollars 497  
and cents, such as "36 cents" or "\$1.41") for each one hundred 498  
dollars of tax valuation, commencing in ..... (first year the 499  
tax will be levied), first due in calendar year ..... (first 500  
calendar year in which the tax shall be due), to pay the annual 501  
debt charges on the bonds, and to pay debt charges on any notes 502  
issued in anticipation of those bonds? 503

	For the bond issue
	Against the bond issue

"

(b) In the case of an election held pursuant to legislation 508  
adopted under section 3375.43 or 3375.431 of the Revised Code: 509

"Shall bonds be issued for ..... (name of library) for 510  
the purpose of ..... (purpose of the bond issue), in the 511  
principal amount of ..... (amount of the bond issue) by 512  
..... (the name of the subdivision that is to issue the bonds 513  
and levy the tax) as the issuer of the bonds, to be repaid 514  
annually over a maximum period of ..... (the maximum number 515

of years over which the principal of the bonds may be paid) years, 516  
 and an annual levy of property taxes be made outside the ten-mill 517  
 limitation, estimated by the county auditor to average over the 518  
 repayment period of the bond issue ..... (number of mills) 519  
 mills for each one dollar of tax valuation, which amounts to 520  
 ..... (rate expressed in cents or dollars and cents, such as 521  
 "36 cents" or "\$1.41") for each one hundred dollars of tax 522  
 valuation, commencing in ..... (first year the tax will be 523  
 levied), first due in calendar year ..... (first calendar 524  
 year in which the tax shall be due), to pay the annual debt 525  
 charges on the bonds, and to pay debt charges on any notes issued 526  
 in anticipation of those bonds? 527

	For the bond issue
	Against the bond issue

"

528  
 529  
 530  
 531

(2) The purpose for which the bonds are to be issued shall be 532  
 printed in the space indicated, in boldface type. 533

(G) The board of elections shall promptly certify the results 534  
 of the election to the tax commissioner, the county auditor of 535  
 each county in which any part of the subdivision is located, and 536  
 the fiscal officer of the subdivision. The election, including the 537  
 proceedings for and result of the election, is incontestable other 538  
 than in a contest filed under section 3515.09 of the Revised Code 539  
 in which the plaintiff prevails. 540

(H) If a majority of the electors voting upon the question 541  
 vote for it, the taxing authority of the subdivision may proceed 542  
 under sections 133.21 to 133.33 of the Revised Code with the 543  
 issuance of the securities and with the levy and collection of a 544  
 property tax outside the tax limitation during the period the 545  
 securities are outstanding sufficient in amount to pay the debt 546

charges on the securities, including debt charges on any 547  
anticipatory securities required to be paid from that tax. If 548  
legislation passed under section 133.22 or 133.23 of the Revised 549  
Code authorizing those securities is filed with the county auditor 550  
on or before the last day of November, the amount of the voted 551  
property tax levy required to pay debt charges or estimated debt 552  
charges on the securities payable in the following year shall if 553  
requested by the taxing authority be included in the taxes levied 554  
for collection in the following year under section 319.30 of the 555  
Revised Code. 556

(I)(1) If, before any securities authorized at an election 557  
under this section are issued, the net indebtedness of the 558  
subdivision exceeds that applicable to that subdivision or those 559  
securities, then and so long as that is the case none of the 560  
securities may be issued. 561

(2) No securities authorized at an election under this 562  
section may be initially issued after the first day of the sixth 563  
January following the election, but this period of limitation 564  
shall not run for any time during which any part of the permanent 565  
improvement for which the securities have been authorized, or the 566  
issuing or validity of any part of the securities issued or to be 567  
issued, or the related proceedings, is involved or questioned 568  
before a court or a commission or other tribunal, administrative 569  
agency, or board. 570

(3) Securities representing a portion of the amount 571  
authorized at an election that are issued within the applicable 572  
limitation on net indebtedness are valid and in no manner affected 573  
by the fact that the balance of the securities authorized cannot 574  
be issued by reason of the net indebtedness limitation or lapse of 575  
time. 576

(4) Nothing in this division (I) shall be interpreted or 577  
applied to prevent the issuance of securities in an amount to fund 578

or refund anticipatory securities lawfully issued. 579

(5) The limitations of divisions (I)(1) and (2) of this 580  
section do not apply to any securities authorized at an election 581  
under this section if at least ten per cent of the principal 582  
amount of the securities, including anticipatory securities, 583  
authorized has theretofore been issued, or if the securities are 584  
to be issued for the purpose of participating in any federally or 585  
state-assisted program. 586

(6) The certificate of the fiscal officer of the subdivision 587  
is conclusive proof of the facts referred to in this division. 588

**Sec. 302.03.** (A) The board of county commissioners of any 589  
county may, by a two-thirds vote of the board, or shall, upon 590  
petition by three per cent of the electors of the county as 591  
determined by the number of votes cast therein for the office of 592  
governor at the most recent gubernatorial election, by resolution, 593  
cause the board of elections in the county to submit to the 594  
electors of the county the question of adopting one of the 595  
alternative forms of county government authorized by sections 596  
302.01 to 302.24 of the Revised Code. The question shall be voted 597  
upon at the next general election occurring not less than 598  
~~seventy five~~ eighty-five days after the certification of the 599  
resolution to the board of elections. 600

(B) If, in any county, a resolution is adopted by the board 601  
of county commissioners requiring that the question of choosing a 602  
commission to frame a county charter be submitted to the electors 603  
thereof prior to the resolution provided for in this section, the 604  
proposition to adopt an alternative form of county government 605  
provided in sections 302.01 to 302.24 of the Revised Code, shall 606  
not be submitted in that county as long as the question of 607  
choosing such commission or of adopting a charter framed by such 608  
commission is pending therein. 609

(C) Any proposition for an alternative form of county government shall specify the number of members of the board of county commissioners, how many shall be elected at large, or how many shall be elected by districts.

**Sec. 302.09.** When a vacancy occurs in the board of county commissioners or in the office of county auditor, county treasurer, prosecuting attorney, clerk of the court of common pleas, sheriff, county recorder, county engineer, or coroner more than ~~forty~~ fifty days before the next general election for state and county officers, the vacancy shall be filled as provided for in divisions (A) and (B) of section 305.02 of the Revised Code.

**Sec. 303.11.** If the zoning resolution is adopted by the board of county commissioners, such board shall cause the question of whether or not the proposed plan of zoning shall be put into effect to be submitted to the electors residing in the unincorporated area of the county included in the proposed plan of zoning for their approval or rejection at the next primary or general election, or a special election may be called for this purpose. Such resolution shall be filed with the board of elections not later than four p.m. on the ~~seventy-fifth~~ eighty-fifth day before the day of the election. No zoning regulations shall be put into effect in any township, unless a majority of the vote cast on the issue in that township is in favor of the proposed plan of zoning. Upon certification by the board of elections the resolution shall take immediate effect in all townships which voted approval, eliminating from the plan any township which did not vote approval.

Within five working days after the resolution's effective date, the board of county commissioners shall file it, including text and maps, in the office of the county recorder. The board shall also file duplicates of the same documents with the regional

or county planning commission, if one exists, within the same 641  
period. 642

The board shall file all resolutions, including text and 643  
maps, that are in effect on January 1, 1992, in the office of the 644  
county recorder within thirty working days after that date. The 645  
board shall also file duplicates of the same documents with the 646  
regional or county planning commission, if one exists, within the 647  
same period. 648

The failure to file a resolution, or any text and maps, or 649  
duplicates of any of these documents, with the office of the 650  
county recorder or the county or regional planning commission as 651  
required by this section does not invalidate the resolution and is 652  
not grounds for an appeal of any decision of the board of zoning 653  
appeals. 654

**Sec. 303.12.** (A)(1) Amendments to the zoning resolution may 655  
be initiated by motion of the county rural zoning commission, by 656  
the passage of a resolution by the board of county commissioners, 657  
or by the filing of an application by one or more of the owners or 658  
lessees of property within the area proposed to be changed or 659  
affected by the proposed amendment with the county rural zoning 660  
commission. The board of county commissioners may require that the 661  
owner or lessee of property filing an application to amend the 662  
zoning resolution pay a fee to defray the cost of advertising, 663  
mailing, filing with the county recorder, and other expenses. If 664  
the board of county commissioners requires such a fee, it shall be 665  
required generally, for each application. The board of county 666  
commissioners, upon the passage of such a resolution, shall 667  
certify it to the county rural zoning commission. 668

(2) Upon the adoption of a motion by the county rural zoning 669  
commission, the certification of a resolution by the board of 670  
county commissioners to the commission, or the filing of an 671

application by property owners or lessees as described in division 672  
(A)(1) of this section with the commission, the commission shall 673  
set a date for a public hearing, which date shall not be less than 674  
twenty nor more than forty days from the date of adoption of such 675  
a motion, the date of the certification of such a resolution, or 676  
the date of the filing of such an application. Notice of the 677  
hearing shall be given by the commission by one publication in one 678  
or more newspapers of general circulation in each township 679  
affected by the proposed amendment at least ten days before the 680  
date of the hearing. 681

(B) If the proposed amendment intends to rezone or redistrict 682  
ten or fewer parcels of land, as listed on the county auditor's 683  
current tax list, written notice of the hearing shall be mailed by 684  
the county rural zoning commission, by first class mail, at least 685  
ten days before the date of the public hearing to all owners of 686  
property within and contiguous to and directly across the street 687  
from the area proposed to be rezoned or redistricted to the 688  
addresses of those owners appearing on the county auditor's 689  
current tax list. The failure of delivery of that notice shall not 690  
invalidate any such amendment. 691

(C) If the proposed amendment intends to rezone or redistrict 692  
ten or fewer parcels of land as listed on the county auditor's 693  
current tax list, the published and mailed notices shall set forth 694  
the time, date, and place of the public hearing and include all of 695  
the following: 696

(1) The name of the county rural zoning commission that will 697  
be conducting the hearing; 698

(2) A statement indicating that the motion, resolution, or 699  
application is an amendment to the zoning resolution; 700

(3) A list of the addresses of all properties to be rezoned 701  
or redistricted by the proposed amendment and of the names of 702

owners of these properties, as they appear on the county auditor's 703  
current tax list; 704

(4) The present zoning classification of property named in 705  
the proposed amendment and the proposed zoning classification of 706  
that property; 707

(5) The time and place where the motion, resolution, or 708  
application proposing to amend the zoning resolution will be 709  
available for examination for a period of at least ten days prior 710  
to the hearing; 711

(6) The name of the person responsible for giving notice of 712  
the public hearing by publication, by mail, or by both publication 713  
and mail; 714

(7) A statement that, after the conclusion of the hearing, 715  
the matter will be submitted to the board of county commissioners 716  
for its action; 717

(8) Any other information requested by the commission. 718

(D) If the proposed amendment alters the text of the zoning 719  
resolution, or rezones or redistricts more than ten parcels of 720  
land as listed on the county auditor's current tax list, the 721  
published notice shall set forth the time, date, and place of the 722  
public hearing and include all of the following: 723

(1) The name of the county rural zoning commission that will 724  
be conducting the hearing on the proposed amendment; 725

(2) A statement indicating that the motion, application, or 726  
resolution is an amendment to the zoning resolution; 727

(3) The time and place where the text and maps of the 728  
proposed amendment will be available for examination for a period 729  
of at least ten days prior to the hearing; 730

(4) The name of the person responsible for giving notice of 731  
the hearing by publication; 732



(5) A statement that, after the conclusion of the hearing, 733  
the matter will be submitted to the board of county commissioners 734  
for its action; 735

(6) Any other information requested by the commission. 736

Hearings shall be held in the county court house or in a 737  
public place designated by the commission. 738

(E) Within five days after the adoption of the motion 739  
described in division (A) of this section, the certification of 740  
the resolution described in division (A) of this section, or the 741  
filing of the application described in division (A) of this 742  
section, the county rural zoning commission shall transmit a copy 743  
of it together with text and map pertaining to it to the county or 744  
regional planning commission, if there is such a commission. 745

The county or regional planning commission shall recommend 746  
the approval or denial of the proposed amendment or the approval 747  
of some modification of it and shall submit its recommendation to 748  
the county rural zoning commission. The recommendation shall be 749  
considered at the public hearing held by the county rural zoning 750  
commission on the proposed amendment. 751

The county rural zoning commission, within thirty days after 752  
the hearing, shall recommend the approval or denial of the 753  
proposed amendment, or the approval of some modification of it, 754  
and shall submit that recommendation together with the motion, 755  
application, or resolution involved, the text and map pertaining 756  
to the proposed amendment, and the recommendation of the county or 757  
regional planning commission on it to the board of county 758  
commissioners. 759

The board of county commissioners, upon receipt of that 760  
recommendation, shall set a time for a public hearing on the 761  
proposed amendment, which date shall be not more than thirty days 762  
from the date of the receipt of that recommendation. Notice of the 763

hearing shall be given by the board by one publication in one or 764  
more newspapers of general circulation in the county, at least ten 765  
days before the date of the hearing. 766

(F) If the proposed amendment intends to rezone or redistrict 767  
ten or fewer parcels of land as listed on the county auditor's 768  
current tax list, the published notice shall set forth the time, 769  
date, and place of the public hearing and include all of the 770  
following: 771

(1) The name of the board of county commissioners that will 772  
be conducting the hearing; 773

(2) A statement indicating that the motion, application, or 774  
resolution is an amendment to the zoning resolution; 775

(3) A list of the addresses of all properties to be rezoned 776  
or redistricted by the proposed amendment and of the names of 777  
owners of those properties, as they appear on the county auditor's 778  
current tax list; 779

(4) The present zoning classification of property named in 780  
the proposed amendment and the proposed zoning classification of 781  
that property; 782

(5) The time and place where the motion, application, or 783  
resolution proposing to amend the zoning resolution will be 784  
available for examination for a period of at least ten days prior 785  
to the hearing; 786

(6) The name of the person responsible for giving notice of 787  
the hearing by publication, by mail, or by both publication and 788  
mail; 789

(7) Any other information requested by the board. 790

(G) If the proposed amendment alters the text of the zoning 791  
resolution, or rezones or redistricts more than ten parcels of 792  
land as listed on the county auditor's current tax list, the 793

published notice shall set forth the time, date, and place of the public hearing and include all of the following:

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

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

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

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

(5) Any other information requested by the board.

(H) Within twenty days after its public hearing, the board of county commissioners shall either adopt or deny the recommendation of the county rural zoning commission or adopt some modification of it. If the board denies or modifies the commission's recommendation, a majority vote of the board shall be required.

The proposed amendment, if adopted by the board, shall become effective in thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of county commissioners a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election occurring at least eighty-five days after the petition is submitted. Each part of this petition shall contain the number and the full and

correct title, if any, of the zoning amendment resolution, motion, 825  
or application, furnishing the name by which the amendment is 826  
known and a brief summary of its contents. In addition to meeting 827  
the requirements of this section, each petition shall be governed 828  
by the rules specified in section 3501.38 of the Revised Code. 829  
830

The form of a petition calling for a zoning referendum and 831  
the statement of the circulator shall be substantially as follows: 832

"PETITION FOR ZONING REFERENDUM 833

(if the proposal is identified by a particular name or number, or 834  
both, these should be inserted here) ..... 835

A proposal to amend the zoning map of the unincorporated area 836  
of ..... Township, ..... County, Ohio, 837  
adopted ..... (date) ..... (followed by brief summary of 838  
the proposal). 839

To the Board of County Commissioners of ..... 840  
County, Ohio: 841

We, the undersigned, being electors residing in the 842  
unincorporated area of ..... Township, included within 843  
the ..... County Zoning Plan, equal to not less than 844  
eight per cent of the total vote cast for all candidates for 845  
governor in the area at the preceding general election at which a 846  
governor was elected, request the Board of County Commissioners to 847  
submit this amendment of the zoning resolution to the electors of 848  
..... Township residing within the unincorporated area of 849  
the township included in the ..... County Zoning 850  
Resolution, for approval or rejection at a special election to be 851  
held on the day of the next primary or general election to be held 852  
on .....(date)....., pursuant to section 303.12 of the 853  
Revised Code. 854

Street Address Date of 855

Signature or R.F.D. Township Precinct County Signing 856

..... 857

..... 858

STATEMENT OF CIRCULATOR 859

I, .....(name of circulator)....., 860

declare under penalty of election falsification that I am an 861

elector of the state of Ohio and reside at the address appearing 862

below my signature; that I am the circulator of the foregoing part 863

petition containing .....(number)..... signatures; that I have 864

witnessed the affixing of every signature; that all signers were 865

to the best of my knowledge and belief qualified to sign; and that 866

every signature is to the best of my knowledge and belief the 867

signature of the person whose signature it purports to be or of an 868

attorney in fact acting pursuant to section 3501.382 of the 869

Revised Code. 870

..... 871

(Signature of circulator) 872

..... 873

(Address of circulator's permanent 874

residence in this state) 875

..... 876

(City, village, or township, 877

and zip code) 878

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 879

OF THE FIFTH DEGREE." 880

No amendment for which such a referendum vote has been 881

requested shall be put into effect unless a majority of the vote 882

cast on the issue is in favor of the amendment. Upon certification 883

by the board of elections that the amendment has been approved by 884

the voters, it shall take immediate effect. 885

Within five working days after an amendment's effective date, 886

the board of county commissioners shall file the text and maps of 887

the amendment in the office of the county recorder and with the 888  
regional or county planning commission, if one exists. 889

The failure to file any amendment, or any text and maps, or 890  
duplicates of any of these documents, with the office of the 891  
county recorder or the county or regional planning commission as 892  
required by this section does not invalidate the amendment and is 893  
not grounds for an appeal of any decision of the board of zoning 894  
appeals. 895

**Sec. 303.25.** In any township in which there is in force a 896  
plan of county zoning, the plan may be repealed by the board of 897  
county commissioners, as to such township, in the following 898  
manner: 899

(A) The board may adopt a resolution upon its own initiative. 900

(B) The board shall adopt a resolution, if there is presented 901  
to it a petition, similar in all relevant aspects to that 902  
prescribed in section 303.12 of the Revised Code, signed by a 903  
number of qualified voters residing in the unincorporated area of 904  
such township included in the zoning plan equal to not less than 905  
eight per cent of the total vote cast for all candidates for 906  
governor in such area at the most recent general election at which 907  
a governor was elected, requesting the question of whether or not 908  
the plan of zoning in effect in such township shall be repealed, 909  
to be submitted to the electors residing in the unincorporated 910  
area of the township included in the zoning plan at a special 911  
election to be held on the day of the next primary or general 912  
election. The resolution adopted by the board of county 913  
commissioners to cause such question to be submitted to the 914  
electors shall be certified to the board of elections not later 915  
than ~~seventy-five~~ eighty-five days prior to the day of election at 916  
which the question is to be voted upon. In the event a majority of 917  
the vote cast on such question in the township is in favor of 918

repeal of zoning, then such regulations shall no longer be of any 919  
effect. Not more than one such election shall be held in any two 920  
calendar years. 921

**Sec. 305.02.** (A) If a vacancy in the office of county 922  
commissioner, prosecuting attorney, county auditor, county 923  
treasurer, clerk of the court of common pleas, sheriff, county 924  
recorder, county engineer, or coroner occurs more than ~~forty~~ fifty 925  
days before the next general election for state and county 926  
officers, a successor shall be elected at such election for the 927  
unexpired term unless such term expires within one year 928  
immediately following the date of such general election. 929

In either event, the vacancy shall be filled as provided in 930  
this section and the appointee shall hold ~~his~~ office until a 931  
successor is elected and qualified. 932

(B) If a vacancy occurs from any cause in any of the offices 933  
named in division (A) of this section, the county central 934  
committee of the political party with which the last occupant of 935  
the office was affiliated shall appoint a person to hold the 936  
office and to perform the duties thereof until a successor is 937  
elected and has qualified, except that if such vacancy occurs 938  
because of the death, resignation, or inability to take the office 939  
of an officer-elect whose term has not yet begun, an appointment 940  
to take such office at the beginning of the term shall be made by 941  
the central committee of the political party with which such 942  
officer-elect was affiliated. 943

(C) Not less than five nor more than forty-five days after a 944  
vacancy occurs, the county central committee shall meet for the 945  
purpose of making an appointment under this section. Not less than 946  
four days before the date of such meeting the ~~chairman~~ chairperson 947  
or secretary of such central committee shall send by first class 948  
mail to every member of such central committee a written notice 949

which shall state the time and place of such meeting and the 950  
purpose thereof. A majority of the members of the central 951  
committee present at such meeting may make the appointment. 952

(D) If the last occupant of the office or the officer-elect 953  
was elected as an independent candidate, the board of county 954  
commissioners shall make such appointment at the time when the 955  
vacancy occurs, except where the vacancy is in the office of 956  
county commissioner, in which case the prosecuting attorney and 957  
the remaining commissioners or a majority of them shall make the 958  
appointment. 959

(E) Appointments made under this section shall be certified 960  
by the appointing county central committee or by the board of 961  
county commissioners to the county board of elections and to the 962  
secretary of state, and the persons so appointed and certified 963  
shall be entitled to all remuneration provided by law for the 964  
offices to which they are appointed. 965

(F) The board of county commissioners may appoint a person to 966  
hold any of the offices named in division (A) of this section as 967  
an acting officer and to perform the duties thereof between the 968  
occurrence of the vacancy and the time when the officer appointed 969  
by the central committee qualifies and takes the office. 970

(G) A person appointed prosecuting attorney or assistant 971  
prosecuting attorney shall give bond and take the oath of office 972  
prescribed by section 309.03 of the Revised Code for the 973  
prosecuting attorney. 974

**Sec. 305.31.** The procedure for submitting to a referendum a 975  
resolution adopted by a board of county commissioners under 976  
division (H) of section 307.695 of the Revised Code that is not 977  
submitted to the electors of the county for their approval or 978  
disapproval; any resolution adopted by a board of county 979  
commissioners pursuant to division (D)(1) of section 307.697, 980



section 322.02, 322.06, or 324.02, sections 1515.22 and 1515.24, 981  
division (B)(1) of section 4301.421, section 4504.02, 5739.021, or 982  
5739.026, division (A)(6) of section 5739.09, section 5741.021 or 983  
5741.023, or division (C)(1) of section 5743.024 of the Revised 984  
Code; or a rule adopted pursuant to section 307.79 of the Revised 985  
Code shall be as prescribed by this section. 986

Except as otherwise provided in this paragraph, when a 987  
petition, signed by ten per cent of the number of electors who 988  
voted for governor at the most recent general election for the 989  
office of governor in the county, is filed with the county auditor 990  
within thirty days after the date the resolution is passed or rule 991  
is adopted by the board of county commissioners, or is filed 992  
within forty-five days after the resolution is passed, in the case 993  
of a resolution adopted pursuant to section 5739.021 of the 994  
Revised Code that is passed within one year after a resolution 995  
adopted pursuant to that section has been rejected or repealed by 996  
the electors, requesting that the resolution be submitted to the 997  
electors of the county for their approval or rejection, the county 998  
auditor shall, after ten days following the filing of the 999  
petition, and not later than four p.m. of the ~~seventy-fifth~~ 1000  
eighty-fifth day before the day of election, transmit a certified 1001  
copy of the text of the resolution or rule to the board of 1002  
elections. In the case of a petition requesting that a resolution 1003  
adopted under division (D)(1) of section 307.697, division (B)(1) 1004  
of section 4301.421, or division (C)(1) of section 5743.024 of the 1005  
Revised Code be submitted to electors for their approval or 1006  
rejection, the petition shall be signed by seven per cent of the 1007  
number of electors who voted for governor at the most recent 1008  
election for the office of governor in the county. The county 1009  
auditor shall transmit the petition to the board together with the 1010  
certified copy of the resolution or rule. The board shall examine 1011  
all signatures on the petition to determine the number of electors 1012  
of the county who signed the petition. The board shall return the 1013

petition to the auditor within ten days after receiving it, 1014  
together with a statement attesting to the number of such electors 1015  
who signed the petition. The board shall submit the resolution or 1016  
rule to the electors of the county, for their approval or 1017  
rejection, at the succeeding general election held in the county 1018  
in any year, or on the day of the succeeding primary election held 1019  
in the county in even-numbered years, occurring subsequent to 1020  
~~seventy-five~~ eighty-five days after the auditor certifies the 1021  
sufficiency and validity of the petition to the board of 1022  
elections. 1023

No resolution shall go into effect until approved by the 1024  
majority of those voting upon it. However, a rule shall take 1025  
effect and remain in effect unless and until a majority of the 1026  
electors voting on the question of repeal approve the repeal. 1027  
Sections 305.31 to 305.41 of the Revised Code do not prevent a 1028  
county, after the passage of any resolution or adoption of any 1029  
rule, from proceeding at once to give any notice or make any 1030  
publication required by the resolution or rule. 1031

The board of county commissioners shall make available to any 1032  
person, upon request, a certified copy of any resolution or rule 1033  
subject to the procedure for submitting a referendum under 1034  
sections 305.31 to 305.42 of the Revised Code beginning on the 1035  
date the resolution or rule is adopted by the board. The board may 1036  
charge a fee for the cost of copying the resolution or rule. 1037

As used in this section, "certified copy" means a copy 1038  
containing a written statement attesting that it is a true and 1039  
exact reproduction of the original resolution or rule. 1040

**Sec. 306.32.** Any county, or any two or more counties, 1041  
municipal corporations, or townships, or any combination of these, 1042  
may create a regional transit authority by the adoption of a 1043  
resolution or ordinance by the board of county commissioners of 1044

each county, the legislative authority of each municipal 1045  
corporation, and the board of township trustees of each township 1046  
which is to create or to join in the creation of the regional 1047  
transit authority. The resolution or ordinance shall state: 1048

(A) The necessity for the creation of a regional transit 1049  
authority; 1050

(B) The counties, municipal corporations, or townships which 1051  
are to create or to join in the creation of the regional transit 1052  
authority; 1053

(C) The official name by which the regional transit authority 1054  
shall be known; 1055

(D) The place in which the principal office of the regional 1056  
transit authority will be located or the manner in which it may be 1057  
selected; 1058

(E) The number, term, and compensation, or method for 1059  
establishing compensation, of the members of the board of trustees 1060  
of the regional transit authority. Compensation shall not exceed 1061  
fifty dollars for each board and committee meeting attended by a 1062  
member, except that if compensation is provided annually it shall 1063  
not exceed six thousand dollars for the president of the board or 1064  
four thousand eight hundred dollars for each other board member. 1065

(F) The manner in which vacancies on the board of trustees of 1066  
the regional transit authority shall be filled; 1067

(G) The manner and to what extent the expenses of the 1068  
regional transit authority shall be apportioned among the 1069  
counties, municipal corporations, and townships creating it; 1070

(H) The purposes, including the kinds of transit facilities, 1071  
for which the regional transit authority is organized. 1072

The regional transit authority provided for in the resolution 1073  
or ordinance shall be deemed to be created upon the adoption of 1074

the resolution or ordinance by the board of county commissioners 1075  
of each county, the legislative authority of each municipal 1076  
corporation, and the board of township trustees of each township 1077  
enumerated in the resolution or ordinance. 1078

The resolution or ordinance creating a regional transit 1079  
authority may be amended to include additional counties, municipal 1080  
corporations, or townships or for any other purpose, by the 1081  
adoption of the amendment by the board of county commissioners of 1082  
each county, the legislative authority of each municipal 1083  
corporation, and the board of township trustees of each township 1084  
which has created or joined or proposes to join the regional 1085  
transit authority. 1086

After each county, municipal corporation, and township which 1087  
has created or joined or proposes to join the regional transit 1088  
authority has adopted its resolution or ordinance approving 1089  
inclusion of additional counties, municipal corporations, or 1090  
townships in the regional transit authority, a copy of each 1091  
resolution or ordinance shall be filed with the clerk of the board 1092  
of the county commissioners of each county, the clerk of the 1093  
legislative authority of each municipal corporation, and the 1094  
fiscal officer of the board of trustees of each township proposed 1095  
to be included in the regional transit authority. The inclusion is 1096  
effective when all such filing has been completed, unless the 1097  
regional transit authority to which territory is to be added has 1098  
authority to levy an ad valorem tax on property, or a sales tax, 1099  
within its territorial boundaries, in which event the inclusion 1100  
shall become effective on the sixtieth day after the last such 1101  
filing is accomplished, unless, prior to the expiration of the 1102  
sixty-day period, qualified electors residing in the area proposed 1103  
to be added to the regional transit authority, equal in number to 1104  
at least ten per cent of the qualified electors from the area who 1105  
voted for governor at the last gubernatorial election, file a 1106

petition of referendum against the inclusion. Any petition of 1107  
referendum filed under this section shall be filed at the office 1108  
of the secretary of the board of trustees of the regional transit 1109  
authority. The person presenting the petition shall be given a 1110  
receipt containing on it the time of the day, the date, and the 1111  
purpose of the petition. The secretary of the board of trustees of 1112  
the regional transit authority shall cause the appropriate board 1113  
or boards of elections to check the sufficiency of signatures on 1114  
any petition of referendum filed under this section and, if found 1115  
to be sufficient, shall present the petition to the board of 1116  
trustees at a meeting of said board which occurs not later than 1117  
thirty days following the filing of said petition. Upon 1118  
presentation to the board of trustees of a petition of referendum 1119  
against the proposed inclusion, the board of trustees shall 1120  
promptly certify the proposal to the board or boards of elections 1121  
for the purpose of having the proposal placed on the ballot at the 1122  
next general or primary election which occurs not less than 1123  
~~seventy-five~~ eighty-five days after the date of the meeting of 1124  
said board, or at a special election, the date of which shall be 1125  
specified in the certification, which date shall be not less than 1126  
~~seventy-five~~ eighty-five days after the date of such meeting of 1127  
the board. Signatures on a petition of referendum may be withdrawn 1128  
up to and including the meeting of the board of trustees 1129  
certifying the proposal to the appropriate board or boards of 1130  
elections. If territory of more than one county, municipal 1131  
corporation, or township is to be added to the regional transit 1132  
authority, the electors of the territories of the counties, 1133  
municipal corporations, or townships which are to be added shall 1134  
vote as a district, and the majority affirmative vote shall be 1135  
determined by the vote cast in the district as a whole. Upon 1136  
certification of a proposal to the appropriate board or boards of 1137  
elections pursuant to this section, the board or boards of 1138  
election shall make the necessary arrangements for the submission 1139

of the question to the electors of the territory to be added to 1140  
the regional transit authority qualified to vote on the question, 1141  
and the election shall be held, canvassed, and certified in the 1142  
manner provided for the submission of tax levies under section 1143  
5705.191 of the Revised Code, except that the question appearing 1144  
on the ballot shall read: 1145

"Shall the territory within the ..... 1146  
(Name or names of political subdivisions to be joined) be added to 1147  
..... (Name) regional transit 1148  
authority?" and shall a(n) ..... (here insert type of tax or 1149  
taxes) at a rate of taxation not to exceed ..... (here insert 1150  
maximum tax rate or rates) be levied for all transit purposes?" 1151

If the question is approved by at least a majority of the 1152  
electors voting on the question, the joinder is immediately 1153  
effective, and the regional transit authority may extend the levy 1154  
of the tax against all the taxable property within the territory 1155  
which has been added. If the question is approved at a general 1156  
election or at a special election occurring prior to the general 1157  
election but after the fifteenth day of July, the regional transit 1158  
authority may amend its budget and resolution adopted pursuant to 1159  
section 5705.34 of the Revised Code, and the levy shall be placed 1160  
on the current tax list and duplicate and collected as other taxes 1161  
are collected from all taxable property within the territorial 1162  
boundaries of the regional transit authority, including the 1163  
territory within each political subdivision added as a result of 1164  
the election. 1165

The territorial boundaries of a regional transit authority 1166  
shall be coextensive with the territorial boundaries of the 1167  
counties, municipal corporations, and townships included within 1168  
the regional transit authority, provided that the same area may be 1169  
included in more than one regional transit authority so long as 1170  
the regional transit authorities are not organized for purposes as 1171

provided for in the resolutions or ordinances creating the same, 1172  
and any amendments to them, relating to the same kinds of transit 1173  
facilities; and provided further, that if a regional transit 1174  
authority includes only a portion of an entire county, a regional 1175  
transit authority for the same purposes may be created in the 1176  
remaining portion of the same county by resolution of the board of 1177  
county commissioners acting alone or in conjunction with municipal 1178  
corporations and townships as provided in this section. 1179

No regional transit authority shall be organized after 1180  
January 1, 1975, to include any area already included in a 1181  
regional transit authority, except that any regional transit 1182  
authority organized after June 29, 1974, and having territorial 1183  
boundaries entirely within a single county shall, upon adoption by 1184  
the board of county commissioners of the county of a resolution 1185  
creating a regional transit authority including within its 1186  
territorial jurisdiction the existing regional transit authority 1187  
and for purposes including the purposes for which the existing 1188  
regional transit authority was created, be dissolved and its 1189  
territory included in such new regional transit authority. Any 1190  
resolution creating such a new regional transit authority shall 1191  
make adequate provision for satisfaction of the obligations of the 1192  
dissolved regional transit authority. 1193

**Sec. 306.321.** The resolution or ordinance creating a regional 1194  
transit authority may be amended to include additional counties, 1195  
municipal corporations, or townships by the adoption of an 1196  
amendment by the board of county commissioners of each county, the 1197  
legislative authority of each municipal corporation, and the board 1198  
of township trustees of each township which has created or, prior 1199  
to the adoption of the amendment, joined or proposes to join the 1200  
regional transit authority. 1201

After each county, municipal corporation, and township which 1202

has created or, prior to the adoption of the amendment, joined or 1203  
proposes to join the regional transit authority has adopted its 1204  
resolution or ordinance approving inclusion of additional 1205  
counties, municipal corporations, or townships in the regional 1206  
transit authority, a copy of each resolution or ordinance shall be 1207  
filed with the clerk of the board of the county commissioners of 1208  
each county, the clerk of the legislative authority of each 1209  
municipal corporation, and the fiscal officer of the board of 1210  
trustees of each township proposed to be included in the regional 1211  
transit authority. 1212

Any ordinances or resolutions adopted pursuant to this 1213  
section approving inclusion of additional counties, municipal 1214  
corporations, or townships in the regional transit authority shall 1215  
provide that the board of trustees of the regional transit 1216  
authority must, not later than the tenth day following the day on 1217  
which the filing of the ordinances or resolutions, as required by 1218  
the immediately preceding paragraph, is completed, adopt its 1219  
resolution providing for submission to the electors of the 1220  
regional transit authority as enlarged, of the question pursuant 1221  
to section 306.49 of the Revised Code, of the renewal, the renewal 1222  
and increase, or the increase of, or the imposition of an 1223  
additional, ad valorem tax, or of the question pursuant to section 1224  
306.70 of the Revised Code, of the renewal, the renewal and 1225  
increase, or the increase of, or the imposition of an additional, 1226  
sales and use tax. The resolution submitting the question of the 1227  
tax shall specify the date of the election, which shall be not 1228  
less than ~~seventy-five~~ eighty-five days after certification of the 1229  
resolution to the board of elections and which shall be consistent 1230  
with the requirements of section 3501.01 of the Revised Code. The 1231  
inclusion of the territory of the additional counties, municipal 1232  
corporations, or townships in the regional transit authority shall 1233  
be effective as of the date on which the resolution of the board 1234  
of trustees of the regional transit authority is adopted 1235



submitting the question to the electors, provided that until the 1236  
question is approved, existing contracts providing payment for 1237  
transit services within the added territory shall remain in effect 1238  
and transit services shall not be affected by the inclusion of the 1239  
additional territory. The resolution shall be certified to the 1240  
board of elections and the election shall be held, canvassed, and 1241  
certified as provided in section 306.49 of the Revised Code in the 1242  
case of an ad valorem tax or in section 306.70 of the Revised Code 1243  
in the case of a sales and use tax. 1244

If the question of the tax which is submitted is not approved 1245  
by a majority of the electors of the enlarged regional transit 1246  
authority voting on the question, as of the day following the day 1247  
on which the results of the election become conclusive, the 1248  
additional counties, municipal corporations, or townships, which 1249  
had been included in the regional transit authority as of the date 1250  
of the adoption of the resolution submitting to the electors the 1251  
question, shall be removed from the territory of the regional 1252  
transit authority and shall no longer be a part of that authority 1253  
without any further action by either the political subdivisions 1254  
which were included in the authority prior to the adoption of the 1255  
resolution submitting the question to the electors or of the 1256  
political subdivisions added to the authority as a result of the 1257  
adoption of the resolution. The regional transit authority reduced 1258  
to its territory as it existed prior to the inclusion of the 1259  
additional counties, municipal corporations, or townships, shall 1260  
be entitled to levy and collect any ad valorem or sales and use 1261  
taxes which it was authorized to levy and collect prior to the 1262  
enlargement of its territory and for which authorization has not 1263  
expired, as if the enlargement had not occurred. 1264

If the question of the tax which is submitted provides for a 1265  
sales and use tax to be imposed and the question is approved, and 1266  
the regional transit authority had previously been authorized 1267

pursuant to section 306.49 of the Revised Code to levy an ad 1268  
valorem tax, the regional transit authority shall appropriate from 1269  
the first moneys received from the sales and use tax in each year, 1270  
the full amount required in order to pay the principal of and 1271  
interest on any notes of the regional transit authority issued 1272  
pursuant to section 306.49 of the Revised Code, in anticipation of 1273  
the collection of the ad valorem tax; and shall not thereafter 1274  
levy and collect the ad valorem tax previously approved unless the 1275  
levy and collection is necessary to pay the principal of and 1276  
interest on notes issued in anticipation of the tax in order to 1277  
avoid impairing the obligation of the contract between the 1278  
regional transit authority and the note holders. 1279

If the question of the additional or renewal tax levy is 1280  
approved, the tax may be levied and collected as is otherwise 1281  
provided for an ad valorem tax or a sales and use tax imposed by a 1282  
regional transit authority, provided that if a question relating 1283  
to an ad valorem tax is approved at the general election or at a 1284  
special election occurring prior to a general election, but after 1285  
the fifteenth day of July, the regional transit authority may 1286  
amend its budget for its next fiscal year and its resolution 1287  
adopted pursuant to section 5705.34 of the Revised Code or adopt 1288  
such resolution, and the levy shall be placed on the current tax 1289  
list and duplicate and collected as all other taxes are collected 1290  
from all taxable property within the enlarged territory of the 1291  
regional transit authority including the territory within each 1292  
political subdivision which has been added to the regional transit 1293  
authority pursuant to this section, provided further that if a 1294  
question relating to sales and use tax is approved after the 1295  
fifteenth day of July in any calendar year, the regional transit 1296  
authority may amend its budget for the current and next fiscal 1297  
year and any resolution adopted pursuant to section 5705.34 of the 1298  
Revised Code, to reflect the imposition of the sales and use tax 1299  
and shall amend its budget for the next fiscal year and any 1300

resolution adopted pursuant to section 5705.34 of the Revised Code 1301  
to comply with the immediately preceding paragraph. If the budget 1302  
of the regional transit authority is amended pursuant to this 1303  
paragraph, the county auditor shall prepare and deliver an amended 1304  
certificate of estimated resources to reflect the change in 1305  
anticipated revenues of the regional transit authority. 1306

The procedures of this section are in addition to and an 1307  
alternative to those established in section 306.32 of the Revised 1308  
Code for joining to a regional transit authority additional 1309  
counties, municipal corporations, or townships. 1310

**Sec. 306.70.** A tax proposed to be levied by a board of county 1311  
commissioners or by the board of trustees of a regional transit 1312  
authority pursuant to sections 5739.023 and 5741.022 of the 1313  
Revised Code shall not become effective until it is submitted to 1314  
the electors residing within the county or within the territorial 1315  
boundaries of the regional transit authority and approved by a 1316  
majority of the electors voting on it. Such question shall be 1317  
submitted at a general election or at a special election on a day 1318  
specified in the resolution levying the tax and occurring not less 1319  
than ~~seventy-five~~ eighty-five days after such resolution is 1320  
certified to the board of elections, in accordance with section 1321  
3505.071 of the Revised Code. 1322

The board of elections of the county or of each county in 1323  
which any territory of the regional transit authority is located 1324  
shall make the necessary arrangements for the submission of such 1325  
question to the electors of the county or regional transit 1326  
authority, and the election shall be held, canvassed, and 1327  
certified in the same manner as regular elections for the election 1328  
of county officers. Notice of the election shall be published in 1329  
one or more newspapers which in the aggregate are of general 1330  
circulation in the territory of the county or of the regional 1331

transit authority once a week for two consecutive weeks prior to 1332  
the election and, if the board of elections operates and maintains 1333  
a web site, notice of the election also shall be posted on that 1334  
web site for thirty days prior to the election. The notice shall 1335  
state the type, rate, and purpose of the tax to be levied, the 1336  
length of time during which the tax will be in effect, and the 1337  
time and place of the election. 1338

More than one such question may be submitted at the same 1339  
election. The form of the ballots cast at such election shall be: 1340

"Shall a(n) ..... (sales and use) ..... 1341  
tax be levied for all transit purposes of the ..... 1342  
(here insert name of the county or regional transit authority) at 1343  
a rate not exceeding ..... (here insert percentage) 1344  
per cent for ..... (here insert number of years the tax 1345  
is to be in effect, or that it is to be in effect for a continuing 1346  
period of time)?" 1347

If the tax proposed to be levied is a continuation of an 1348  
existing tax, whether at the same rate or at an increased or 1349  
reduced rate, or an increase in the rate of an existing tax, the 1350  
notice and ballot form shall so state. 1351

The board of elections to which the resolution was certified 1352  
shall certify the results of the election to the county auditor of 1353  
the county or secretary-treasurer of the regional transit 1354  
authority levying the tax and to the tax commissioner of the 1355  
state. 1356

**Sec. 306.71.** The question of the decrease of the rate of a 1357  
tax approved for a continuing period of time by the voters of a 1358  
county or regional transit authority pursuant to sections 5739.023 1359  
and 5741.022 of the Revised Code may be initiated by the filing of 1360  
a petition with the board of elections of the county, or in the 1361  
case of a regional transit authority with the board of elections 1362

as determined pursuant to section 3505.071 of the Revised Code, 1363  
prior to the ~~seventy-fifth~~ eighty-fifth day before the general 1364  
election in any year requesting that an election be held on such 1365  
question. Such petition shall state the amount of the proposed 1366  
decrease in the rate of the tax and shall be signed by at least 1367  
ten per cent of the number of qualified electors residing in such 1368  
county, or in the territory of the regional transit authority, who 1369  
voted at the last general election. 1370

After determination by it that such petition is valid, the 1371  
board of elections shall submit the question to the electors of 1372  
the county or regional transit authority at the succeeding general 1373  
election. The election shall be conducted, notice thereof shall be 1374  
given, and the results thereof shall be certified in the manner 1375  
provided in section 306.70 of the Revised Code. If a majority of 1376  
the qualified electors voting on such question approve the 1377  
proposed decrease in rate, such decrease in rate shall become 1378  
effective on the first day of the second January after such 1379  
election. 1380

In any case where bonds, or notes in anticipation of bonds, 1381  
of a regional transit authority have been issued under section 1382  
306.40 of the Revised Code without a vote of the electors while 1383  
the tax proposed to be reduced was in effect, the board of 1384  
trustees of the regional transit authority shall continue to levy 1385  
and collect under authority of the original election authorizing 1386  
the tax a rate of tax in each year which the authority reasonably 1387  
estimates will produce an amount in that year equal to the amount 1388  
of principal of and interest on such bonds as is payable in that 1389  
year. 1390

**Sec. 307.676.** (A) As used in this section: 1391

(1) "Food and beverages" means any raw, cooked, or processed 1392  
edible substance used or intended for use in whole or in part for 1393

human consumption, including ice, water, spirituous liquors, wine, 1394  
mixed beverages, beer, soft drinks, soda, and other beverages. 1395

(2) "Convention facilities authority" has the same meaning as 1396  
in section 351.01 of the Revised Code. 1397

(3) "Convention center" has the same meaning as in section 1398  
307.695 of the Revised Code. 1399

(B) The legislative authority of a county with a population 1400  
of one million or more according to the most recent federal 1401  
decennial census may, by resolution adopted on or before August 1402  
30, 2004, by a majority of the members of the legislative 1403  
authority and with the subsequent approval of a majority of the 1404  
electors of the county voting upon it, levy a tax of not more than 1405  
two per cent on every retail sale in the county of food and 1406  
beverages to be consumed on the premises where sold to pay the 1407  
expenses of administering the tax and to provide revenues for the 1408  
county general fund. Such resolution shall direct the board of 1409  
elections to submit the question of levying the tax to the 1410  
electors of the county at the next primary or general election in 1411  
the county occurring not less than ~~seventy-five~~ eighty-five days 1412  
after the resolution is certified to the board of elections, and 1413  
such resolution may further direct the board of elections to 1414  
include upon the ballot submitted to the electors any specific 1415  
purposes for which the tax will be used. The legislative authority 1416  
shall establish all regulations necessary to provide for the 1417  
administration and allocation of the tax. The regulations may 1418  
prescribe the time for payment of the tax and may provide for 1419  
imposition of a penalty, interest, or both for late payments, 1420  
provided that any such penalty may not exceed ten per cent of the 1421  
amount of tax due and the rate at which interest accrues may not 1422  
exceed the rate per annum required under section 5703.47 of the 1423  
Revised Code. 1424

(C) A tax levied under this section shall remain in effect 1425

for the period of time specified in the resolution or ordinance 1426  
levying the tax, but in no case for a longer period than forty 1427  
years. 1428

(D) A tax levied under this section is in addition to any 1429  
other tax levied under Chapter 307., 4301., 4305., 5739., 5741., 1430  
or any other chapter of the Revised Code. "Price," as defined in 1431  
sections 5739.01 and 5741.01 of the Revised Code, does not include 1432  
any tax levied under this section and any tax levied under this 1433  
section does not include any tax imposed under Chapter 5739. or 1434  
5741. of the Revised Code. 1435

(E)(1) No amount collected from a tax levied under this 1436  
section shall be contributed to a convention facilities authority, 1437  
corporation, or other entity created after July 1, 2003, for the 1438  
principal purpose of constructing, improving, expanding, 1439  
equipping, financing, or operating a convention center unless the 1440  
mayor of the municipal corporation in which the convention center 1441  
is to be operated by that convention facilities authority, 1442  
corporation, or other entity has consented to the creation of that 1443  
convention facilities authority, corporation, or entity. 1444  
Notwithstanding any contrary provision of section 351.04 of the 1445  
Revised Code, if a tax is levied by a county under this section, 1446  
the board of county commissioners of that county may determine the 1447  
manner of selection, the qualifications, the number, and terms of 1448  
office of the members of the board of directors of any convention 1449  
facilities authority, corporation, or other entity described in 1450  
division (E)(1) of this section. 1451

(2)(a) No amount collected from a tax levied under this 1452  
section may be used for any purpose other than paying the direct 1453  
and indirect costs of constructing, improving, expanding, 1454  
equipping, financing, or operating a convention center and for the 1455  
real and actual costs of administering the tax, unless, prior to 1456  
the adoption of the resolution of the legislative authority of the 1457

county directing the board of elections to submit the question of 1458  
the levy, extension, or increase to the electors of the county, 1459  
the county and the mayor of the most populous municipal 1460  
corporation in that county have entered into an agreement as to 1461  
the use of such amounts, provided that such agreement has been 1462  
approved by a majority of the mayors of the other municipal 1463  
corporations in that county. The agreement shall provide that the 1464  
amounts to be used for purposes other than paying the convention 1465  
center or administrative costs described in division (E)(2)(a) of 1466  
this section be used only for the direct and indirect costs of 1467  
capital improvements in accordance with the agreement, including 1468  
the financing of capital improvements. Immediately following the 1469  
execution of the agreement, the county shall: 1470

(i) In accordance with section 7.12 of the Revised Code, 1471  
cause the agreement to be published at least once in a newspaper 1472  
of general circulation in that county; or 1473

(ii) Post the agreement in at least five public places in the 1474  
county, as determined by the legislative authority, for a period 1475  
not less than fifteen days. 1476

(b) If the county in which the tax is levied has an 1477  
association of mayors and city managers, the approval of that 1478  
association of an agreement described in division (E)(2)(a) of 1479  
this section shall be considered to be the approval of the 1480  
majority of the mayors of the other municipal corporations for 1481  
purposes of that division. 1482

(F) Each year, the auditor of state shall conduct an audit of 1483  
the uses of any amounts collected from taxes levied under this 1484  
section and shall prepare a report of the auditor of state's 1485  
findings. The auditor of state shall submit the report to the 1486  
legislative authority of the county that has levied the tax, the 1487  
speaker of the house of representatives, the president of the 1488  
senate, and the leaders of the minority parties of the house of 1489



representatives and the senate.	1490
(G) The levy of any taxes under Chapter 5739. of the Revised Code on the same transactions subject to a tax under this section does not prevent the levy of a tax under this section.	1491 1492 1493
<b>Sec. 307.677.</b> (A) As used in this section:	1494
(1) "Food and beverages" means any raw, cooked, or processed edible substance used or intended for use in whole or in part for human consumption, including ice, water, spirituous liquors, wine, mixed beverages, beer, soft drinks, soda, and other beverages.	1495 1496 1497 1498
(2) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.	1499 1500
(3) "Convention center" has the same meaning as in section 307.695 of the Revised Code.	1501 1502
(B) The legislative authority of a county with a population of one million two hundred thousand or more according to the most recent federal decennial census or the most recent annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, may, by resolution adopted on or before July 1, 2008, by a majority of the members of the legislative authority and with the subsequent approval of a majority of the electors of the county voting upon it, levy a tax of not more than two per cent on every retail sale in the county of food and beverages to be consumed on the premises where sold to pay the expenses of administering the tax and to provide revenues for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center. The resolution shall direct the board of elections to submit the question of levying the tax to the electors of the county at the next primary or general election in the county occurring not less	1503 1504 1505 1506 1507 1508 1509 1510 1511 1512 1513 1514 1515 1516 1517 1518 1519

than ~~seventy-five~~ eighty-five days after the resolution is 1520  
certified to the board of elections. The legislative authority 1521  
shall establish all rules necessary to provide for the 1522  
administration and allocation of the tax. The rules may prescribe 1523  
the time for payment of the tax and may provide for imposition of 1524  
a penalty, interest, or both for late payments, but any such 1525  
penalty shall not exceed ten per cent of the amount of tax due and 1526  
the rate at which interest accrues shall not exceed the rate per 1527  
annum required under section 5703.47 of the Revised Code. 1528

(C) A tax levied under this section shall remain in effect 1529  
for the period of time specified in the resolution or ordinance 1530  
levying the tax, but not for a longer period than forty years. 1531

(D) A tax levied under this section is in addition to any 1532  
other tax levied under Chapter 307., 4301., 4305., 5739., 5741., 1533  
or any other chapter of the Revised Code. "Price," as defined in 1534  
sections 5739.01 and 5741.01 of the Revised Code, does not include 1535  
any tax levied under this section and any tax levied under this 1536  
section does not include any tax imposed under Chapter 5739. or 1537  
5741. of the Revised Code. 1538

(E) Any amount collected from a tax levied under this section 1539  
may be contributed to a convention facilities authority created 1540  
before July 1, 2005, but no amount collected from a tax levied 1541  
under this section may be contributed to a convention facilities 1542  
authority, corporation, or other entity created after July 1, 1543  
2005, unless the mayor of the municipal corporation in which the 1544  
convention center is to be operated by that convention facilities 1545  
authority, corporation, or other entity has consented to the 1546  
creation of that convention facilities authority, corporation, or 1547  
entity. 1548

(F) The levy of any taxes under Chapter 5739. of the Revised 1549  
Code on the same transactions subject to a tax under this section 1550  
does not prevent the levy of a tax under this section. 1551

Sec. 307.695. (A) As used in this section: 1552

(1) "Arena" means any structure designed and constructed for 1553  
the purpose of providing a venue for public entertainment and 1554  
recreation by the presentation of concerts, sporting and athletic 1555  
events, and other events and exhibitions, including facilities 1556  
intended to house or provide a site for one or more athletic or 1557  
sports teams or activities, spectator facilities, parking 1558  
facilities, walkways, and auxiliary facilities, real and personal 1559  
property, property rights, easements, leasehold estates, and 1560  
interests that may be appropriate for, or used in connection with, 1561  
the operation of the arena. 1562

(2) "Convention center" means any structure expressly 1563  
designed and constructed for the purposes of presenting 1564  
conventions, public meetings, and exhibitions and includes parking 1565  
facilities that serve the center and any personal property used in 1566  
connection with any such structure or facilities. 1567

(3) "Eligible county" means a county having a population of 1568  
at least four hundred thousand but not more than eight hundred 1569  
thousand according to the 2000 federal decennial census and that 1570  
directly borders the geographic boundaries of another state. 1571

(4) "Entity" means a nonprofit corporation, a municipal 1572  
corporation, a port authority created under Chapter 4582. of the 1573  
Revised Code, or a convention facilities authority created under 1574  
Chapter 351. of the Revised Code. 1575

(5) "Lodging taxes" means excise taxes levied under division 1576  
(A)(1), (A)(2), or (C) of section 5739.09 of the Revised Code and 1577  
the revenues arising therefrom. 1578

(6) "Nonprofit corporation" means a nonprofit corporation 1579  
that is organized under the laws of this state and that includes 1580  
within the purposes for which it is incorporated the authorization 1581

to lease and operate facilities such as a convention center or an arena or a combination of an arena and convention center.

(7) "Project" means acquiring, constructing, reconstructing, renovating, rehabilitating, expanding, adding to, equipping, furnishing or otherwise improving an arena, a convention center, or a combination of an arena and convention center. For purposes of this section, a project is a permanent improvement for one purpose under Chapter 133. of the Revised Code.

(8) "Project revenues" means money received by a county with a population greater than four hundred thousand wherein the population of the largest city comprises more than one-third of that county's population, other than money from taxes or from the proceeds of securities secured by taxes, in connection with, derived from, related to, or resulting from a project, including, but not limited to, rentals and other payments received under a lease or agreement with respect to the project, ticket charges or surcharges for admission to events at a project, charges or surcharges for parking for events at a project, charges for the use of a project or any portion of a project, including suites and seating rights, the sale of naming rights for the project or a portion of the project, unexpended proceeds of any county revenue bonds issued for the project, and any income and profit from the investment of the proceeds of any such revenue bonds or any project revenues.

(9) "Chapter 133. securities," "debt charges," "general obligation," "legislation," "one purpose," "outstanding," "permanent improvement," "person," and "securities" have the meanings given to those terms in section 133.01 of the Revised Code.

(B) A board of county commissioners may enter into an agreement with a convention and visitors' bureau operating in the county under which:

(1) The bureau agrees to construct and equip a convention center in the county and to pledge and contribute from the tax revenues received by it under division (A) of section 5739.09 of the Revised Code, not more than such portion thereof that it is authorized to pledge and contribute for the purpose described in division (C) of this section; and

(2) The board agrees to levy a tax under division (C) of section 5739.09 of the Revised Code and pledge and contribute the revenues therefrom for the purpose described in division (C) of this section.

(C) The purpose of the pledges and contributions described in divisions (B)(1) and (2) of this section is payment of principal, interest, and premium, if any, on bonds and notes issued by or for the benefit of the bureau to finance the construction and equipping of a convention center. The pledges and contributions provided for in the agreement shall be for the period stated in the agreement. Revenues determined from time to time by the board to be needed to cover the real and actual costs of administering the tax imposed by division (C) of section 5739.09 of the Revised Code may not be pledged or contributed. The agreement shall provide that any such bonds and notes shall be secured by a trust agreement between the bureau or other issuer acting for the benefit of the bureau and a corporate trustee that is a trust company or bank having the powers of a trust company within or without the state, and the trust agreement shall pledge or assign to the retirement of the bonds or notes, all moneys paid by the county under this section. A tax the revenues from which are pledged under an agreement entered into by a board of county commissioners under this section shall not be subject to diminution by initiative or referendum, or diminution by statute, unless provision is made therein for an adequate substitute therefor reasonably satisfactory to the trustee under the trust

agreement that secures the bonds and notes. 1646

(D) A pledge of money by a county under division (B) of this 1647  
section shall not be indebtedness of the county for purposes of 1648  
Chapter 133. of the Revised Code. 1649

(E) If the terms of the agreement so provide, the board of 1650  
county commissioners may acquire and lease real property to the 1651  
convention bureau as the site of the convention center. The lease 1652  
shall be on such terms as are set forth in the agreement. The 1653  
purchase and lease are not subject to the limitations of sections 1654  
307.02 and 307.09 of the Revised Code. 1655

(F) In addition to the authority granted to a board of county 1656  
commissioners under divisions (B) to (E) of this section, a board 1657  
of county commissioners in a county with a population of one 1658  
million two hundred thousand or more, or a county with a 1659  
population greater than four hundred thousand wherein the 1660  
population of the largest city comprises more than one-third of 1661  
that county's population, may purchase, for cash or by installment 1662  
payments, enter into lease-purchase agreements for, lease with an 1663  
option to purchase, lease, construct, enlarge, improve, rebuild, 1664  
equip, or furnish a convention center. 1665

(G) The board of county commissioners of a county with a 1666  
population greater than four hundred thousand wherein the 1667  
population of the largest city comprises more than one-third of 1668  
that county's population may undertake, finance, operate, and 1669  
maintain a project. The board may lease a project to an entity on 1670  
terms that the board determines to be in the best interest of the 1671  
county and in furtherance of the public purpose of the project; 1672  
the lease may be for a term of thirty-five years or less and may 1673  
provide for an option of the entity to renew the lease for a term 1674  
of thirty-five years or less. The board may enter into an 1675  
agreement with an entity with respect to a project on terms that 1676  
the board determines to be in the best interest of the county and 1677

in furtherance of the public purpose of the project. To the extent 1678  
provided for in an agreement or a lease with an entity, the board 1679  
may authorize the entity to administer on behalf of the board any 1680  
contracts for the project. The board may enter into an agreement 1681  
providing for the sale to a person of naming rights to a project 1682  
or portion of a project, for a period, for consideration, and on 1683  
other terms and conditions that the board determines to be in the 1684  
best interest of the county and in furtherance of the public 1685  
purpose of the project. The board may enter into an agreement with 1686  
a person owning or operating a professional athletic or sports 1687  
team providing for the use by that person of a project or portion 1688  
of a project for that team's offices, training, practices, and 1689  
home games for a period, for consideration, and on other terms and 1690  
conditions that the board determines to be in the best interest of 1691  
the county and in furtherance of the public purpose of the 1692  
project. The board may establish ticket charges or surcharges for 1693  
admission to events at a project, charges or surcharges for 1694  
parking for events at a project, and charges for the use of a 1695  
project or any portion of a project, including suites and seating 1696  
rights, and may, as necessary, enter into agreements related 1697  
thereto with persons for a period, for consideration, and on other 1698  
terms and conditions that the board determines to be in the best 1699  
interest of the county and in furtherance of the public purpose of 1700  
the project. A lease or agreement authorized by this division is 1701  
not subject to sections 307.02, 307.09, and 307.12 of the Revised 1702  
Code. 1703

(H) Notwithstanding any contrary provision in Chapter 5739. 1704  
of the Revised Code, after adopting a resolution declaring it to 1705  
be in the best interest of the county to undertake a project as 1706  
described in division (G) of this section, the board of county 1707  
commissioners of an eligible county may adopt a resolution 1708  
enacting or increasing any lodging taxes within the limits 1709  
specified in Chapter 5739. of the Revised Code with respect to 1710

those lodging taxes and amending any prior resolution under which 1711  
any of its lodging taxes have been imposed in order to provide 1712  
that those taxes, after deducting the real and actual costs of 1713  
administering the taxes and any portion of the taxes returned to 1714  
any municipal corporation or township as provided in division 1715  
(A)(1) of section 5739.09 of the Revised Code, shall be used by 1716  
the board for the purposes of undertaking, financing, operating, 1717  
and maintaining the project, including paying debt charges on any 1718  
securities issued by the board under division (I) of this section, 1719  
or to make contributions to the convention and visitors' bureau 1720  
operating within the county, or to promote, advertise, and market 1721  
the region in which the county is located, all as the board may 1722  
determine and make appropriations for from time to time, subject 1723  
to the terms of any pledge to the payment of debt charges on 1724  
outstanding general obligation securities or special obligation 1725  
securities authorized under division (I) of this section. A 1726  
resolution adopted under division (H) of this section shall be 1727  
adopted not earlier than January 15, 2007, and not later than 1728  
January 15, 2008. 1729

A resolution adopted under division (H) of this section may 1730  
direct the board of elections to submit the question of enacting 1731  
or increasing lodging taxes, as the case may be, to the electors 1732  
of the county at a special election held on the date specified by 1733  
the board in the resolution, provided that the election occurs not 1734  
less than ~~seventy-five~~ eighty-five days after a certified copy of 1735  
the resolution is transmitted to the board of elections and no 1736  
later than January 15, 2008. A resolution submitted to the 1737  
electors under this division shall not go into effect unless it is 1738  
approved by a majority of those voting upon it. A resolution 1739  
adopted under division (H) of this section that is not submitted 1740  
to the electors of the county for their approval or disapproval is 1741  
subject to a referendum as provided in sections 305.31 to 305.41 1742  
of the Revised Code. 1743



A resolution adopted under division (H) of this section takes effect upon its adoption, unless the resolution is submitted to the electors of the county for their approval or disapproval, in which case the resolution takes effect on the date the board of county commissioners receives notification from the board of elections of the affirmative vote. Lodging taxes received after the effective date of the resolution may be used for the purposes described in division (H) of this section, except that lodging taxes that have been pledged to the payment of debt charges on any bonds or notes issued by or for the benefit of a convention and visitors' bureau under division (C) of this section shall be used exclusively for that purpose until such time as the bonds or notes are no longer outstanding under the trust agreement securing those bonds or notes.

(I)(1) The board of county commissioners of a county with a population greater than four hundred thousand wherein the population of the largest city comprises more than one-third of that county's population may issue the following securities of the county for the purpose of paying costs of the project, refunding any outstanding county securities issued for that purpose, refunding any outstanding bonds or notes issued by or for the benefit of the bureau under division (C) of this section, or for any combination of those purposes:

(a) General obligation securities issued under Chapter 133. of the Revised Code. The resolution authorizing these securities may include covenants to appropriate annually from lawfully available lodging taxes, and to continue to levy and collect those lodging taxes in, amounts necessary to meet the debt charges on those securities.

(b) Special obligation securities issued under Chapter 133. of the Revised Code that are secured only by lawfully available lodging taxes and any other taxes and revenues pledged to pay the

debt charges on those securities, except ad valorem property 1776  
taxes. The resolution authorizing those securities shall include a 1777  
pledge of and covenants to appropriate annually from lawfully 1778  
available lodging taxes and any other taxes and revenues pledged 1779  
for such purpose, and to continue to collect any of those revenues 1780  
pledged for such purpose and to levy and collect those lodging 1781  
taxes and any other taxes pledged for such purpose, in amounts 1782  
necessary to meet the debt charges on those securities. The pledge 1783  
is valid and binding from the time the pledge is made, and the 1784  
lodging taxes so pledged and thereafter received by the county are 1785  
immediately subject to the lien of the pledge without any physical 1786  
delivery of the lodging taxes or further act. The lien of any 1787  
pledge is valid and binding as against all parties having claims 1788  
of any kind in tort, contract, or otherwise against the county, 1789  
regardless of whether such parties have notice of the lien. 1790  
Neither the resolution nor any trust agreement by which a pledge 1791  
is created or further evidenced is required to be filed or 1792  
recorded except in the records of the board. The special 1793  
obligation securities shall contain a statement on their face to 1794  
the effect that they are not general obligation securities, and, 1795  
unless paid from other sources, are payable from the pledged 1796  
lodging taxes. 1797

(c) Revenue securities authorized under section 133.08 of the 1798  
Revised Code and issued under Chapter 133. of the Revised Code 1799  
that are secured only by lawfully available project revenues 1800  
pledged to pay the debt charges on those securities. 1801

(2) The securities described in division (I)(1) of this 1802  
section are subject to Chapter 133. of the Revised Code. 1803

(3) Section 133.34 of the Revised Code, except for division 1804  
(A) of that section, applies to the issuance of any refunding 1805  
securities authorized under this division. In lieu of division (A) 1806  
of section 133.34 of the Revised Code, the board of county 1807

commissioners shall establish the maturity date or dates, the 1808  
interest payable on, and other terms of refunding securities as it 1809  
considers necessary or appropriate for their issuance, provided 1810  
that the final maturity of refunding securities shall not exceed 1811  
by more than ten years the final maturity of any bonds refunded by 1812  
refunding securities. 1813

(4) The board may not repeal, rescind, or reduce all or any 1814  
portion of any lodging taxes pledged to the payment of debt 1815  
charges on any outstanding special obligation securities 1816  
authorized under this division, and no portion of any lodging 1817  
taxes that is pledged, or that the board has covenanted to levy, 1818  
collect, and appropriate annually to pay debt charges on any 1819  
outstanding securities authorized under this division is subject 1820  
to repeal, rescission, or reduction by the electorate of the 1821  
county. 1822

**Sec. 307.697.** (A) For the purpose of section 307.696 of the 1823  
Revised Code and to pay any or all of the charge the board of 1824  
elections makes against the county to hold the election on the 1825  
question of levying the tax, or for those purposes and to provide 1826  
revenues to the county for permanent improvements, the board of 1827  
county commissioners of a county may levy a tax not to exceed 1828  
three dollars on each gallon of spirituous liquor sold to or 1829  
purchased by liquor permit holders for resale, and sold at retail 1830  
by the division of liquor control, in the county. The tax shall be 1831  
levied on the number of gallons so sold. The tax may be levied for 1832  
any number of years not exceeding twenty. 1833

The tax shall be levied pursuant to a resolution of the board 1834  
of county commissioners approved by a majority of the electors in 1835  
the county voting on the question of levying the tax, which 1836  
resolution shall specify the rate of the tax, the number of years 1837  
the tax will be levied, and the purposes for which the tax is 1838

levied. The election may be held on the date of a general or 1839  
special election held not sooner than ~~seventy-five~~ eighty-five 1840  
days after the date the board certifies its resolution to the 1841  
board of elections. If approved by the electors, the tax takes 1842  
effect on the first day of the month specified in the resolution 1843  
but not sooner than the first day of the month that is at least 1844  
sixty days after the certification of the election results by the 1845  
board of elections. A copy of the resolution levying the tax shall 1846  
be certified to the division of liquor control at least sixty days 1847  
prior to the date on which the tax is to become effective. 1848

(B) A resolution under this section may be joined on the 1849  
ballot as a single question with a resolution adopted under 1850  
section 4301.421 or 5743.024 of the Revised Code to levy a tax for 1851  
the same purposes, and for the purpose of paying the expenses of 1852  
administering that tax. 1853

(C) The form of the ballot in an election held pursuant to 1854  
this section or section 4301.421 or 5743.024 of the Revised Code 1855  
shall be as follows or in any other form acceptable to the 1856  
secretary of state: 1857

"For the purpose of paying not more than one-half of the 1858  
costs of providing a public sports facility together with related 1859  
redevelopment and economic development projects, shall (an) excise 1860  
tax(es) be levied by ..... county at the rate of ..... 1861  
(dollars on each gallon of spirituous liquor sold in the county by 1862  
the Ohio division of liquor control, cents per gallon on the sale 1863  
of beer at wholesale in the county, cents per gallon on the sale 1864  
of wine and mixed beverages at wholesale in the county, cents per 1865  
gallon on the sale of cider at wholesale in the county, or mills 1866  
per cigarette on the sale of cigarettes at wholesale in the 1867  
county), for ..... years? 1868

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	Yes
	No

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For an election in which questions under this section or section 4301.421 or 5743.024 of the Revised Code are joined as a single question, the form of the ballot shall be as above, except each of the proposed taxes shall be listed.

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(D) The board of county commissioners of a county in which a tax is imposed under this section on July 19, 1995, may levy a tax for the purpose of section 307.673 of the Revised Code regardless of whether or not the cooperative agreement authorized under that section has been entered into prior to the day the resolution adopted under division (D)(1) or (2) of this section is adopted, and for the purpose of reimbursing a county for costs incurred in the construction of a sports facility pursuant to an agreement entered into by the county under section 307.696 of the Revised Code. The tax shall be levied and approved in one of the manners prescribed by division (D)(1) or (2) of this section.

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(1) The tax may be levied pursuant to a resolution adopted by a majority of the members of the board of county commissioners not later than forty-five days after July 19, 1995. A board of county commissioners approving a tax under division (D)(1) of this section may approve a tax under division (B)(1) of section 4301.421 or division (C)(1) of section 5743.024 of the Revised Code at the same time. Subject to the resolution being submitted to a referendum under sections 305.31 to 305.41 of the Revised Code, the resolution shall take effect immediately, but the tax levied pursuant to the resolution shall not be levied prior to the day following the last day the tax levied pursuant to divisions (A), (B), and (C) of this section may be levied.

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(2) The tax may be levied pursuant to a resolution adopted by a majority of the members of the board of county commissioners not

later than forty-five days after July 19, 1995, and approved by a majority of the electors of the county voting on the question of levying the tax at the next succeeding general election following July 19, 1995. The board of county commissioners shall certify a copy of the resolution to the board of elections immediately upon adopting a resolution under division (D)(2) of this section, and the board of elections shall place the question of levying the tax on the ballot at that election. The form of the ballot shall be as prescribed by division (C) of this section, except that the phrase "paying not more than one-half of the costs of providing a sports facility together with related redevelopment and economic development projects" shall be replaced by the phrase "paying the costs of constructing or renovating a sports facility and reimbursing a county for costs incurred by the county in the construction of a sports facility," and the phrase ", beginning ..... (here insert the earliest date the tax would take effect)" shall be appended after "years." A board of county commissioners submitting the question of a tax under division (D)(2) of this section may submit the question of a tax under division (B)(2) of section 4301.421 or division (C)(2) of section 5743.024 of the Revised Code as a single question, and the form of the ballot shall include each of the proposed taxes.

If approved by a majority of electors voting on the question, the tax shall take effect on the day specified on the ballot, which shall not be earlier than the day following the last day the tax levied pursuant to divisions (A), (B), and (C) of this section may be levied.

The rate of a tax levied pursuant to division (D)(1) or (2) of this section shall not exceed the rate specified in division (A) of this section. A tax levied pursuant to division (D)(1) or (2) of this section may be levied for any number of years not exceeding twenty.

A board of county commissioners adopting a resolution under 1934  
division (D)(1) or (2) of this section shall certify a copy of the 1935  
resolution to the division of liquor control immediately upon 1936  
adoption of the resolution. 1937

(E) No tax shall be levied under this section on or after ~~the~~ 1938  
~~effective date of the amendment of this section by the capital~~ 1939  
~~appropriations act of the 127th general assembly~~ September 23, 1940  
2008. This division does not prevent the collection of any tax 1941  
levied under this section before that date so long as that tax 1942  
remains effective. 1943

**Sec. 307.791.** The question of repeal of a county sediment 1944  
control rule adopted under section 307.79 of the Revised Code may 1945  
be initiated by filing with the board of elections of the county 1946  
not less than ~~seventy-five~~ eighty-five days before the general or 1947  
primary election in any year a petition requesting that an 1948  
election be held on such question. Such petition shall be signed 1949  
by qualified electors residing in the county equal in number to 1950  
ten per cent of those voting for governor at the most recent 1951  
gubernatorial election in the county. 1952

After determination by it that such petition is valid, the 1953  
board of elections shall submit the question to the electors of 1954  
the county at the next general or primary election. The election 1955  
shall be conducted, canvassed, and certified in the same manner as 1956  
regular elections for county offices in the county. Notice of the 1957  
election shall be published in a newspaper of general circulation 1958  
in the county once a week for two consecutive weeks prior to the 1959  
election and, if the board of elections operates and maintains a 1960  
web site, notice of the election also shall be posted on that web 1961  
site for thirty days prior to the election. The notice shall state 1962  
the purpose, time, and place of the election and the complete text 1963  
of each rule sought to be repealed. The form of the ballot cast at 1964

such election shall be prescribed by the secretary of state. The 1965  
question covered by such petition shall be submitted as a separate 1966  
proposition, but it may be printed on the same ballot with any 1967  
other proposition submitted at the same election other than the 1968  
election of officers. If a majority of the qualified electors 1969  
voting on the question of repeal approve the repeal, the result of 1970  
the election shall be certified immediately after the canvass by 1971  
the board of elections to the board of county commissioners, who 1972  
shall thereupon rescind the rule. 1973

**Sec. 307.94.** Electors of a county, equal in number to ten per 1974  
cent of the number who voted for governor in the county at the 1975  
most recent gubernatorial election, may file, not later than one 1976  
hundred ten days before the date of a general election, a petition 1977  
with the board of county commissioners asking that the question of 1978  
the adoption of a county charter in the form attached to the 1979  
petition be submitted to the electors of the county. The petition 1980  
shall be available for public inspection at the offices of the 1981  
county commissioners during regular business hours until four p.m. 1982  
of the ~~ninety-sixth~~ one hundred sixth day before the election, at 1983  
which time the board shall, by resolution, certify the petition to 1984  
the board of elections of the county for submission to the 1985  
electors of the county, unless the signatures are insufficient or 1986  
the petitions otherwise invalid, at the next general election. 1987

Such electors may, in the alternative not later than the one 1988  
hundred ~~fifteenth~~ twenty-fifth day before the date of a general 1989  
election, file such a petition with the board of elections of the 1990  
county. In such case the board of elections shall immediately 1991  
proceed to determine whether the petition and the signatures on 1992  
the petition meet the requirements of law and to count the number 1993  
of valid signatures and to note opposite each invalid signature 1994  
the reason for the invalidity. The board of elections shall 1995  
complete its examination of the petition and the signatures and 1996



shall submit a report to the board of county commissioners not 1997  
later than the one hundred ~~fifth~~ fifteenth day before the date of 1998  
the general election certifying whether the petition is valid or 1999  
invalid and, if invalid, the reasons for invalidity, whether there 2000  
are sufficient valid signatures, and the number of valid and 2001  
invalid signatures. The petition and a copy of the report to the 2002  
board of county commissioners shall be available for public 2003  
inspection at the board of elections. If the petition is certified 2004  
by the board of elections to be valid and to have sufficient valid 2005  
signatures, the board of county commissioners shall forthwith and 2006  
not later than four p.m. on the ~~ninety-sixth~~ one hundred sixth day 2007  
before the general election, by resolution, certify the petition 2008  
to the board of elections for submission to the electors of the 2009  
county at the next general election. If the petition is certified 2010  
by the board of elections to be invalid or to have insufficient 2011  
valid signatures, or both, the petitioners' committee may protest 2012  
such findings or solicit additional signatures as provided in 2013  
section 307.95 of the Revised Code, or both, or request that the 2014  
board of elections proceed to establish the validity or invalidity 2015  
of the petition and the sufficiency or insufficiency of the 2016  
signatures in an action before the court of common pleas in the 2017  
county. Such action must be brought within three days after the 2018  
request has been made, and the case shall be heard forthwith by a 2019  
judge or such court whose decision shall be certified to the board 2020  
of elections and to the board of county commissioners in 2021  
sufficient time to permit the board of county commissioners to 2022  
perform its duty to certify the petition, if it is determined by 2023  
the court to be valid and contain sufficient valid signatures, to 2024  
the board of elections not later than four p.m. on the 2025  
~~ninety-sixth~~ one hundred sixth day prior to the general election 2026  
for submission to the electors at such general election. 2027

A county charter to be submitted to the voters by petition 2028  
shall be considered to be attached to the petition if it is 2029

printed as a part of the petition. A county charter petition may 2030  
consist of any number of separate petition papers. Each part shall 2031  
have attached a copy of the charter to be submitted to the 2032  
electors, and each part shall otherwise meet all the requirements 2033  
of law for a county charter petition. Section 3501.38 of the 2034  
Revised Code applies to county charter petitions. 2035

The petitioners shall designate in the petition the names and 2036  
addresses of a committee of not fewer than three nor more than 2037  
five persons who will represent them in all matters relating to 2038  
the petition. Notice of all matters or proceedings pertaining to 2039  
such petitions may be served on the committee, or any of them, 2040  
either personally or by certified mail, or by leaving it at the 2041  
usual place of residence of each of them. 2042

**Sec. 307.95.** (A) When a county charter petition has been 2043  
certified to the board of elections pursuant to section 307.94 of 2044  
the Revised Code, the board shall immediately proceed to determine 2045  
whether the petition and the signatures on the petition meet the 2046  
requirements of law, including section 3501.38 of the Revised 2047  
Code, and to count the number of valid signatures. The board shall 2048  
note opposite each invalid signature the reason for the 2049  
invalidity. The board shall complete its examination of the 2050  
petition and the signatures not later than ten days after receipt 2051  
of the petition certified by the board of county commissioners and 2052  
shall submit a report to the board of county commissioners not 2053  
less than ~~eighty-five~~ ninety-five days before the election 2054  
certifying whether the petition is valid or invalid and, if 2055  
invalid, the reasons for the invalidity, whether there are 2056  
sufficient valid signatures, and the number of valid and invalid 2057  
signatures. The petition and a copy of the report to the board of 2058  
county commissioners shall be available for public inspection at 2059  
the board of elections. If the petition is determined by the board 2060  
of elections to be valid but the number of valid signatures is 2061

insufficient, the board of county commissioners shall immediately 2062  
notify the committee for the petitioners, who may solicit and file 2063  
additional signatures to the petition pursuant to division (E) of 2064  
this section or protest the board of election's findings pursuant 2065  
to division (B) of this section, or both. 2066

(B) Protests against the board of election's findings 2067  
concerning the validity or invalidity of a county charter petition 2068  
or any signature on such petition may be filed by any elector 2069  
eligible to vote at the next general election with the board of 2070  
elections not later than four p.m. of the ~~eighty-second~~ 2071  
ninety-second day before the election. Each protest shall identify 2072  
the part of, or omission from, the petition or the signature or 2073  
signatures to which the protest is directed, and shall set forth 2074  
specifically the reason for the protest. A protest must be in 2075  
writing, signed by the elector making the protest, and shall 2076  
include the protestor's address. Each protest shall be filed in 2077  
duplicate. 2078

(C) The board of elections shall deliver or mail be certified 2079  
mail one copy of each protest filed with it to the secretary of 2080  
state. The secretary of state, within ten days after receipt of 2081  
the protests, shall determine the validity or invalidity of the 2082  
petition and the sufficiency or insufficiency of the signatures. 2083  
The secretary of state may determine whether to permit matters not 2084  
raised by protest to be considered in determining such validity or 2085  
invalidity or sufficiency or insufficiency, and may conduct 2086  
hearings, either in Columbus or in the county where the county 2087  
charter petition is filed. The determination by the secretary of 2088  
state is final. 2089

(D) The secretary of state shall notify the board of 2090  
elections of the determination of the validity or invalidity of 2091  
the petition and sufficiency or insufficiency of the signatures 2092  
not later than four p.m. of the ~~seventy-first~~ eighty-first day 2093

before the election. If the petition is determined to be valid and 2094  
to contain sufficient valid signatures, the charter shall be 2095  
placed on the ballot at the next general election. If the petition 2096  
is determined to be invalid, the secretary of state shall so 2097  
notify the board of county commissioners and the board of county 2098  
commissioners shall notify the committee. If the petition is 2099  
determined by the secretary of state to be valid but the number of 2100  
valid signatures is insufficient, the board of elections shall 2101  
immediately notify the committee for the petitioners and the 2102  
committee shall be allowed ten additional days after such 2103  
notification to solicit and file additional signatures to the 2104  
petition subject to division (E) of this section. 2105

(E) All additional signatures solicited pursuant to division 2106  
(A) or (D) of this section shall be filed with the board of 2107  
elections not less than ~~sixty~~ seventy days before the election. 2108  
The board of elections shall examine and determine the validity or 2109  
invalidity of the additional separate petition papers and of the 2110  
signatures thereon, and its determination is final. No valid 2111  
signature on an additional separate petition paper that is the 2112  
same as a valid signature on an original separate petition paper 2113  
shall be counted. The number of valid signatures on the original 2114  
separate petition papers and the additional separate petition 2115  
papers shall be added together to determine whether there are 2116  
sufficient valid signatures. If the number of valid signatures is 2117  
sufficient and the additional separate petition papers otherwise 2118  
valid, the charter shall be placed on the ballot at the next 2119  
general election. If not, the board of elections shall notify the 2120  
county commissioners, and the commissioners shall notify the 2121  
committee. 2122

**Sec. 322.02.** (A) For the purpose of paying the costs of 2123  
enforcing and administering the tax and providing additional 2124  
general revenue for the county, any county may levy and collect a 2125

tax to be known as the real property transfer tax on each deed 2126  
conveying real property or any interest in real property located 2127  
wholly or partially within the boundaries of the county at a rate 2128  
not to exceed thirty cents per hundred dollars for each one 2129  
hundred dollars or fraction thereof of the value of the real 2130  
property or interest in real property located within the 2131  
boundaries of the county granted, assigned, transferred, or 2132  
otherwise conveyed by the deed. The tax shall be levied pursuant 2133  
to a resolution adopted by the board of county commissioners of 2134  
the county and, except as provided in division (A) of section 2135  
322.07 of the Revised Code, shall be levied at a uniform rate upon 2136  
all deeds as defined in ~~division~~ division (D) of section 322.01 of 2137  
the Revised Code. Prior to the adoption of any such resolution, 2138  
the board of county commissioners shall conduct two public 2139  
hearings thereon, the second hearing to be not less than three nor 2140  
more than ten days after the first. Notice of the date, time, and 2141  
place of the hearings shall be given by publication in a newspaper 2142  
of general circulation in the county once a week on the same day 2143  
of the week for two consecutive weeks, the second publication 2144  
being not less than ten nor more than thirty days prior to the 2145  
first hearing. The tax shall be levied upon the grantor named in 2146  
the deed and shall be paid by the grantor for the use of the 2147  
county to the county auditor at the time of the delivery of the 2148  
deed as provided in section 319.202 of the Revised Code and prior 2149  
to the presentation of the deed to the recorder of the county for 2150  
recording. 2151

(B) No resolution levying a real property transfer tax 2152  
pursuant to this section or a manufactured home transfer tax 2153  
pursuant to section 322.06 of the Revised Code shall be effective 2154  
sooner than thirty days following its adoption. Such a resolution 2155  
is subject to a referendum as provided in sections 305.31 to 2156  
305.41 of the Revised Code, unless the resolution is adopted as an 2157  
emergency measure necessary for the immediate preservation of the 2158

public peace, health, or safety, in which case it shall go into 2159  
immediate effect. An emergency measure must receive an affirmative 2160  
vote of all of the members of the board of commissioners, and 2161  
shall state the reasons for the necessity. A resolution may direct 2162  
the board of elections to submit the question of levying the tax 2163  
to the electors of the county at the next primary or general 2164  
election in the county occurring not less than ~~seventy-five~~ 2165  
eighty-five days after the resolution is certified to the board. 2166  
No such resolution shall go into effect unless approved by a 2167  
majority of those voting upon it. 2168

**Sec. 322.021.** The question of a repeal of a county permissive 2169  
tax adopted as an emergency measure pursuant to division (B) of 2170  
section 322.02 of the Revised Code may be initiated by filing with 2171  
the board of elections of the county not less than ~~seventy-five~~ 2172  
eighty-five days before the general election in any year a 2173  
petition requesting that an election be held on such question. 2174  
Such petition shall be signed by qualified electors residing in 2175  
the county equal in number to ten per cent of those voting for 2176  
governor at the most recent gubernatorial election. 2177

After determination by it that such petition is valid, the 2179  
board of elections shall submit the question to the electors of 2180  
the county at the next general election. The election shall be 2181  
conducted, canvassed, and certified in the same manner as regular 2182  
elections for county offices in the county. Notice of the election 2183  
shall be published in a newspaper of general circulation in the 2184  
district once a week for two consecutive weeks prior to the 2185  
election and, if the board of elections operates and maintains a 2186  
web site, notice of the election also shall be posted on that web 2187  
site for thirty days prior to the election. The notice shall state 2188  
the purpose, time, and place of the election. The form of the 2189  
ballot cast at such election shall be prescribed by the secretary 2190

of state. The question covered by such petition shall be submitted 2191  
as a separate proposition, but it may be printed on the same 2192  
ballot with any other proposition submitted at the same election 2193  
other than the election of officers. If a majority of the 2194  
qualified electors voting on the question of repeal approve the 2195  
repeal, the result of the election shall be certified immediately 2196  
after the canvass by the board of elections to the board of county 2197  
commissioners, who shall thereupon, after the current year, cease 2198  
to levy the tax. 2199

**Sec. 324.02.** For the purpose of providing additional general 2200  
revenues for the county and paying the expense of administering 2201  
such levy, any county may levy a county excise tax to be known as 2202  
the utilities service tax on the charge for every utility service 2203  
to customers within the county at a rate not to exceed two per 2204  
cent of such charge. On utility service to customers engaged in 2205  
business, the tax shall be imposed at a rate of one hundred fifty 2206  
per cent of the rate imposed upon all other consumers within the 2207  
county. The tax shall be levied pursuant to a resolution adopted 2208  
by the board of county commissioners of the county and shall be 2209  
levied at uniform rates required by this section upon all charges 2210  
for utility service except as provided in section 324.03 of the 2211  
Revised Code. The tax shall be levied upon the customer and shall 2212  
be paid by the customer to the utility supplying the service at 2213  
the time the customer pays the utility for the service. If the 2214  
charge for utility service is billed to a person other than the 2215  
customer at the request of such person, the tax commissioner of 2216  
the state may, in accordance with section 324.04 of the Revised 2217  
Code, provide for the levy of the tax against and the payment of 2218  
the tax by such other person. Each utility furnishing a utility 2219  
service the charge for which is subject to the tax shall set forth 2220  
the tax as a separate item on each bill or statement rendered to 2221  
the customer. 2222

Prior to the adoption of any resolution levying a utilities 2223  
service tax the board of county commissioners shall conduct two 2224  
public hearings thereon, the second hearing to be not less than 2225  
three nor more than ten days after the first. Notice of the date, 2226  
time, and place of such hearings shall be given by publication in 2227  
a newspaper of general circulation in the county once a week on 2228  
the same day of the week for two consecutive weeks, the second 2229  
publication being not less than ten nor more than thirty days 2230  
prior to the first hearing. No resolution levying a utilities 2231  
service tax pursuant to this section of the Revised Code shall be 2232  
effective sooner than thirty days following its adoption and such 2233  
resolution is subject to a referendum as provided in sections 2234  
305.31 to 305.41 of the Revised Code, unless such resolution is 2235  
adopted as an emergency measure necessary for the immediate 2236  
preservation of the public peace, health, or safety, in which case 2237  
it shall go into immediate effect. Such emergency measure must 2238  
receive an affirmative vote of all of the members of the board of 2239  
commissioners, and shall state the reasons for such necessity. A 2240  
resolution may direct the board of elections to submit the 2241  
question of levying the tax to the electors of the county at the 2242  
next primary or general election in the county occurring not less 2243  
than ~~seventy-five~~ eighty-five days after such resolution is 2244  
certified to the board. No such resolution shall go into effect 2245  
unless approved by a majority of those voting upon it. The tax 2246  
levied by such resolution shall apply to all bills rendered 2247  
subsequent to the sixtieth day after the effective date of the 2248  
resolution. No bills shall be rendered out of the ordinary course 2249  
of business to avoid payment of the tax. 2250

**Sec. 324.021.** The question of repeal of a county permissive 2251  
tax adopted as an emergency measure pursuant to section 324.02 of 2252  
the Revised Code may be initiated by filing with the board of 2253  
elections of the county not less than ~~seventy-five~~ eighty-five 2254



days before the general election in any year a petition requesting 2255  
that an election be held on such question. Such petition shall be 2256  
signed by qualified electors residing in the county equal in 2257  
number to ten per cent of those voting for governor at the most 2258  
recent gubernatorial election. 2259

After determination by it that such petition is valid, the 2260  
board of elections shall submit the question to the electors of 2261  
the county at the next general election. The election shall be 2262  
conducted, canvassed, and certified in the same manner as regular 2263  
elections for county offices in the county. Notice of the election 2264  
shall be published in a newspaper of general circulation in the 2265  
district once a week for two consecutive weeks prior to the 2266  
election and, if the board of elections operates and maintains a 2267  
web site, notice of the election also shall be posted on that web 2268  
site for thirty days prior to the election. The notice shall state 2269  
the purpose, time, and place of the election. The form of the 2270  
ballot cast at such election shall be prescribed by the secretary 2271  
of state. The question covered by such petition shall be submitted 2272  
as a separate proposition, but it may be printed on the same 2273  
ballot with any other proposition submitted at the same election 2274  
other than the election of officers. If a majority of the 2275  
qualified electors voting on the question of repeal approve the 2276  
repeal, the result of the election shall be certified immediately 2277  
after the canvass by the board of elections to the board of county 2278  
commissioners, who shall thereupon, after the current year, cease 2279  
to levy the tax. 2280

**Sec. 345.03.** A copy of any resolution adopted under section 2281  
345.01 of the Revised Code shall be certified within five days by 2282  
the taxing authority and not later than four p. m. of the 2283  
~~seventy-fifth~~ eighty-fifth day before the day of the election, to 2284  
the county board of elections, and such board shall submit the 2285  
proposal to the electors of the subdivision at the succeeding 2286

general election. The board shall make the necessary arrangements 2287  
for the submission of such question to the electors of the 2288  
subdivision, and the election shall be conducted, canvassed, and 2289  
certified in like manner as regular elections in such subdivision. 2290

Notice of the election shall be published in a newspaper of 2291  
general circulation in the subdivision, at least once, not less 2292  
than two weeks prior to such election. The notice shall set out 2293  
the purpose of the proposed increase in rate, the amount of the 2294  
increase expressed in dollars and cents for each one hundred 2295  
dollars of valuation as well as in mills for each one dollar of 2296  
property valuation, the number of years during which such increase 2297  
will be in effect, and the time and place of holding such 2298  
election. 2299

**Sec. 351.26.** (A) The board of directors of a convention 2300  
facilities authority may adopt a resolution requesting the board 2301  
of county commissioners of the county in which the convention 2302  
facilities authority has its territory to propose the question of 2303  
a tax to be levied pursuant to this section and section 4301.424 2304  
or sections 5743.026 and 5743.324 of the Revised Code for the 2305  
purpose of construction or renovation of a sports facility. The 2306  
board of directors shall certify a copy of the resolution to the 2307  
board of county commissioners not later than ~~ninety~~ one hundred 2308  
days prior to the day of the election at which the board of 2309  
directors requests the board of county commissioners to submit the 2310  
question of the tax. The resolution shall state the rate at which 2311  
the tax would be levied, the purpose for which the tax would be 2312  
levied, the number of years the tax would be levied, the section 2313  
of the Revised Code under which the tax would be levied, and the 2314  
date of the election at which the board of directors requests the 2315  
board of county commissioners to submit the question of the tax, 2316  
all of which are subject to the limitations of this section and 2317  
section 4301.424 or sections 5743.026 and 5743.324 of the Revised 2318

Code. 2319

Upon receiving a copy of such a resolution from the board of 2320  
directors, the board of county commissioners shall adopt a 2321  
resolution either approving or rejecting the proposal, and certify 2322  
a copy of its resolution to the board of directors. If the board 2323  
of county commissioners approves the proposal, the board of county 2324  
commissioners shall propose the question of levying a tax pursuant 2325  
to section 4301.424 of the Revised Code or pursuant to sections 2326  
5743.026 and 5743.324 of the Revised Code, as specified in the 2327  
board of directors' resolution, for the purpose of construction or 2328  
renovation of a sports facility. 2329

(B) The form of the ballot in an election held on the 2330  
question of levying a tax proposed pursuant to section 4301.424 or 2331  
5743.026 of the Revised Code shall be as follows or in any other 2332  
form acceptable to the secretary of state: 2333

"For the purpose of paying the costs of ..... 2334  
(constructing or renovating) a sports facility, shall (an) excise 2335  
tax(es) be levied by the ..... county for the convention 2336  
facilities authority of ..... county at the rate of ..... 2337  
(dollars on each gallon of spirituous liquor sold in the county by 2338  
the Ohio division of liquor control, cents per gallon on the sale 2339  
of beer at wholesale in the county, cents per gallon on the sale 2340  
of wine and mixed beverages at wholesale in the county, or mills 2341  
per cigarette on the sale of cigarettes at wholesale in the 2342  
county), for ..... years? 2343

	Yes
	No

"

2344  
2345  
2346  
2347  
For an election in which questions under section 4301.424 or 2348  
5743.026 of the Revised Code are joined as a single question, the 2349

form of the ballot shall be as above, except each of the proposed 2350  
taxes shall be listed. 2351

(C) No tax shall be levied under this section on or after ~~the~~ 2352  
~~effective date of the amendment of this section by the capital~~ 2353  
~~appropriations act of the 127th general assembly~~ September 23, 2354  
2008. This division does not prevent the collection of any tax 2355  
levied under this section before that date so long as that tax 2356  
remains effective. 2357

**Sec. 503.02.** (A) Except as otherwise provided in this 2358  
section, the board of county commissioners may change the 2359  
boundaries of any civil township, or partition any township among 2360  
other townships within the county, by attaching a part of one 2361  
township to another, by dividing one township and attaching the 2362  
parts to other townships, or by laying off and designating a new 2363  
township from the territory of one or more townships of the same 2364  
county or from territory not before included in a civil township, 2365  
when it is made to appear necessary or expedient by a petition for 2366  
that purpose, signed by a majority of the electors residing within 2367  
the bounds of the townships to be affected by the partition or 2368  
division, as determined by the number of votes cast in those 2369  
townships for the office of governor at the most recent general 2370  
election for that office. 2371

If the board receives a petition to partition a township that 2372  
has adopted a limited home rule government under Chapter 504. of 2373  
the Revised Code, signed by a majority of the electors residing in 2374  
that township, the board shall certify the question of whether or 2375  
not the township shall remain intact to the board of elections. 2376  
The board of elections shall determine the validity and 2377  
sufficiency of the signatures on the petition and, if there are 2378  
enough valid signatures, shall place the question on the ballot at 2379  
a special election to be held on the day of the next general or 2380

primary election in the township occurring at least ~~seventy-five~~ 2381  
eighty-five days after the petition is filed, for a vote of the 2382  
electors within that township. If a majority of those voting vote 2383  
against keeping the township intact, the board of county 2384  
commissioners shall proceed to partition the township. If a 2385  
majority of those voting vote for keeping the township intact, the 2386  
board of county commissioners shall not partition the township and 2387  
shall deny the petition. 2388

(B) If a township is divided or partitioned under this 2389  
section, the board of county commissioners shall apportion the 2390  
funds in the township's treasury to the township to which portions 2391  
of the divided or partitioned township are attached, or to the new 2392  
townships established. This apportionment may take into account 2393  
the taxable property valuation, population, or size of the 2394  
portions created by the division or partition, as well as any 2395  
other readily ascertainable criteria. 2396

**Sec. 503.161.** (A) A board of township trustees, by a 2397  
unanimous vote, may adopt a resolution causing the board of 2398  
elections to submit to the electors of the unincorporated area of 2399  
the township the question of whether the township's name should be 2400  
changed. 2401

(B) The electors of the unincorporated area of a township may 2402  
petition the board of township trustees to adopt a resolution 2403  
causing the board of elections to submit to the electors the 2404  
question of whether the township's name should be changed. Upon 2405  
receipt of a petition signed by twenty per cent of the electors of 2406  
the unincorporated area of the township, as determined by the 2407  
total number of votes cast in that area for the office of governor 2408  
at the preceding general election for that office, the board of 2409  
township trustees shall adopt such a resolution. 2410

(C) The question of whether the township's name should be 2411

changed shall be voted upon at the next primary or general 2412  
election occurring at least ~~seventy-five~~ eighty-five days after 2413  
the certification of the resolution adopted under division (A) or 2414  
(B) of this section to the board of elections. 2415

**Sec. 503.24.** If there is a vacancy by reason of the 2416  
nonacceptance, death, or removal of a person chosen to an office 2417  
in any township at the regular election, or if there is a vacancy 2418  
from any other cause, the board of township trustees shall appoint 2419  
a person having the qualifications of an elector to fill such 2420  
vacancy for the unexpired term or until a successor is elected. 2421

If a township is without a board or if no appointment is made 2422  
within thirty days after the occurrence of a vacancy, a majority 2423  
of the persons designated as the committee of five on the 2424  
last-filed nominating petition of the township officer whose 2425  
vacancy is to be filled who are residents of the township shall 2426  
appoint a person having the qualifications of an elector to fill 2427  
the vacancy for the unexpired term or until a successor is 2428  
elected. If at least three of the committee members who are 2429  
residents of the township cannot be found, or if that number of 2430  
such members fails to make an appointment within ten days after 2431  
the thirty-day period in which the board of township trustees is 2432  
authorized to make an appointment, then the presiding probate 2433  
judge of the county shall appoint a suitable person having the 2434  
qualifications of an elector in the township to fill the vacancy 2435  
for the unexpired term or until a successor is elected. 2436

If a vacancy occurs in a township elective office more than 2437  
~~forty~~ fifty days before the next general election for municipal 2438  
and township officers a successor shall be chosen at that election 2439  
to fill the unexpired term, provided the term does not expire 2440  
within one year from the day of the election. If the term expires 2441  
within one year from the day of the next general election for 2442

municipal and township officers, a successor appointed pursuant to 2443  
this section shall serve out the unexpired term. 2444

**Sec. 503.41.** (A) A board of township trustees, by resolution, 2445  
may regulate and require the registration of massage 2446  
establishments and their employees within the unincorporated 2447  
territory of the township. In accordance with sections 503.40 to 2448  
503.49 of the Revised Code, for that purpose, the board, by a 2449  
majority vote of all members, may adopt, amend, administer, and 2450  
enforce regulations within the unincorporated territory of the 2451  
township. 2452

(B) A board may adopt regulations and amendments under this 2453  
section only after public hearing at not fewer than two regular 2454  
sessions of the board. The board shall cause to be published in at 2455  
least one newspaper of general circulation in the township notice 2456  
of the public hearings, including the time, date, and place, once 2457  
a week for two weeks immediately preceding the hearings. The board 2458  
shall make available proposed regulations or amendments to the 2459  
public at the office of the board. 2460

(C) Regulations or amendments adopted by the board are 2461  
effective thirty days after the date of adoption unless, within 2462  
thirty days after the adoption of the regulations or amendments, 2463  
the township fiscal officer receives a petition, signed by a 2464  
number of qualified electors residing in the unincorporated area 2465  
of the township equal to not less than ten per cent of the total 2466  
vote cast for all candidates for governor in the area at the most 2467  
recent general election at which a governor was elected, 2468  
requesting the board to submit the regulations or amendments to 2469  
the electors of the area for approval or rejection at the next 2470  
primary or general election occurring at least ~~seventy-five~~ 2471  
eighty-five days after the board receives the petition. 2472

No regulation or amendment for which the referendum vote has 2473

been requested is effective unless a majority of the ~~vote~~ votes 2474  
cast on the issue is in favor of the regulation or amendment. Upon 2475  
certification by the board of elections that a majority of the 2476  
votes cast on the issue was in favor of the regulation or 2477  
amendment, the regulation or amendment takes immediate effect. 2478

(D) The board shall make available regulations it adopts or 2479  
amends to the public at the office of the board and shall cause to 2480  
be published a notice of the availability of the regulations in at 2481  
least one newspaper of general circulation in the township within 2482  
ten days after their adoption or amendment. 2483

(E) Nothing in sections 503.40 to 503.49 of the Revised Code 2484  
shall be construed to allow a board of township trustees to 2485  
regulate the practice of any limited branch of medicine specified 2486  
in section 4731.15 of the Revised Code or the practice of 2487  
providing therapeutic massage by a licensed physician, a licensed 2488  
chiropractor, a licensed podiatrist, a licensed nurse, or any 2489  
other licensed health professional. As used in this division, 2490  
"licensed" means licensed, certified, or registered to practice in 2491  
this state. 2492

**Sec. 504.01.** A township that meets the qualifications of this 2493  
section may adopt a limited home rule government in the manner 2494  
provided in this section. 2495

(A)(1) If a township has a population of at least three 2496  
thousand five hundred but less than five thousand in the 2497  
unincorporated territory of the township, a limited home rule 2498  
government under which the township exercises limited powers of 2499  
local self-government and limited police powers may be adopted if 2500  
all the following apply: 2501

(a) The electors of the unincorporated territory of the 2502  
township petition the board of township trustees to adopt limited 2503  
home rule government; 2504



(b) The petition has been signed by ten per cent of the electors of the unincorporated territory of the township, as determined by the total number of votes cast in that territory for the office of governor at the most recent general election for that office;

(c) The board of township trustees appoints a township administrator under division (A)(2) of section 505.031 of the Revised Code; and

(d) The total amount certified in the official certificate of estimated resources or in an amended official certificate of estimated resources for the township under section 5705.36 of the Revised Code is at least three million five hundred thousand dollars for the most recently concluded fiscal year.

If the conditions enumerated in this division have been met, the board shall adopt and certify to the board of elections a resolution directing the board of elections to submit to the electors of the unincorporated territory the question whether the township should adopt a limited home rule government. The question shall be voted upon at the next general election occurring at least ~~seventy-five~~ eighty-five days after certification of the resolution to the board of elections.

(2) If a township has a population of at least five thousand but less than fifteen thousand in the unincorporated territory of the township, the board of township trustees, by a majority vote, may adopt a resolution causing the board of elections to submit to the electors of the unincorporated area of the township the question of whether the township should adopt a limited home rule government under which it exercises limited powers of local self-government and limited police powers, as authorized by this chapter. The question shall be voted upon at the next general election occurring at least ~~seventy-five~~ eighty-five days after certification of the resolution to the board of elections.

(3) If a township has a population of fifteen thousand or more in the unincorporated territory of the township, the board of township trustees, after at least one public hearing, may do either of the following:

(a) By a unanimous vote, adopt a resolution establishing a limited home rule government under which the township exercises limited powers of local self-government and limited police powers as authorized by this chapter. The resolution shall become effective thirty days after the date of its adoption unless within that thirty-day period there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township equal to at least ten per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the question of establishing a limited home rule government to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election occurring at least ~~seventy-five~~ eighty-five days after the petition is presented. Each part of the petition shall meet the requirements specified in section 3501.38 of the Revised Code. Upon timely receipt of the petition, the board of township trustees shall adopt a resolution causing the board of elections to submit to the electors of the unincorporated area of the township the question of whether the township should adopt a limited home rule government.

(b) By a majority vote, adopt a resolution causing the board of elections to submit to the electors of the unincorporated area of the township the question of whether the township should adopt a limited home rule government under which it exercises limited powers of local self-government and limited police powers, as authorized by this chapter. The question shall be voted upon at

the next general election occurring at least ~~seventy-five~~ 2569  
eighty-five days after certification of the resolution to the 2570  
board of elections. 2571

(4) If a township meets the population requirements of 2572  
division (A)(2) or (3) of this section, the electors of the 2573  
unincorporated area of the township may petition the board of 2574  
township trustees to adopt a resolution causing the board of 2575  
elections to submit to the electors the question of whether the 2576  
township should adopt a limited home rule government. Upon receipt 2577  
of a petition signed by ten per cent of the electors of the 2578  
unincorporated area of the township, as determined by the total 2579  
number of votes cast in that area for the office of governor at 2580  
the most recent general election for that office, the board of 2581  
township trustees shall adopt the resolution. The question shall 2582  
be voted upon at the next general election occurring at least 2583  
~~seventy-five~~ eighty-five days after the certification of the 2584  
resolution to the board of elections. 2585

(B) If the population of the unincorporated territory of any 2586  
township that adopts a limited home rule government under division 2587  
(A)(3) or (4) of this section is fifteen thousand or more, the 2588  
township shall be called an "urban township." 2589

(C) Except as otherwise provided in division (A)(1) of this 2590  
section, townships with a population of less than five thousand in 2591  
the unincorporated territory of the township are not permitted to 2592  
adopt a limited home rule government. 2593

**Sec. 504.03.** (A)(1) If a limited home rule government is 2594  
adopted pursuant to section 504.02 of the Revised Code, it shall 2595  
remain in effect for at least three years except as otherwise 2596  
provided in division (B) of this section. At the end of that 2597  
period, if the board of township trustees determines that that 2598  
government is not in the best interests of the township, it may 2599

adopt a resolution causing the board of elections to submit to the electors of the unincorporated area of the township the question of whether the township should continue the limited home rule government. The question shall be voted upon at the next general election occurring at least ~~seventy-five~~ eighty-five days after the certification of the resolution to the board of elections. After certification of the resolution, the board of elections shall submit the question to the electors of the unincorporated area of the township, and the ballot language shall be substantially as follows:

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

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

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

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

(C) If a majority of the votes cast under division (A) or (B)

of this section on the proposition of continuing the limited home 2631  
rule government is in the negative, that government is terminated 2632  
effective on the first day of January immediately following the 2633  
election, and a limited home rule government shall not be adopted 2634  
in the unincorporated area of the township pursuant to section 2635  
504.02 of the Revised Code for at least three years after that 2636  
date. 2637

(D) If a limited home rule government is terminated under 2638  
this section, the board of township trustees immediately shall 2639  
adopt a resolution repealing all resolutions adopted pursuant to 2640  
this chapter that are not authorized by any other section of the 2641  
Revised Code outside this chapter, effective on the first day of 2642  
January immediately following the election described in division 2643  
(A) or (B) of this section. However, no resolution adopted under 2644  
this division shall affect or impair the obligations of the 2645  
township under any security issued or contracts entered into by 2646  
the township in connection with the financing of any water supply 2647  
facility or sewer improvement under sections 504.18 to 504.20 of 2648  
the Revised Code or the authority of the township to collect or 2649  
enforce any assessments or other revenues constituting security 2650  
for or source of payments of debt service charges of those 2651  
securities. 2652

(E) Upon the termination of a limited home rule government 2653  
under this section, if the township had converted its board of 2654  
township trustees to a five-member board before September 26,  
2003, the current board member who received the lowest number of 2655  
votes of the current board members who were elected at the most 2656  
recent election for township trustees, and the current board 2657  
member who received the lowest number of votes of the current 2658  
board members who were elected at the second most recent election 2659  
for township trustees, shall cease to be township trustees on the 2660  
date that the limited home rule government terminates. Their 2661  
2662

offices likewise shall cease to exist at that time, and the board 2663  
shall continue as a three-member board as provided in section 2664  
505.01 of the Revised Code. 2665

**Sec. 505.13.** The board of township trustees of a township 2666  
which is composed in whole or in part of islands, accessible from 2667  
the mainland only by watercraft, may purchase and operate, and may 2668  
let for hire, a scow or lighter of sufficient tonnage to carry 2669  
stone and other road building material, equipped with or without a 2670  
proper crane or loading device, and for such purpose the board may 2671  
levy a tax upon all the taxable property in the township, in such 2672  
amount as it determines. 2673

The question of levying such tax shall be submitted to the 2674  
qualified electors of the township at a general election. The 2675  
trustees shall certify such resolution to the board of elections 2676  
not later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day 2677  
before the day of the election. Twenty days' notice thereof shall 2678  
be previously given by posting in at least three public places in 2679  
the township. Such notice shall state specifically the amount to 2680  
be raised and the purpose thereof. If a majority of all the votes 2681  
cast at such election upon the proposition is in favor thereof, 2682  
the tax provided for is authorized. 2683

**Sec. 505.14.** The board of township trustees of a township 2684  
described in section 505.13 of the Revised Code, which, for any 2685  
reason, is inaccessible from the mainland at some time of the 2686  
year, may construct, acquire, purchase, lease, and maintain a 2687  
house as the residence of a resident physician, when, in the 2688  
opinion of a majority of the members of such board, it is 2689  
necessary for the maintenance of the public health and welfare. 2690

For the maintenance, construction, acquisition, purchase, or 2691  
~~least~~ lease of such a house the board may levy a tax upon all the 2692

taxable property in the township, in such amount as it determines. 2693

The question of levying such a tax shall be submitted to the 2694  
qualified electors of the township at a general or special 2695  
election. The trustees shall certify such resolution to the board 2696  
of elections not later than four p.m. of the ~~seventy-fifth~~ 2697  
eighty-fifth day before the day of the election. Twenty days' 2698  
notice thereof shall be previously given by posting in at least 2699  
three public places in the township. Such notice shall state 2700  
specifically the amount to be raised and the purpose thereof. If a 2701  
majority of all votes cast at such election upon the proposition 2702  
is in favor thereof, the tax provided for is authorized. 2703

Upon the authorization of such tax levy the board may issue 2704  
notes in anticipation of such revenues, to mature in not more than 2705  
two years from the date of issue, and to bear interest at not more 2706  
than four per cent per annum. 2707

**Sec. 511.01.** If, in a township, a town hall is to be built, 2708  
improved, enlarged, or removed at a cost greater than ten thousand 2709  
dollars, the board of township trustees shall submit the question 2710  
to the electors of such township and shall certify their 2711  
resolution to the board of elections not later than four p.m. of 2712  
the ~~seventy-fifth~~ eighty-fifth day before the day of the election. 2713

**Sec. 511.22.** The board of township trustees shall direct the 2714  
township fiscal officer to file a written notice, not later than 2715  
four p.m. of the ~~seventy-fifth~~ eighty-fifth day before the day of 2716  
the election, with the board of elections having charge of the 2717  
preparation of official ballots, that an election will be held as 2718  
provided in section 511.21 of the Revised Code and that the 2719  
following shall be printed on the ballot: 2720

" YES                    SHALL A PUBLIC PARK OR  
NO                        PUBLIC PARKS BE ESTABLISHED

IN .....(NAME)..... TOWNSHIP?"

If a majority of the votes is in favor of the proposition, a 2724  
park or parks shall be established for the township. If a majority 2725  
of the votes cast is against the proposition, the board of park 2726  
commissioners shall be abolished, and the board of township 2727  
trustees shall provide for and pay all the proper expenses 2728  
incurred by it. 2729

**Sec. 511.27.** (A) To defray the expenses of the township park 2730  
district and for purchasing, appropriating, operating, 2731  
maintaining, and improving lands for parks or recreational 2732  
purposes, the board of park commissioners may levy a sufficient 2733  
tax within the ten-mill limitation, not to exceed one mill on each 2734  
dollar of valuation on all real and personal property within the 2735  
township, and on all real and personal property within any 2736  
municipal corporation that is within the township, that was within 2737  
the township at the time that the park district was established, 2738  
or the boundaries of which are coterminous with or include the 2739  
township. The levy shall be over and above all other taxes and 2740  
limitations on such property authorized by law. 2741

(B) Except as otherwise provided in division (C) of this 2742  
section, the board of park commissioners, not less than 2743  
~~seventy-five~~ eighty-five days before the day of the election, may 2744  
declare by resolution that the amount of taxes that may be raised 2745  
within the ten-mill limitation will be insufficient to provide an 2746  
adequate amount for the necessary requirements of the district and 2747  
that it is necessary to levy a tax in excess of that limitation 2748  
for the use of the district. The resolution shall specify the 2749  
purpose for which the taxes shall be used, the annual rate 2750  
proposed, and the number of consecutive years the levy will be in 2751  
effect. Upon the adoption of the resolution, the question of 2752  
levying the taxes shall be submitted to the electors of the 2753  
township and the electors of any municipal corporation that is 2754



within the township, that was within the township at the time that 2755  
the park district was established, or the boundaries of which are 2756  
coterminous with or include the township, at a special election to 2757  
be held on whichever of the following occurs first: 2758

(1) The day of the next ensuing general election; 2759

(2) The first Tuesday after the first Monday in May of any 2760  
calendar year, except that, if a presidential primary election is 2761  
held in that calendar year, then the day of that election. 2762

The rate submitted to the electors at any one election shall 2763  
not exceed two mills annually upon each dollar of valuation. If a 2764  
majority of the electors voting upon the question of the levy vote 2765  
in favor of the levy, the tax shall be levied on all real and 2766  
personal property within the township and on all real and personal 2767  
property within any municipal corporation that is within the 2768  
township, that was within the township at the time that the park 2769  
district was established, or the boundaries of which are 2770  
coterminous with or include the township, and the levy shall be 2771  
over and above all other taxes and limitations on such property 2772  
authorized by law. 2773

(C) In any township park district that contains only 2774  
unincorporated territory, if the township board of park 2775  
commissioners is appointed by the board of township trustees, 2776  
before a tax can be levied and certified to the county auditor 2777  
pursuant to section 5705.34 of the Revised Code or before a 2778  
resolution for a tax levy can be certified to the board of 2779  
elections pursuant to section 511.28 of the Revised Code, the 2780  
board of park commissioners shall receive approval for its levy 2781  
request from the board of township trustees. The board of park 2782  
commissioners shall adopt a resolution requesting the board of 2783  
township trustees to approve the levy request, stating the annual 2784  
rate of the proposed levy and the reason for the levy request. On 2785  
receiving this request, the board of township trustees shall vote 2786

on whether to approve the request and, if a majority votes to 2787  
approve it, shall issue a resolution approving the levy at the 2788  
requested rate. 2789

**Sec. 511.28.** A copy of any resolution for a tax levy adopted 2790  
by the township board of park commissioners as provided in section 2791  
511.27 of the Revised Code shall be certified by the clerk of the 2792  
board of park commissioners to the board of elections of the 2793  
proper county, together with a certified copy of the resolution 2794  
approving the levy, passed by the board of township trustees if 2795  
such a resolution is required by division (C) of section 511.27 of 2796  
the Revised Code, not less than ~~seventy-five~~ eighty-five days 2797  
before a general or primary election in any year. The board of 2798  
elections shall submit the proposal to the electors as provided in 2799  
section 511.27 of the Revised Code at the succeeding general or 2800  
primary election. A resolution to renew an existing levy may not 2801  
be placed on the ballot unless the question is submitted at the 2802  
general election held during the last year the tax to be renewed 2803  
may be extended on the real and public utility property tax list 2804  
and duplicate, or at any election held in the ensuing year. The 2805  
board of park commissioners shall cause notice that the vote will 2806  
be taken to be published once a week for two consecutive weeks 2807  
prior to the election in a newspaper of general circulation in the 2808  
county within which the park district is located. Additionally, if 2809  
the board of elections operates and maintains a web site, the 2810  
board of elections shall post that notice on its web site for 2811  
thirty days prior to the election. The notice shall state the 2812  
purpose of the proposed levy, the annual rate proposed expressed 2813  
in dollars and cents for each one hundred dollars of valuation as 2814  
well as in mills for each one dollar of valuation, the number of 2815  
consecutive years during which the levy shall be in effect, and 2816  
the time and place of the election. 2817

The form of the ballots cast at the election shall be: "An 2818

additional tax for the benefit of (name of township park district) 2819  
 ..... for the purpose of (purpose stated in the order of the 2820  
 board) ..... at a rate not exceeding ..... mills for 2821  
 each one dollar of valuation, which amounts to (rate expressed in 2822  
 dollars and cents) ..... for each one hundred dollars of 2823  
 valuation, for (number of years the levy is to run) ..... 2824

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

2825  
 2826  
 " 2827  
 2828

If the levy submitted is a proposal to renew, increase, or 2829  
 decrease an existing levy, the form of the ballot specified in 2830  
 this section may be changed by substituting for the words "An 2831  
 additional" at the beginning of the form, the words "A renewal of 2832  
 a" in the case of a proposal to renew an existing levy in the same 2833  
 amount; the words "A renewal of ..... mills and an increase 2834  
 of ..... mills to constitute a" in the case of an increase; 2835  
 or the words "A renewal of part of an existing levy, being a 2836  
 reduction of ..... mills, to constitute a" in the case of a 2837  
 decrease in the rate of the existing levy. 2838

If the tax is to be placed on the current tax list, the form 2839  
 of the ballot shall be modified by adding, after the statement of 2840  
 the number of years the levy is to run, the phrase ", commencing 2841  
 in ..... (first year the tax is to be levied), first due in 2842  
 calendar year ..... (first calendar year in which the tax 2843  
 shall be due)." 2844

The question covered by the order shall be submitted as a 2845  
 separate proposition, but may be printed on the same ballot with 2846  
 any other proposition submitted at the same election, other than 2847  
 the election of officers. More than one such question may be 2848  
 submitted at the same election. 2849

Sec. 511.33. In paying any expenses of park management and of 2850  
improvements authorized by section 511.32 of the Revised Code, the 2851  
board of township trustees may appropriate and use for these 2852  
purposes any funds in the township treasury then unappropriated 2853  
for any other purpose. If there are no available funds in the 2854  
treasury or an insufficient amount to pay for the desired park 2855  
management and improvements in any year, the board may levy a tax 2856  
in order to pay for the park management and improvements. The tax 2857  
shall be levied upon all of the taxable property in the township 2858  
and shall be certified, levied, and collected in the manner 2859  
prescribed for the certification, levy, and collection of other 2860  
township taxes. The money so raised shall be paid over to the 2861  
township fiscal officer, and the fiscal officer shall pay the 2862  
money out on the order of the board. If a sum greater than two 2863  
thousand dollars is to be expended by the board for park 2864  
management and improvement purposes in any one year, and the sum 2865  
is not available from any unappropriated money in the township 2866  
treasury, the question of levying the additional tax shall, before 2867  
making a levy that will amount to more than two thousand dollars, 2868  
be submitted to and approved by a majority of the electors of the 2869  
township voting on the question. If the election is necessary, it 2870  
shall be called at a regular meeting of the board, and the 2871  
resolution shall be certified to the board of elections not later 2872  
than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before the 2873  
day of the election. 2874

Twenty days' notice of the election shall be given by the 2875  
posting of notices of the election by the township fiscal officer 2876  
in ten public places in the township, and provisions for holding 2877  
the election shall be made by the board of elections upon 2878  
receiving notice of the date and purpose of the election from the 2879  
fiscal officer. This section and section 511.32 of the Revised 2880  
Code do not repeal, affect, or modify any law relating to park 2881

commissioners, or prevent the appointment of park commissioners in 2882  
the future. 2883

**Sec. 511.34.** In townships composed of islands, and on one of 2884  
which islands lands have been conveyed in trust for the benefit of 2885  
the inhabitants of the island for use as a park, and a board of 2886  
park trustees has been provided for the control of the park, the 2887  
board of township trustees may create a tax district of the island 2888  
to raise funds by taxation as provided under divisions (A) and (B) 2889  
of this section. 2890

(A) For the care and maintenance of parks on the island, the 2891  
board of township trustees annually may levy a tax, not to exceed 2892  
one mill, upon all the taxable property in the district. The tax 2893  
shall be in addition to all other levies authorized by law, and 2894  
subject to no limitation on tax rates except as provided in this 2895  
division. 2896

The proceeds of the tax levy shall be expended by the board 2897  
of township trustees for the purpose of the care and maintenance 2898  
of the parks, and shall be paid out of the township treasury upon 2899  
the orders of the board of park trustees. 2900

(B) For the purpose of acquiring additional land for use as a 2901  
park, the board of township trustees may levy a tax in excess of 2902  
the ten-mill limitation on all taxable property in the district. 2903  
The tax shall be proposed by resolution adopted by two-thirds of 2904  
the members of the board of township trustees. The resolution 2905  
shall specify the purpose and rate of the tax and the number of 2906  
years the tax will be levied, which shall not exceed five years, 2907  
and which may include a levy on the current tax list and 2908  
duplicate. The resolution shall go into immediate effect upon its 2909  
passage, and no publication of the resolution is necessary other 2910  
than that provided for in the notice of election. The board of 2911  
township trustees shall certify a copy of the resolution to the 2912

proper board of elections not later than ~~seventy-five~~ eighty-five 2913  
days before the primary or general election in the township, and 2914  
the board of elections shall submit the question of the tax to the 2915  
voters of the district at the succeeding primary or general 2916  
election. The board of elections shall make the necessary 2917  
arrangements for the submission of the question to the electors of 2918  
the district, and the election shall be conducted, canvassed, and 2919  
certified in the same manner as regular elections in the township 2920  
for the election of officers. Notice of the election shall be 2921  
published in a newspaper of general circulation in the township 2922  
once a week for two consecutive weeks prior to the election and, 2923  
if the board of elections operates and maintains a web site, 2924  
notice of the election also shall be posted on that web site for 2925  
thirty days prior to the election. The notice shall state the 2926  
purpose of the tax, the proposed rate of the tax expressed in 2927  
dollars and cents for each one hundred dollars of valuation and 2928  
mills for each one dollar of valuation, the number of years the 2929  
tax will be in effect, the first year the tax will be levied, and 2930  
the time and place of the election. 2931

The form of the ballots cast at an election held under this 2932  
division shall be as follows: 2933

"An additional tax for the benefit of ..... (name of the 2934  
township) for the purpose of acquiring additional park land at a 2935  
rate of ..... mills for each one dollar of valuation, which 2936  
amounts to ..... (rate expressed in dollars and cents) for each 2937  
one hundred dollars of valuation, for ..... (number of years 2938  
the levy is to run) beginning in ..... (first year the tax 2939  
will be levied). 2940

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

2941  
2942  
2943  
2944

The question shall be submitted as a separate proposition but 2945  
may be printed on the same ballot with any other proposition 2946  
submitted at the same election other than the election of 2947  
officers. More than one such question may be submitted at the same 2948  
election. 2949

If the levy is approved by a majority of electors voting on 2950  
the question, the board of elections shall certify the result of 2951  
the election to the tax commissioner. In the first year of the 2952  
levy, the tax shall be extended on the tax lists after the 2953  
February settlement following the election. If the tax is to be 2954  
placed on the tax lists of the current year as specified in the 2955  
resolution, the board of elections shall certify the result of the 2956  
election immediately after the canvass to the board of township 2957  
trustees, which shall forthwith make the necessary levy and 2958  
certify the levy to the county auditor, who shall extend the levy 2959  
on the tax lists for collection. After the first year of the levy, 2960  
the levy shall be included in the annual tax budget that is 2961  
certified to the county budget commission. 2962

**Sec. 513.06.** Upon the execution of the agreement provided for 2963  
in section 513.05 of the Revised Code, the board of township 2964  
trustees shall submit the question of the ratification of such 2965  
agreement to the electors of the township at the next general 2966  
election occurring not less than ~~seventy-five~~ eighty-five days 2967  
after the certification of the resolution to the board of 2968  
elections. If the sums to be paid by the township under such 2969  
agreement are not available from current general revenue of such 2970  
township, the board shall also submit to the electors, at the same 2971  
election, the question of the issue of bonds of the township, in 2972  
the amount specified in such agreement, for the purpose of 2973  
providing funds for the payment thereof. The proceedings in the 2974  
matter of such election and in the issuance and sale of such bonds 2975  
shall be as provided by Chapter 133. of the Revised Code. Such 2976

agreement shall not be effective, and no bonds shall be issued, 2977  
unless the electors approve both the agreement and the bond issue, 2978  
if the question of the issue of bonds is submitted. 2979

**Sec. 513.13.** The board of elections of the county in which a 2980  
joint township hospital district, or the most populous portion of 2981  
such district, lies shall, by resolution approved by a two-thirds 2982  
vote of the joint township district hospital board, place upon the 2983  
ballot for submission to the electorate of such district, at the 2984  
next primary or general election, occurring not less than 2985  
~~seventy-five~~ eighty-five nor more than one hundred ~~twenty~~ thirty 2986  
days after the request is received from such joint township 2987  
district hospital board, the question of levying a tax, not to 2988  
exceed one mill outside the ten-mill limitation, for a period not 2989  
to exceed five years, to provide funds for the payment of 2990  
necessary expenses incurred in the operation of hospital 2991  
facilities or, if required by agreement made under section 140.03 2992  
of the Revised Code, for costs of hospital facilities or current 2993  
operating expenses of hospital facilities, or both. Such 2994  
resolution shall be certified to the board of elections not later 2995  
than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before the 2996  
day of the election. If a majority of the electors in such 2997  
district voting on the proposition, vote in favor thereof, the 2998  
county auditor of each county in which such district lies shall 2999  
annually place a levy on the tax duplicate against the property in 3000  
such district, in the amount required by the joint board of 3001  
trustees of the district, but not to exceed one mill. 3002

**Sec. 513.18.** In the event any township, contiguous to a joint 3003  
township hospital district, desires to become a part of such 3004  
district in existence under sections 513.07 to 513.18 of the 3005  
Revised Code, its board of township trustees, by a two-thirds 3006  
favorable vote of the members of such board, after the existing 3007



joint township hospital board has, by a majority favorable vote of 3008  
the members thereof, approved the terms under which such township 3009  
proposes to join the district, shall become a part of the joint 3010  
township district hospital board under such terms and with all the 3011  
rights, privileges, and responsibilities enjoyed by and extended 3012  
to the existing members of the hospital board under such sections, 3013  
including representation on the board of hospital governors by the 3014  
appointment of an elector of such township as a member thereof. If 3015  
the terms under which such township proposes to join the hospital 3016  
district involve a tax levy for the purpose of sharing the 3017  
existing obligations, including bonded indebtedness, of the 3018  
district or the necessary operating expenses of such hospital, 3019  
such township shall not become a part of the district until its 3020  
electors have approved such levy as provided in this section. 3021

Upon request of the board of township trustees of the 3022  
township proposing to join such district, by resolution approved 3023  
by a two-thirds vote of its members, the board of elections of the 3024  
county in which the township lies shall place upon the ballot for 3025  
submission to the electorate of such township at the next primary 3026  
or general election occurring not less than ~~seventy-five~~ 3027  
eighty-five nor more than one hundred ~~twenty~~ thirty days after 3028  
such request is received from the board of township trustees the 3029  
question of levying a tax, not to exceed one mill outside the 3030  
ten-mill limitation, for a period of not to exceed five years, to 3031  
provide funds for the payment of the township's share of the 3032  
necessary expenses incurred in the operation of such hospital, or 3033  
the question of levying a tax to pay the township's share of the 3034  
existing obligations, including bonded indebtedness, of the 3035  
district, or both questions may be submitted at the same primary 3036  
or general election. If a majority of the electors voting on the 3037  
propositions vote in favor thereof, the county auditor shall place 3038  
such levies on the tax duplicate against the property in the 3039  
township, which township shall thereby become a part of said joint 3040

township hospital district. 3041

**Sec. 517.05.** On the making of an order or the filing of an 3042  
application as provided by section 517.04 of the Revised Code, the 3043  
township fiscal officer shall certify the order or application to 3044  
the board of elections not later than four p.m. of the 3045  
~~seventy-fifth~~ eighty-fifth day before the day of the election, 3046  
and, at least twenty days before an election, the fiscal officer 3047  
shall post written notices in at least three public places in the 3048  
township that a vote will be taken on the question of the 3049  
establishment of a cemetery. If a majority of the votes cast at 3050  
the election on the proposition is in favor of establishing a 3051  
cemetery, the board of township trustees shall procure the lands 3052  
for that purpose and levy taxes as provided by section 517.03 of 3053  
the Revised Code. 3054

**Sec. 519.11.** If the zoning resolution is adopted by the board 3055  
of township trustees, such board shall cause the question of 3056  
whether or not the proposed plan of zoning shall be put into 3057  
effect to be submitted to the electors residing in the 3058  
unincorporated area of the township included in the proposed plan 3059  
of zoning for their approval or rejection at the next primary or 3060  
general election, or a special election may be called for this 3061  
purpose. Such resolution shall be filed with the board of 3062  
elections not later than four p.m. of the ~~seventy-fifth~~ 3063  
eighty-fifth day before the day of the election. No zoning 3064  
regulations shall be put into effect unless a majority of the vote 3065  
cast on the issue is in favor of the proposed plan of zoning. Upon 3066  
certification by the board of elections the resolution shall take 3067  
immediate effect, if the plan was so approved. 3068

Within five working days after the resolution's effective 3069  
date, the board of township trustees shall file it, including text 3070  
and maps, in the office of the county recorder. The board shall 3071

also file duplicates of the same documents with the regional or 3072  
county planning commission, if one exists, within the same period. 3073

The board shall file all resolutions, including text and 3074  
maps, that are in effect on January 1, 1992, in the office of the 3075  
county recorder within thirty working days after that date. The 3076  
board shall also file duplicates of the same documents with the 3077  
regional or county planning commission, if one exists, within the 3078  
same period. 3079

The failure to file a resolution, or any text and maps, or 3080  
duplicates of any of these documents, with the office of the 3081  
county recorder or the county or regional planning commission as 3082  
required by this section does not invalidate the resolution and is 3083  
not grounds for an appeal of any decision of the board of zoning 3084  
appeals. 3085

**Sec. 519.12.** (A)(1) Amendments to the zoning resolution may 3086  
be initiated by motion of the township zoning commission, by the 3087  
passage of a resolution by the board of township trustees, or by 3088  
the filing of an application by one or more of the owners or 3089  
lessees of property within the area proposed to be changed or 3090  
affected by the proposed amendment with the township zoning 3091  
commission. The board of township trustees may require that the 3092  
owner or lessee of property filing an application to amend the 3093  
zoning resolution pay a fee to defray the cost of advertising, 3094  
mailing, filing with the county recorder, and other expenses. If 3095  
the board of township trustees requires such a fee, it shall be 3096  
required generally, for each application. The board of township 3097  
trustees, upon the passage of such a resolution, shall certify it 3098  
to the township zoning commission. 3099

(2) Upon the adoption of a motion by the township zoning 3100  
commission, the certification of a resolution by the board of 3101  
township trustees to the commission, or the filing of an 3102

application by property owners or lessees as described in division 3103  
(A)(1) of this section with the commission, the commission shall 3104  
set a date for a public hearing, which date shall not be less than 3105  
twenty nor more than forty days from the date of the certification 3106  
of such a resolution, the date of adoption of such a motion, or 3107  
the date of the filing of such an application. Notice of the 3108  
hearing shall be given by the commission by one publication in one 3109  
or more newspapers of general circulation in the township at least 3110  
ten days before the date of the hearing. 3111

(B) If the proposed amendment intends to rezone or redistrict 3112  
ten or fewer parcels of land, as listed on the county auditor's 3113  
current tax list, written notice of the hearing shall be mailed by 3114  
the township zoning commission, by first class mail, at least ten 3115  
days before the date of the public hearing to all owners of 3116  
property within and contiguous to and directly across the street 3117  
from the area proposed to be rezoned or redistricted to the 3118  
addresses of those owners appearing on the county auditor's 3119  
current tax list. The failure of delivery of that notice shall not 3120  
invalidate any such amendment. 3121

(C) If the proposed amendment intends to rezone or redistrict 3122  
ten or fewer parcels of land as listed on the county auditor's 3123  
current tax list, the published and mailed notices shall set forth 3124  
the time, date, and place of the public hearing and include all of 3125  
the following: 3126

(1) The name of the township zoning commission that will be 3127  
conducting the hearing; 3128

(2) A statement indicating that the motion, resolution, or 3129  
application is an amendment to the zoning resolution; 3130

(3) A list of the addresses of all properties to be rezoned 3131  
or redistricted by the proposed amendment and of the names of 3132  
owners of those properties, as they appear on the county auditor's 3133

current tax list;	3134
(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;	3135 3136 3137
(5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;	3138 3139 3140 3141
(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;	3142 3143 3144
(7) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;	3145 3146 3147
(8) Any other information requested by the commission.	3148
(D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:	3149 3150 3151 3152 3153
(1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment;	3154 3155
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	3156 3157
(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;	3158 3159 3160
(4) The name of the person responsible for giving notice of the hearing by publication;	3161 3162
(5) A statement that, after the conclusion of the hearing,	3163

the matter will be submitted to the board of township trustees for 3164  
its action; 3165

(6) Any other information requested by the commission. 3166

(E) Within five days after the adoption of the motion 3167  
described in division (A) of this section, the certification of 3168  
the resolution described in division (A) of this section, or the 3169  
filing of the application described in division (A) of this 3170  
section, the township zoning commission shall transmit a copy of 3171  
it together with text and map pertaining to it to the county or 3172  
regional planning commission, if there is such a commission. 3173

The county or regional planning commission shall recommend 3174  
the approval or denial of the proposed amendment or the approval 3175  
of some modification of it and shall submit its recommendation to 3176  
the township zoning commission. The recommendation shall be 3177  
considered at the public hearing held by the township zoning 3178  
commission on the proposed amendment. 3179

The township zoning commission, within thirty days after the 3180  
hearing, shall recommend the approval or denial of the proposed 3181  
amendment, or the approval of some modification of it, and submit 3182  
that recommendation together with the motion, application, or 3183  
resolution involved, the text and map pertaining to the proposed 3184  
amendment, and the recommendation of the county or regional 3185  
planning commission on it to the board of township trustees. 3186

The board of township trustees, upon receipt of that 3187  
recommendation, shall set a time for a public hearing on the 3188  
proposed amendment, which date shall not be more than thirty days 3189  
from the date of the receipt of that recommendation. Notice of the 3190  
hearing shall be given by the board by one publication in one or 3191  
more newspapers of general circulation in the township, at least 3192  
ten days before the date of the hearing. 3193

(F) If the proposed amendment intends to rezone or redistrict 3194

ten or fewer parcels of land as listed on the county auditor's 3195  
current tax list, the published notice shall set forth the time, 3196  
date, and place of the public hearing and include all of the 3197  
following: 3198

(1) The name of the board of township trustees that will be 3199  
conducting the hearing; 3200

(2) A statement indicating that the motion, application, or 3201  
resolution is an amendment to the zoning resolution; 3202

(3) A list of the addresses of all properties to be rezoned 3203  
or redistricted by the proposed amendment and of the names of 3204  
owners of those properties, as they appear on the county auditor's 3205  
current tax list; 3206

(4) The present zoning classification of property named in 3207  
the proposed amendment and the proposed zoning classification of 3208  
that property; 3209

(5) The time and place where the motion, application, or 3210  
resolution proposing to amend the zoning resolution will be 3211  
available for examination for a period of at least ten days prior 3212  
to the hearing; 3213

(6) The name of the person responsible for giving notice of 3214  
the hearing by publication, by mail, or by both publication and 3215  
mail; 3216

(7) Any other information requested by the board. 3217

(G) If the proposed amendment alters the text of the zoning 3218  
resolution, or rezones or redistricts more than ten parcels of 3219  
land as listed on the county auditor's current tax list, the 3220  
published notice shall set forth the time, date, and place of the 3221  
public hearing and include all of the following: 3222

(1) The name of the board of township trustees that will be 3223  
conducting the hearing on the proposed amendment; 3224

(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution; 3225  
3226

(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing; 3227  
3228  
3229

(4) The name of the person responsible for giving notice of the hearing by publication; 3230  
3231

(5) Any other information requested by the board. 3232

(H) Within twenty days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, a majority vote of the board shall be required. 3233  
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The proposed amendment, if adopted by the board, shall become effective in thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ~~seventy-five~~ eighty-five days after the petition is filed. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this 3238  
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section, each petition shall be governed by the rules specified in 3256  
section 3501.38 of the Revised Code. 3257

The form of a petition calling for a zoning referendum and 3258  
the statement of the circulator shall be substantially as follows: 3259

"PETITION FOR ZONING REFERENDUM 3260

(if the proposal is identified by a particular name or number, or 3261  
both, these should be inserted here) ..... 3262

A proposal to amend the zoning map of the unincorporated area 3263  
of ..... Township, ..... County, Ohio, adopted 3264  
.....(date)..... (followed by brief summary of the proposal). 3265

To the Board of Township Trustees of ..... 3266  
Township, ..... County, Ohio: 3267

We, the undersigned, being electors residing in the 3269  
unincorporated area of ..... Township, included 3270  
within the ..... Township Zoning Plan, equal to not less 3271  
than eight per cent of the total vote cast for all candidates for 3272  
governor in the area at the preceding general election at which a 3273  
governor was elected, request the Board of Township Trustees to 3274  
submit this amendment of the zoning resolution to the electors of 3275  
..... Township residing within the 3276  
unincorporated area of the township included in the 3277  
..... Township Zoning Resolution, for approval or 3278  
rejection at a special election to be held on the day of the 3279  
primary or general election to be held on .....(date)....., 3280  
pursuant to section 519.12 of the Revised Code. 3281

Street Address	Date of	3282
Signature or R.F.D.	Township Precinct County Signing	3283
.....	.....	3284
.....	.....	3285

STATEMENT OF CIRCULATOR 3286

I, .....(name of circulator)....., declare under 3287  
penalty of election falsification that I am an elector of the 3288  
state of Ohio and reside at the address appearing below my 3289  
signature; that I am the circulator of the foregoing part petition 3290  
containing .....(number)..... signatures; that I have 3291  
witnessed the affixing of every signature; that all signers were 3292  
to the best of my knowledge and belief qualified to sign; and that 3293  
every signature is to the best of my knowledge and belief the 3294  
signature of the person whose signature it purports to be or of an 3295  
attorney in fact acting pursuant to section 3501.382 of the 3296  
Revised Code. 3297

..... 3298

(Signature of circulator) 3299

..... 3300

(Address of circulator's permanent 3301  
residence in this state) 3302

..... 3303

(City, village, or township, 3304  
and zip code) 3305

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 3306  
OF THE FIFTH DEGREE." 3307

The petition shall be filed with the board of township 3308  
trustees and shall be accompanied by an appropriate map of the 3309  
area affected by the zoning proposal. Within two weeks after 3310  
receiving a petition filed under this section, the board of 3311  
township trustees shall certify the petition to the board of 3312  
elections. A petition filed under this section shall be certified 3313  
to the board of elections not less than ~~seventy-five~~ eighty-five 3314  
days prior to the election at which the question is to be voted 3315  
upon. 3316

The board of elections shall determine the sufficiency and 3317  
validity of each petition certified to it by a board of township 3318

trustees under this section. If the board of elections determines 3319  
that a petition is sufficient and valid, the question shall be 3320  
voted upon at a special election to be held on the day of the next 3321  
primary or general election that occurs at least ~~seventy-five~~ 3322  
eighty-five days after the date the petition is filed with the 3323  
board of township trustees, regardless of whether any election 3324  
will be held to nominate or elect candidates on that day. 3325

No amendment for which such a referendum vote has been 3326  
requested shall be put into effect unless a majority of the vote 3327  
cast on the issue is in favor of the amendment. Upon certification 3328  
by the board of elections that the amendment has been approved by 3329  
the voters, it shall take immediate effect. 3330

Within five working days after an amendment's effective date, 3331  
the board of township trustees shall file the text and maps of the 3332  
amendment in the office of the county recorder and with the county 3333  
or regional planning commission, if one exists. 3334

The failure to file any amendment, or any text and maps, or 3335  
duplicates of any of these documents, with the office of the 3336  
county recorder or the county or regional planning commission as 3337  
required by this section does not invalidate the amendment and is 3338  
not grounds for an appeal of any decision of the board of zoning 3339  
appeals. 3340

**Sec. 519.25.** In any township in which there is in force a 3341  
plan of township zoning, the plan may be repealed by the board of 3342  
township trustees in the following manner: 3343

(A) The board may adopt a resolution upon its own initiative. 3344

(B) The board shall adopt a resolution if there is presented 3345  
to it a petition, similar in all relevant aspects to that 3346  
prescribed in section 519.12 of the Revised Code, signed by a 3347  
number of qualified electors residing in the unincorporated area 3348

of such township included in the zoning plan equal to not less 3349  
than eight per cent of the total vote cast for all candidates for 3350  
governor in such area at the most recent general election at which 3351  
a governor was elected, requesting that the question of whether or 3352  
not the plan of zoning in effect in such township shall be 3353  
repealed be submitted to the electors residing in the 3354  
unincorporated area of the township included in the zoning plan at 3355  
a special election to be held on the day of the next primary or 3356  
general election. The resolution adopted by the board of township 3357  
trustees to cause such question to be submitted to the electors 3358  
shall be certified to the board of elections not later than 3359  
~~seventy-five~~ eighty-five days prior to the day of election at 3360  
which said question is to be voted upon. In the event a majority 3361  
of the vote cast on such question in the township is in favor of 3362  
repeal of zoning, then such regulations shall no longer be of any 3363  
effect. Not more than one such election shall be held in any two 3364  
calendar years. 3365

**Sec. 705.01.** Whenever electors of any municipal corporation, 3366  
equal in number to ten per cent of those who voted at the last 3367  
regular municipal election, file a petition with the board of 3368  
elections of the county in which such municipal corporation is 3369  
situated, asking that the question of organizing the municipal 3370  
corporation under any one of the plans of government provided in 3371  
sections 705.41 to 705.86 of the Revised Code, be submitted to the 3372  
electors thereof, such board shall at once certify that fact to 3373  
the legislative authority of the municipal corporation and the 3374  
legislative authority shall, within thirty days, provide for 3375  
submitting such question at a special election, to be held not 3376  
less than ~~seventy-five~~ eighty-five days after the filing of such 3377  
petition. Any such election shall be conducted in accordance with 3378  
the general election laws except as otherwise provided in sections 3379  
705.01 to 705.92 of the Revised Code, and the legislative 3380

authority of any municipal corporation holding such an election 3381  
shall appropriate whatever money is necessary for the proper 3382  
conduct of such election. 3383

**Sec. 707.21.** The first election of officers for a municipal 3384  
corporation organized under Chapter 707~~7~~ of the Revised Code 3385  
shall be held at the time of the next regular municipal election 3386  
if one occurs not less than one hundred five nor more than one 3387  
hundred eighty days after the creation of the municipal 3388  
corporation. Otherwise a special election shall be held. Such 3389  
special election may be held on the day of a primary or general 3390  
election or on a date set by the board of elections. Nominations 3391  
of candidates for election to municipal office at a special 3392  
election shall be made by nominating petition and shall be signed 3393  
by not less than twenty-five qualified electors nor more than 3394  
fifty qualified electors of the township or of the portion thereof 3395  
which has been incorporated into such municipal corporation, and 3396  
be filed with the board of elections not less than ~~sixty~~ 3397  
eighty-five days before the day of the election. 3398

Municipal officers elected at such special election shall 3399  
hold office until the first day of January next after the first 3400  
regular municipal election occurring not less than one hundred 3401  
five days after the creation of such municipal corporation. 3402

**Sec. 709.29.** Within thirty days after filing the conditions 3403  
of annexation as provided by section 709.28 of the Revised Code 3404  
with the legislative authorities of the municipal corporations, 3405  
the legislative authorities of both such municipal corporations 3406  
shall order the question of annexation, upon the conditions 3407  
contained in the report of such commissioners, to be submitted to 3408  
a vote at the next regular election or primary election, occurring 3409  
not less than ~~seventy-five~~ eighty-five days after the filing of 3410  
such conditions with the board of elections. 3411

Each ordinance shall prescribe the manner in which the 3412  
submission shall be made and shall be published in its respective 3413  
municipal corporation by posters or otherwise, for a period of at 3414  
least twenty days, prior to the time fixed for the election, in 3415  
such manner as the legislative authority deems most expedient, and 3416  
a printed copy of such conditions shall be mailed to each voter of 3417  
such municipal corporations, as shown by the registration books. 3418

**Sec. 709.39.** The freehold electors owning lands in any 3419  
portion of a village, such portion being contiguous to an 3420  
adjoining township, and comprising not less than one thousand five 3421  
hundred acres of land, may file a petition with the board of 3422  
elections in such county requesting that an election be held to 3423  
obtain the opinion of the freehold electors owning lands and 3424  
residing within such portion of the village upon the question of 3425  
the detachment of the portion from such village, or, upon the 3426  
question of the detachment of such portion from the village and 3427  
the erection of such detached portion into a new township. Such 3428  
petition shall contain: 3429

(A) An accurate description of the territory sought to be 3430  
detached; 3431

(B) An accurate map or plat thereof; 3432

(C) If the erection of a new township is also sought, the 3433  
name proposed for such new township; 3434

(D) The name of a person to act as agent of the petitioners; 3435

(E) Signatures equal in number to fifteen per cent of the 3436  
total number of votes cast at the last general election in such 3437  
territory. 3438

Within ten days after the filing of such petition with the 3439  
board the board shall determine whether the petition conforms to 3440  
this section. If it does not conform, no further action shall be 3441

taken thereon. If it does conform, the board shall order an 3442  
election, as prayed for in the petition, which election shall be 3443  
held at a convenient place within the territory sought to be 3444  
detached, on a day named by the board, which day shall be not less 3445  
than ~~seventy-five~~ eighty-five days thereafter. The board shall 3446  
thereupon give ten days' notice of such election by publication in 3447  
a newspaper of general circulation in such territory, and shall 3448  
cause written or printed notices thereof to be posted in three or 3449  
more public places in such territory. The election shall be 3450  
conducted in the manner provided in Title XXXV of the Revised 3451  
Code, and the judges and clerks thereof shall be designated by 3452  
such board. 3453

If no freehold electors own lands in the portion of the 3454  
village seeking to be detached, the owners of lands within that 3455  
portion may file a petition with the board of county commissioners 3456  
requesting that the board proceed with the detachment procedures, 3457  
or with procedures for the detachment and erection of the portion 3458  
of the village into a new township, pursuant to section 709.38 of 3459  
the Revised Code. The petition shall contain the items required in 3460  
divisions (A), (B), and (D) of this section, and signatures equal 3461  
in number to at least a majority of the owners of land within the 3462  
portion of the village seeking to be detached. 3463

The ballots shall contain the words "for detachment," and 3464  
"against detachment." If a majority of the ballots cast at such 3465  
election are cast against detachment, no further proceedings shall 3466  
be had in relation thereto for a period of two years. If a 3467  
majority of the votes cast at such election are cast for 3468  
detachment, the result of such election, together with the 3469  
original petition and plat and a transcript of all the proceedings 3470  
of such board in reference thereto shall be certified by the board 3471  
and delivered to the county recorder, who shall forthwith make a 3472  
record of the petition and plat and transcript of all the 3473

proceedings of the board and the result of the election, in the 3474  
public book of records, and preserve in ~~his~~ the recorder's office 3475  
the original papers delivered to ~~him~~ the recorder by such board. 3476  
The recorder shall certify thereon that the transcribed petition 3477  
and map are properly recorded. ~~When the recorder has~~ After having 3478  
made such record, ~~he~~ the recorder shall certify and forward to the 3479  
secretary of state, a transcript thereof. 3480

The detachment of such territory from the village shall 3481  
thereupon be complete, and, if the petition included a request 3482  
that such territory be erected into a new township, the territory 3483  
shall thereupon constitute a new township, under the name and 3484  
style specified in such petition. All expense involved in holding 3485  
such election, and in the filing, recording, and transcribing of 3486  
the records, provided for in this section, shall be defrayed by 3487  
the petitioners, and the board and the recorder may require the 3488  
payment thereof in advance as a condition precedent to the taking 3489  
by them, or either of them, of any action provided for in this 3490  
section. 3491

**Sec. 709.45.** (A) A petition may be filed with the board of 3492  
elections proposing that one or more municipal corporations be 3493  
merged with another municipal corporation, or that the 3494  
unincorporated area of a township be merged with one or more 3495  
municipal corporations, as provided by section 709.44 of the 3496  
Revised Code. The petition may be presented in separate petition 3497  
papers. Each petition paper shall contain, in concise language, 3498  
the purpose of the petition and the names of not less than five 3499  
electors of each affected municipal corporation, or the names of 3500  
not less than five electors of the unincorporated area of the 3501  
township and the names of not less than five electors of each 3502  
affected municipal corporation, to be nominated to serve as 3503  
commissioners. The petition shall be governed by the rules of 3504  
section 3501.38 of the Revised Code. The petition shall contain 3505



signatures of electors of each municipal corporation or of each 3506  
municipal corporation and the unincorporated area of the township 3507  
proposed to be merged and signatures of electors of the municipal 3508  
corporation with which merger is proposed, numbering not less than 3509  
ten per cent of the number of electors residing in each such 3510  
political subdivision who voted for the office of governor at the 3511  
most recent general election for that office. 3512

(B) The petition shall be filed with the board of elections 3513  
of the county in which the largest portion of the population of 3514  
the municipal corporation with which merger is proposed resides. 3515  
The board of elections shall cause the validity of all signatures 3516  
to be ascertained and, in doing so, may require the assistance of 3517  
boards of elections of other counties as the case requires. If the 3518  
petition is sufficient, the board of elections of the county in 3519  
which the petition is required to be filed shall submit the 3520  
question: "Shall a commission be chosen to draw up a statement of 3521  
conditions for merger of the political subdivisions of ....., 3522  
....., and ....." for the approval or rejection of 3523  
the electors of each political subdivision proposed to be merged 3524  
and the electors of the municipal corporation to which merger is 3525  
proposed at the next general election, in any year, occurring 3526  
subsequent to the period ending ~~seventy-five~~ eighty-five days 3527  
after the filing of the petition with the board. Provision shall 3528  
be made on the ballot for the election, from each of the component 3529  
political subdivisions, of five electors who shall constitute the 3530  
commission to draw up the statement of conditions for merger of 3531  
the political subdivisions. If any of the political subdivisions 3532  
for which merger is proposed are located wholly or partially in a 3533  
county other than the one in which the petition is required to be 3534  
filed, the board of elections of the county in which the petition 3535  
is filed shall, if the petition is found to be sufficient, certify 3536  
the sufficiency of the petition and the statement of the issue to 3537  
be voted on to the boards of elections of those other counties; 3538

the boards of elections of those other counties shall submit the 3539  
question of merging and the names of candidates to be elected to 3540  
the commission to draw up the statement of conditions for merger, 3541  
for the approval or rejection of the electors in the portions of 3542  
those political subdivisions within their respective counties; 3543  
and, upon the holding of the election, the boards of elections of 3544  
those other counties shall certify the election results to the 3545  
board of elections of the county in which the petition is required 3546  
to be filed. 3547

(C) In addition to the filing of the petition with the board 3548  
of elections as provided in division (B) of this section, a copy 3549  
of the petition shall be filed with the legislative authority of 3550  
each affected municipal corporation and, if applicable, the board 3551  
of township trustees of the affected township. At a public meeting 3552  
scheduled not less than thirty days before the date of the 3553  
election at which the question of merging goes before the 3554  
electors, each of those legislative authorities and, if 3555  
applicable, the board of township trustees shall state and explain 3556  
their position on the proposed merger. 3557

**Sec. 709.462.** (A) Once proposed merger conditions are 3558  
prepared, the members of the commission shall vote on them. 3559

(B) If no proposed merger condition can be agreed upon by a 3560  
majority of the members of the commission from each political 3561  
subdivision, the members of the commission may vote on whether the 3562  
merger should not occur. If, in that situation, a majority of the 3563  
members of the commission from each political subdivision votes 3564  
against the merger, no further proceedings shall be had on the 3565  
petition filed under section 709.45 of the Revised Code, and no 3566  
further petitions shall be filed under that section proposing a 3567  
merger of any or all of the political subdivisions that were the 3568  
subjects of that petition for at least three years after the date 3569

of the commission's vote. 3570

(C) If proposed merger conditions are agreed upon by a 3571  
majority of the members of the commission from each political 3572  
subdivision, the commission shall issue a report listing the 3573  
conditions agreed to and the reasoning behind adopting each 3574  
condition. In addition, after the next general election occurring 3575  
after the election of the members of the commission, but not less 3576  
than ~~seventy-five~~ eighty-five days preceding the second general 3577  
election occurring after the election of the members of the 3578  
commission, the commission, unless it has ceased to exist under 3579  
division (D) of this section, shall certify the fact of that 3580  
agreement and a list of the agreed-to merger conditions to the 3581  
board of elections of each of the counties in which the political 3582  
subdivisions proposed for merger are located. The question of the 3583  
approval or rejection of the merger conditions shall be submitted 3584  
to the voters at that second general election occurring after the 3585  
election of the members of the commission. The boards of elections 3586  
shall submit the merger conditions for the approval or rejection 3587  
of the electors in the portions of the political subdivisions 3588  
within their respective counties, and, upon the holding of the 3589  
election, each board of elections other than the board of the 3590  
county in which the petition is required to be filed shall certify 3591  
its results to the board of elections of the county in which the 3592  
petition is required to be filed. 3593

(D) Regardless of whether a merger commission succeeds in 3594  
reaching an agreement, the commission shall cease to exist on the 3595  
~~seventy-fifth~~ eighty-fifth day preceding the next general election 3596  
occurring after the election of the members of the commission, 3597  
unless the commission requests an extension of time from the 3598  
legislative authority of each political subdivision involved and 3599  
each of those legislative authorities approves the extension. This 3600  
extension of time may be only until the ~~seventy-fifth~~ eighty-fifth 3601

day preceding the second general election occurring after the 3602  
election of the members of the commission. If the commission 3603  
ceases to exist under this division, no further petitions shall be 3604  
filed under section 709.45 of the Revised Code proposing a merger 3605  
of any or all of the political subdivisions that were the subjects 3606  
of the petition considered by the commission for at least three 3607  
years after the date the commission ceases to exist. 3608

**Sec. 709.48.** On and after the date on which a petition is 3609  
filed with the board of elections under section 709.45 of the 3610  
Revised Code for the election of a merger commission for the 3611  
merger of one or more municipal corporations and the 3612  
unincorporated territory of a township, no petition for the 3613  
annexation of any part of the unincorporated territory of the 3614  
township shall be filed with a board of county commissioners under 3615  
section 709.03 or 709.15 of the Revised Code, until one of the 3616  
following occurs: 3617

(A) The question of forming a merger commission is defeated 3618  
at the election provided for under section 709.45 of the Revised 3619  
Code by a majority of the electors of any one of the municipal 3620  
corporations or the unincorporated territory of the township in 3621  
which the election is held. 3622

(B) The merger commission elected pursuant to section 709.45 3623  
of the Revised Code fails to reach agreement on merger conditions 3624  
by the ~~seventy-fifth~~ eighty-fifth day preceding the next general 3625  
election occurring after the election of the members of the 3626  
commission or, if the time for the commission's existence is 3627  
extended under division (D) of section 709.462 of the Revised 3628  
Code, by the date that extension ceases, whichever is later. 3629

(C) The merger conditions agreed upon by the merger 3630  
commission are defeated by a majority of the electors of any one 3631  
of the municipal corporations or the unincorporated territory of 3632

the township in which the election on the conditions is held. 3633

**Sec. 709.50.** (A) Notwithstanding any other section of the 3634  
Revised Code, when a township contains at least ninety per cent of 3635  
the geographic area of a municipal corporation, either that 3636  
township or the municipal corporation may remove that part of that 3637  
township that is located within the municipal corporation from 3638  
that township if all of the following apply: 3639

(1) The electors of the township and the municipal 3640  
corporation have voted to approve the establishment of a merger 3641  
commission pursuant to section 709.45 of the Revised Code. 3642

(2) The unincorporated territory of the township has a 3643  
population of more than nine thousand. 3644

(3) The township has previously adopted a limited home rule 3645  
government under Chapter 504. of the Revised Code and a township 3646  
zoning resolution under Chapter 519. of the Revised Code. 3647

(4) Not later than December 31, 1994, either the township 3648  
adopts a resolution or the municipal corporation adopts a 3649  
resolution or ordinance to remove that part of the township that 3650  
is located in the municipal corporation from the township. Any 3651  
resolution or ordinance adopted under division (A)(4) of this 3652  
section shall include an accurate description of the land to be 3653  
removed. The political subdivision that adopts an ordinance or 3654  
resolution under division (A)(4) of this section shall file with 3655  
the county recorder a copy of it certified by the county auditor, 3656  
together with a map or plat certified by the county auditor of the 3657  
land to be removed. The county recorder shall record the ordinance 3658  
or resolution and the map or plat. 3659

(B) If either the township or the municipal corporation takes 3660  
the action described in division (A)(4) of this section, the 3661  
removal shall occur. After the removal, the unincorporated 3662

territory of the township shall no longer receive any revenue by 3663  
virtue of its relationship to the municipal corporation. As soon 3664  
as practicable after a removal occurs under this section, the 3665  
board of county commissioners shall ascertain whether there is any 3666  
joint indebtedness of the unincorporated territory of the township 3667  
and the municipal corporation. If there is any such indebtedness, 3668  
the board of county commissioners shall apportion it in accordance 3669  
with section 503.10 of the Revised Code. 3670

(C)(1) If a removal occurs under this section, all or part of 3671  
the unincorporated territory of the township may become a village 3672  
if the board of township trustees adopts, by unanimous vote, a 3673  
resolution for all or part of that territory to become a village. 3674  
The board of township trustees shall file with the county recorder 3675  
a copy of any resolution it adopts under division (C)(1) of this 3676  
section certified by the county auditor, together with a map or 3677  
plat certified by the county auditor of the land to be included in 3678  
the village. The county recorder shall record the resolution and 3679  
the map or plat. Once the board adopts a resolution under division 3680  
(C)(1) of this section, no land within the area that will 3681  
constitute the village may be annexed, and any pending annexation 3682  
proceeding that includes land in that area shall be considered to 3683  
be terminated with regard to that land. 3684

(2) If the board does not adopt a resolution under division 3685  
(C)(1) of this section, or if the board adopts such a resolution 3686  
in which only a part of the unincorporated territory becomes a 3687  
village, the board of county commissioners shall attach all the 3688  
unincorporated territory that does not become a village to any 3689  
township contiguous to that territory or erect that territory into 3690  
a new township, the boundaries of which need not include 3691  
twenty-two square miles of territory. 3692

(D) If a board of township trustees adopts a resolution under 3693  
division (C)(1) of this section for all or part of the township's 3694

unincorporated territory to become a village, the board shall 3695  
serve as the legislative authority of the area constituting the 3696  
village until the next regular municipal election that occurs at 3697  
least ~~seventy-five~~ eighty-five days after the adoption of the 3698  
resolution. At that election, the legislative authority of the 3699  
village shall be elected under section 731.09 of the Revised Code 3700  
and all other officers of the village shall be elected under 3701  
Chapter 733. of the Revised Code. 3702

**Sec. 715.69.** (A) As used in this section: 3703

(1) "Contracting party" means a municipal corporation that 3704  
has entered into a joint economic development zone contract or any 3705  
party succeeding to such a municipal corporation. 3706

(2) "Contract for utility services" means a contract under 3707  
which a municipal corporation agrees to provide to another 3708  
municipal corporation water, sewer, electric, or other utility 3709  
services necessary to the public health, safety, and welfare. 3710

(3) "Joint economic development zone contract" means a 3711  
contract described in and entered into under division (B) of this 3712  
section. 3713

(4) "Zone" means a joint economic development zone designated 3714  
under this section. 3715

(B) Two or more municipal corporations may enter into a 3716  
contract whereby they agree to share in the costs of improvements 3717  
for an area or areas located in one or more of the contracting 3718  
parties that they designate as a joint economic development zone 3719  
for the purpose of facilitating new or expanded growth for 3720  
commercial or economic development in the state. Except as 3721  
otherwise provided in division (I) of this section, the contract 3722  
and zone shall meet the requirements of divisions (B) to (H) of 3723  
this section. 3724

(C) The contract shall set forth each contracting party's contribution to the joint economic development zone. The contributions may be in any form that the contracting parties agree to, subject to divisions (G) and (I) of this section, and may include, but are not limited to, the provision of services, money, or equipment. The contract may provide for the contracting parties to distribute among themselves, in the manner they agree to, any municipal income tax revenues derived from the income earned by persons employed by businesses that locate within the zone after it is designated by the contracting parties and from the net profits of such businesses. Except as provided in divisions (G) and (I) of this section, the contract may be amended, renewed, or terminated with the consent of the contracting parties.

(D) Before the legislative authority of any of the contracting parties enacts an ordinance approving a contract to designate a joint economic development zone, the legislative authority of each of the contracting parties shall hold a public hearing concerning the contract and zone. Each such legislative authority shall provide at least thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the municipal corporation. During the thirty-day period prior to the public hearing, all of the following documents shall be available for public inspection in the office of the clerk of the legislative authority of each of the contracting parties:

(1) A copy of the contract designating the zone;

(2) A description of the area or areas to be included in the zone, including a map in sufficient detail to denote the specific boundaries of the area or areas;

(3) An economic development plan for the zone that includes a schedule for the provision of any new, expanded, or additional



services, facilities, or improvements. 3757

A public hearing held under division (D) of this section 3758  
shall allow for public comment and recommendations on the contract 3759  
and zone. The contracting parties may include in the contract any 3760  
of those recommendations prior to approval of the contract. 3761

(E) After the public hearings required under division (D) of 3762  
this section have been held, each contracting party may enact an 3763  
ordinance approving the contract to designate a joint economic 3764  
development zone. After each contracting party has enacted such an 3765  
ordinance, the clerk of the legislative authority of each 3766  
contracting party shall file with the board of elections of each 3767  
county within which a contracting party is located a copy of the 3768  
ordinance approving the contract and shall direct the board of 3769  
elections to submit the ordinance to the electors of the 3770  
contracting party on the day of the next general, primary, or 3771  
special election occurring at least ~~seventy-five~~ eighty-five days 3772  
after the ordinance is filed with the board of elections. 3773

(F) The ballot shall be in the following form: 3774

"Shall the ordinance of the legislative authority of the 3775  
(city or village) of (name of contracting party) approving the 3776  
contract with (name of each other contracting party) for the 3777  
designation of a joint economic development zone be approved? 3778

	FOR THE ORDINANCE AND CONTRACT	
	AGAINST THE ORDINANCE AND CONTRACT	"

3779

If a majority of the electors of each contracting party voting on 3783  
the issue vote for the ordinance and contract, the ordinance shall 3784  
become effective immediately and the contract shall go into effect 3785  
immediately or in accordance with its terms. 3786

(G) If two or more contracting parties previously have entered into a separate contract for utility services, then amendment, renewal, or termination of the separate contract for utility services shall not constitute a part of the consideration for a joint economic development zone contract unless the legislative authority of each contracting party determines all of the following:

(1) That the creation of the joint economic development zone will facilitate new or expanded growth for commercial or economic development in this state;

(2) That substantial consideration exists to support the joint economic development zone contract;

(3) That the contracting parties are entering into the joint economic development zone contract freely and without duress or coercion related to the amendment, renewal, or termination of the separate contract for utility services.

(H) A joint economic development zone contract that does not satisfy division (G) of this section is void and unenforceable. If the joint economic development zone contract provides for the extension of utility service or the provision of utility service at a lower rate than is currently in effect, any action claiming duress or coercion relating to a joint economic development zone contract may be brought only by a contracting party, and must be brought before the contracting parties enter into the joint economic development zone contract. The signing of the joint economic development zone contract as authorized by the contracting parties is conclusive evidence as to the determinations set forth under division (G) of this section.

(I) If one of the contracting parties is an impacted city as defined in division (C) of section 1728.01 of the Revised Code, then divisions (D) to (F) of this section shall not apply to the

joint economic development zone contract or to the joint economic 3818  
development zone to which that contract relates unless the 3819  
contracting parties agree that those divisions shall apply. 3820

**Sec. 715.691.** (A) As used in this section: 3821

(1) "Contracting party" means a municipal corporation that 3822  
has entered into a joint economic development zone contract or any 3823  
party succeeding to the municipal corporation, or a township that 3824  
entered into a joint economic development zone contract with a 3825  
municipal corporation. 3826

(2) "Zone" means a joint economic development zone designated 3827  
under this section. 3828

(B) This section provides alternative procedures and 3829  
requirements for creating and operating a joint economic 3830  
development zone to those set forth in section 715.69 of the 3831  
Revised Code. This section applies only if one of the contracting 3832  
parties to the zone does not levy a municipal income tax under 3833  
Chapter 718. of the Revised Code. A municipal corporation that 3834  
does not levy a municipal income tax may enter into an agreement 3835  
to create and operate a joint economic development zone under this 3836  
section or under section 715.69 of the Revised Code. 3837

Two or more municipal corporations or one or more townships 3838  
and one or more municipal corporations may enter into a contract 3839  
whereby they agree to share in the costs of improvements for an 3840  
area or areas located in one or more of the contracting parties 3841  
that they designate as a joint economic development zone for the 3842  
purpose of facilitating new or expanded growth for commercial or 3843  
economic development in the state. The contract and zone shall 3844  
meet the requirements of divisions (B) to (J) of this section. 3845

(C) The contract shall set forth each contracting party's 3846  
contribution to the joint economic development zone. The 3847

contributions may be in any form that the contracting parties 3848  
agree to, and may include, but are not limited to, the provision 3849  
of services, money, or equipment. The contract may be amended, 3850  
renewed, or terminated with the consent of the contracting 3851  
parties. The contract shall continue in existence throughout the 3852  
term it specifies and shall be binding on the contracting parties 3853  
and on any entities succeeding to the contracting parties. 3854

(D) Before the legislative authority of any of the 3855  
contracting parties enacts an ordinance or resolution approving a 3856  
contract to designate a joint economic development zone, the 3857  
legislative authority of each of the contracting parties shall 3858  
hold a public hearing concerning the contract and zone. Each 3859  
legislative authority shall provide at least thirty days' public 3860  
notice of the time and place of the public hearing in a newspaper 3861  
of general circulation in the municipal corporation or township. 3862  
During the thirty-day period prior to the public hearing, all of 3863  
the following documents shall be available for public inspection 3864  
in the office of the clerk of the legislative authority of a 3865  
municipal corporation that is a contracting party and in the 3866  
office of the fiscal officer of a township that is a contracting 3867  
party: 3868

(1) A copy of the contract designating the zone; 3869

(2) A description of the area or areas to be included in the 3870  
zone, including a map in sufficient detail to denote the specific 3871  
boundaries of the area or areas; 3872

(3) An economic development plan for the zone that includes a 3873  
schedule for the provision of any new, expanded, or additional 3874  
services, facilities, or improvements. 3875

A public hearing held under division (D) of this section 3876  
shall allow for public comment and recommendations on the contract 3877  
and zone. The contracting parties may include in the contract any 3878

of those recommendations prior to approval of the contract. 3879

(E) After the public hearings required under division (D) of 3880  
this section have been held, each contracting party may enact an 3881  
ordinance or resolution approving the contract to designate a 3882  
joint economic development zone. After each contracting party has 3883  
enacted an ordinance or resolution, the clerk of the legislative 3884  
authority of a municipal corporation that is a contracting party 3885  
and the fiscal officer of a township that is a contracting party 3886  
shall file with the board of elections of each county within which 3887  
a contracting party is located a copy of the ordinance or 3888  
resolution approving the contract and shall direct the board of 3889  
elections to submit the ordinance or resolution to the electors of 3890  
the contracting party on the day of the next general, primary, or 3891  
special election occurring at least ~~seventy-five~~ eighty-five days 3892  
after the ordinance or resolution is filed with the board of 3893  
elections. If any of the contracting parties is a township, 3894  
however, then only the township or townships shall submit the 3895  
resolution to the electors. 3896

(F)(1) If a vote is required to approve a municipal 3897  
corporation as a contracting party to a joint economic development 3898  
zone under this section, the ballot shall be in the following 3899  
form: 3900

"Shall the ordinance of the legislative authority of the 3901  
(city or village) of (name of contracting party) approving the 3902  
contract with (name of each other contracting party) for the 3903  
designation of a joint economic development zone be approved? 3904

	FOR THE ORDINANCE AND CONTRACT	
	AGAINST THE ORDINANCE AND CONTRACT	"

3905  
3906  
3907  
3908

(2) If a vote is required to approve a township as a 3909

contracting party to a joint economic development zone under this 3910  
section, the ballot shall be in the following form: 3911

"Shall the resolution of the board of township trustees of 3912  
the township of (name of contracting party) approving the contract 3913  
with (name of each other contracting party) for the designation of 3914  
a joint economic development zone be approved? 3915

	FOR THE RESOLUTION AND CONTRACT	
	AGAINST THE RESOLUTION AND CONTRACT	"

If a majority of the electors of each contracting party 3916  
voting on the issue vote for the ordinance or resolution and 3917  
contract, the ordinance or resolution shall become effective 3918  
immediately and the contract shall go into effect immediately or 3919  
in accordance with its terms. 3920

(G)(1) A board of directors shall govern each joint economic 3921  
development zone created under section 715.691 of the Revised 3922  
Code. The members of the board shall be appointed as provided in 3923  
the contract. Each of the contracting parties shall appoint three 3924  
members to the board. Terms for each member shall be for two 3925  
years, each term ending on the same day of the month of the year 3926  
as did the term that it succeeds. A member may be reappointed to 3927  
the board. 3928

(2) Membership on the board is not the holding of a public 3929  
office or employment within the meaning of any section of the 3930  
Revised Code or any charter provision prohibiting the holding of 3931  
other public office or employment. Membership on the board is not 3932  
a direct or indirect interest in a contract or expenditure of 3933  
money by a municipal corporation, township, county, or other 3934  
political subdivision with which a member may be affiliated. 3935  
Notwithstanding any provision of law or a charter to the contrary, 3936

no member of the board shall forfeit or be disqualified from 3941  
holding any public office or employment by reason of membership on 3942  
the board. 3943

(3) The board is a public body for the purposes of section 3944  
121.22 of the Revised Code. Chapter 2744. of the Revised Code 3945  
applies to the board and the zone. 3946

(H) The contract may grant to the board of directors 3947  
appointed under division (G) of this section the power to adopt a 3948  
resolution to levy an income tax within the zone. The income tax 3949  
shall be used for the purposes of the zone and for the purposes of 3950  
the contracting municipal corporations pursuant to the contract. 3951  
The income tax may be levied in the zone based on income earned by 3952  
persons working within the zone and on the net profits of 3953  
businesses located in the zone. The income tax is subject to 3954  
Chapter 718. of the Revised Code, except that a vote shall be 3955  
required by the electors residing in the zone to approve the rate 3956  
of income tax unless a majority of the electors residing within 3957  
the zone, as determined by the total number of votes cast in the 3958  
zone for the office of governor at the most recent general 3959  
election for that office, submit a petition to the board 3960  
requesting that the election provided for in division (H)(1) of 3961  
this section not be held. If no electors reside within the zone, 3962  
then division (H)(3) of this section applies. The rate of the 3963  
income tax shall be no higher than the highest rate being levied 3964  
by a municipal corporation that is a party to the contract. 3965

(1) The board of directors may levy an income tax at a rate 3966  
that is not higher than the highest rate being levied by a 3967  
municipal corporation that is a party to the contract, provided 3968  
that the rate of the income tax is first submitted to and approved 3969  
by the electors of the zone at the succeeding regular or primary 3970  
election, or a special election called by the board, occurring 3971  
subsequent to ~~seventy-five~~ eighty-five days after a certified copy 3972

of the resolution levying the income tax and calling for the 3973  
election is filed with the board of elections. If the voters 3974  
approve the levy of the income tax, the income tax shall be in 3975  
force for the full period of the contract establishing the zone. 3976  
No election shall be held under this section if a majority of the 3977  
electors residing within the zone, determined as specified in 3978  
division (H) of this section, submit a petition to that effect to 3979  
the board of directors. Any increase in the rate of an income tax 3980  
by the board of directors shall be approved by a vote of the 3981  
electors of the zone and shall be in force for the remaining 3982  
period of the contract establishing the zone. 3983

(2) Whenever a zone is located in the territory of more than 3984  
one contracting party, a majority vote of the electors in each of 3985  
the several portions of the territory of the contracting parties 3986  
constituting the zone approving the levy of the tax is required 3987  
before it may be imposed under division (H) of this section. 3988

(3) If no electors reside in the zone, no election for the 3989  
approval or rejection of an income tax shall be held under this 3990  
section, provided that where no electors reside in the zone, the 3991  
rate of the income tax shall be no higher than the highest rate 3992  
being levied by a municipal corporation that is a party to the 3993  
contract. 3994

(4) The board of directors of a zone levying an income tax 3995  
shall enter into an agreement with one of the municipal 3996  
corporations that is a party to the contract to administer, 3997  
collect, and enforce the income tax on behalf of the zone. 3998

(5) The board of directors of a zone shall publish or post 3999  
public notice within the zone of any resolution adopted levying an 4000  
income tax in the same manner required of municipal corporations 4001  
under sections 731.21 and 731.25 of the Revised Code. 4002

(I)(1) If for any reason a contracting party reverts to or 4003



has its boundaries changed so that it is classified as a township 4004  
that is the entity succeeding to that contracting party, the 4005  
township is considered to be a municipal corporation for the 4006  
purposes of the contract for the full period of the contract 4007  
establishing the joint economic development zone, except that if 4008  
that contracting party is administering, collecting, and enforcing 4009  
the income tax on behalf of the district as provided in division 4010  
(H)(4) of this section, the contract shall be amended to allow one 4011  
of the other contracting parties to administer, collect, and 4012  
enforce that tax. 4013

(2) Notwithstanding any other section of the Revised Code, if 4014  
there is any change in the boundaries of a township so that a 4015  
municipal corporation once located within the township is no 4016  
longer so located, the township shall remain in existence even 4017  
though its remaining unincorporated area contains less than 4018  
twenty-two square miles, if the township has been or becomes a 4019  
party to a contract creating a joint economic development zone 4020  
under this section or the contract creating that joint economic 4021  
development zone under this section is terminated or repudiated 4022  
for any reason by any party or person. The township shall continue 4023  
its existing status in all respects, including having the same 4024  
form of government and the same elected board of trustees as its 4025  
governing body. The township shall continue to receive all of its 4026  
tax levies and sources of income as a township in accordance with 4027  
any section of the Revised Code, whether the levies and sources of 4028  
income generate millage within the ten-mill limitation or in 4029  
excess of the ten-mill limitation. The name of the township may be 4030  
changed to the name of the contracting party appearing in the 4031  
contract creating a joint economic development zone under this 4032  
section, so long as the name does not conflict with any other name 4033  
in the state that has been certified by the secretary of state. 4034  
The township shall have all of the powers set out in sections 4035  
715.79, 715.80, and 715.81 of the Revised Code. 4036

(J) If, after creating and operating a joint economic development zone under this section, a contracting party that did not levy a municipal income tax under Chapter 718. of the Revised Code levies such a tax, the tax shall not apply to the zone for the full period of the contract establishing the zone, if the board of directors of the zone has levied an income tax as provided in division (H) of this section.

**Sec. 715.70.** (A) This section and section 715.71 of the Revised Code apply only to:

(1) Municipal corporations and townships within a county that has adopted a charter under Sections 3 and 4 of Article X, Ohio Constitution;

(2) Municipal corporations and townships that have created a joint economic development district comprised entirely of real property owned by a municipal corporation at the time the district was created under this section. The real property owned by the municipal corporation shall include an airport owned by the municipal corporation and located entirely beyond the municipal corporation's corporate boundary.

(3) Municipal corporations or townships that are part of or contiguous to a transportation improvement district created under Chapter 5540. of the Revised Code and that have created a joint economic development district under this section or section 715.71 of the Revised Code prior to November 15, 1995;

(4) Municipal corporations that have previously entered into a contract creating a joint economic development district pursuant to division (A)(2) of this section, even if the territory to be included in the district does not meet the requirements of that division.

(B)(1) One or more municipal corporations and one or more

townships may enter into a contract approved by the legislative 4067  
authority of each contracting party pursuant to which they create 4068  
as a joint economic development district an area or areas for the 4069  
purpose of facilitating economic development to create or preserve 4070  
jobs and employment opportunities and to improve the economic 4071  
welfare of the people in the state and in the area of the 4072  
contracting parties. A municipal corporation described in division 4073  
(A)(4) of this section may enter into a contract with other 4074  
municipal corporations and townships to create a new joint 4075  
economic development district. In a district that includes a 4076  
municipal corporation described in division (A)(4) of this 4077  
section, the territory of each of the contracting parties shall be 4078  
contiguous to the territory of at least one other contracting 4079  
party, or contiguous to the territory of a township or municipal 4080  
corporation that is contiguous to another contracting party, even 4081  
if the intervening township or municipal corporation is not a 4082  
contracting party. The area or areas of land to be included in the 4083  
district shall not include any parcel of land owned in fee by a 4084  
municipal corporation or a township or parcel of land that is 4085  
leased to a municipal corporation or a township, unless the 4086  
municipal corporation or township is a party to the contract or 4087  
unless the municipal corporation or township has given its consent 4088  
to have its parcel of land included in the district by the 4089  
adoption of a resolution. As used in this division, "parcel of 4090  
land" means any parcel of land owned by a municipal corporation or 4091  
a township for at least a six-month period within a five-year 4092  
period prior to the creation of a district, but "parcel of land" 4093  
does not include streets or public ways and sewer, water, and 4094  
other utility lines whether owned in fee or otherwise. 4095

The district created shall be located within the territory of 4096  
one or more of the participating parties and may consist of all or 4097  
a portion of such territory. The boundaries of the district shall 4098  
be described in the contract or in an addendum to the contract. 4099

(2) Prior to the public hearing to be held pursuant to 4100  
division (D)(2) of this section, the participating parties shall 4101  
give a copy of the proposed contract to each municipal corporation 4102  
located within one-quarter mile of the proposed joint economic 4103  
development district and not otherwise a party to the contract, 4104  
and afford the municipal corporation the reasonable opportunity, 4105  
for a period of thirty days following receipt of the proposed 4106  
contract, to make comments and suggestions to the participating 4107  
parties regarding elements contained in the proposed contract. 4108

(3) The district shall not exceed two thousand acres in area. 4109  
The territory of the district shall not completely surround 4110  
territory that is not included within the boundaries of the 4111  
district. 4112

(4) Sections 503.07 to 503.12 of the Revised Code do not 4113  
apply to territory included within a district created pursuant to 4114  
this section as long as the contract creating the district is in 4115  
effect, unless the legislative authority of each municipal 4116  
corporation and the board of township trustees of each township 4117  
included in the district consent, by ordinance or resolution, to 4118  
the application of those sections of the Revised Code. 4119

(5) Upon the execution of the contract creating the district 4120  
by the parties to the contract, a participating municipal 4121  
corporation or township included within the district shall file a 4122  
copy of the fully executed contract with the county recorder of 4123  
each county within which a party to the contract is located, in 4124  
the miscellaneous records of the county. No annexation proceeding 4125  
pursuant to Chapter 709. of the Revised Code that proposes the 4126  
annexation to, merger, or consolidation with a municipal 4127  
corporation of any unincorporated territory within the district 4128  
shall be commenced for a period of three years after the contract 4129  
is filed with the county recorder of each county within which a 4130  
party to the contract is located unless each board of township 4131

trustees whose territory is included, in whole or part, within the 4132  
district and the territory proposed to be annexed, merged, or 4133  
consolidated adopts a resolution consenting to the commencement of 4134  
the proceeding and a copy of the resolution is filed with the 4135  
legislative authority of each county within which a party to the 4136  
contract is located or unless the contract is terminated during 4137  
this period. 4138

The contract entered into between the municipal corporations 4139  
and townships pursuant to this section may provide for the 4140  
prohibition of any annexation by the participating municipal 4141  
corporations of any unincorporated territory within the district 4142  
beyond the three-year mandatory prohibition of any annexation 4143  
provided for in division (B)(5) of this section. 4144

(C)(1) After the legislative authority of a municipal 4145  
corporation and the board of township trustees have adopted an 4146  
ordinance and resolution approving a contract to create a joint 4147  
economic development district pursuant to this section, and after 4148  
a contract has been signed, the municipal corporations and 4149  
townships shall jointly file a petition with the legislative 4150  
authority of each county within which a party to the contract is 4151  
located. 4152

(a) The petition shall contain all of the following: 4153

(i) A statement that the area or areas of the district is not 4154  
greater than two thousand acres and is located within the 4155  
territory of one or more of the contracting parties; 4156

(ii) A brief summary of the services to be provided by each 4157  
party to the contract or a reference to the portion of the 4158  
contract describing those services; 4159

(iii) A description of the area or areas to be designated as 4160  
the district; 4161

(iv) The signature of a representative of each of the 4162

contracting parties. 4163

(b) The following documents shall be filed with the petition: 4164

(i) A signed copy of the contract, together with copies of 4165  
district maps and plans related to or part of the contract; 4166

(ii) A certified copy of the ordinances and resolutions of 4167  
the contracting parties approving the contract; 4168

(iii) A certificate from each of the contracting parties 4169  
indicating that the public hearings required by division (D)(2) of 4170  
this section have been held, the date of the hearings, and 4171  
evidence of publication of the notice of the hearings; 4172

(iv) One or more signed statements of persons who are owners 4173  
of property located in whole or in part within the area to be 4174  
designated as the district, requesting that the property be 4175  
included within the district, provided that those statements shall 4176  
represent a majority of the persons owning property located in 4177  
whole or in part within the district and persons owning a majority 4178  
of the acreage located within the district. A signature may be 4179  
withdrawn by the signer up to but not after the time of the public 4180  
hearing required by division (D)(2) of this section. 4181

(2) The legislative authority of each county within which a 4182  
party to the contract is located shall adopt a resolution 4183  
approving the petition for the creation of the district if the 4184  
petition and other documents have been filed in accordance with 4185  
the requirements of division (C)(1) of this section. If the 4186  
petition and other documents do not substantially meet the 4187  
requirements of that division, the legislative authority of any 4188  
county within which a party to the contract is located may adopt a 4189  
resolution disapproving the petition for the creation of the 4190  
district. The legislative authority of each county within which a 4191  
party to the contract is located shall adopt a resolution 4192  
approving or disapproving the petition within thirty days after 4193

the petition was filed. If the legislative authority of each such 4194  
county does not adopt the resolution within the thirty-day period, 4195  
the petition shall be deemed approved and the contract shall go 4196  
into effect immediately after that approval or at such other time 4197  
as the contract specifies. 4198

(D)(1) The contract creating the district shall set forth or 4199  
provide for the amount or nature of the contribution of each 4200  
municipal corporation and township to the development and 4201  
operation of the district and may provide for the sharing of the 4202  
costs of the operation of and improvements for the district. The 4203  
contributions may be in any form to which the contracting 4204  
municipal corporations and townships agree and may include but are 4205  
not limited to the provision of services, money, real or personal 4206  
property, facilities, or equipment. The contract may provide for 4207  
the contracting parties to share revenue from taxes levied on 4208  
property by one or more of the contracting parties if those 4209  
revenues may lawfully be applied to that purpose under the 4210  
legislation by which those taxes are levied. The contract shall 4211  
provide for new, expanded, or additional services, facilities, or 4212  
improvements, including expanded or additional capacity for or 4213  
other enhancement of existing services, facilities, or 4214  
improvements, provided that those services, facilities, or 4215  
improvements, or expanded or additional capacity for or 4216  
enhancement of existing services, facilities, or improvements, 4217  
required herein have been provided within the two-year period 4218  
prior to the execution of the contract. 4219

(2) Before the legislative authority of a municipal 4220  
corporation or a board of township trustees passes any ordinance 4221  
or resolution approving a contract to create a joint economic 4222  
development district pursuant to this section, the legislative 4223  
authority of the municipal corporation and the board of township 4224  
trustees shall each hold a public hearing concerning the joint 4225

economic development district contract and shall provide thirty 4226  
days' public notice of the time and place of the public hearing in 4227  
a newspaper of general circulation in the municipal corporation 4228  
and the township. The board of township trustees may provide 4229  
additional notice to township residents in accordance with section 4230  
9.03 of the Revised Code, and any additional notice shall include 4231  
the public hearing announcement; a summary of the terms of the 4232  
contract; a statement that the entire text of the contract and 4233  
district maps and plans are on file for public examination in the 4234  
office of the township fiscal officer; and information pertaining 4235  
to any tax changes that will or may occur as a result of the 4236  
contract. 4237

During the thirty-day period prior to the public hearing, a 4238  
copy of the text of the contract together with copies of district 4239  
maps and plans related to or part of the contract shall be on 4240  
file, for public examination, in the offices of the clerk of the 4241  
legislative authority of the municipal corporation and of the 4242  
township fiscal officer. The public hearing provided for in 4243  
division (D)(2) of this section shall allow for public comment and 4244  
recommendations from the public on the proposed contract. The 4245  
contracting parties may include in the contract any of those 4246  
recommendations prior to the approval of the contract. 4247

(3) Any resolution of the board of township trustees that 4248  
approves a contract that creates a joint economic development 4249  
district pursuant to this section shall be subject to a referendum 4250  
of the electors of the township. When a referendum petition, 4251  
signed by ten per cent of the number of electors in the township 4252  
who voted for the office of governor at the most recent general 4253  
election for the office of governor, is presented to the board of 4254  
township trustees within thirty days after the board of township 4255  
trustees adopted the resolution, ordering that the resolution be 4256  
submitted to the electors of the township for their approval or 4257



rejection, the board of township trustees shall, after ten days 4258  
and not later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day 4259  
before the election, certify the text of the resolution to the 4260  
board of elections. The board of elections shall submit the 4261  
resolution to the electors of the township for their approval or 4262  
rejection at the next general, primary, or special election 4263  
occurring subsequent to ~~seventy-five~~ eighty-five days after the 4264  
certifying of the petition to the board of elections. 4265

(4) Upon the creation of a district under this section or 4266  
section 715.71 of the Revised Code, one of the contracting parties 4267  
shall file a copy of the following with the director of 4268  
development: 4269

(a) The petition and other documents described in division 4270  
(C)(1) of this section, if the district is created under this 4271  
section; 4272

(b) The documents described in division (D) of section 715.71 4273  
of the Revised Code, if the district is created under this 4274  
section. 4275

(E) The district created by the contract shall be governed by 4276  
a board of directors that shall be established by or pursuant to 4277  
the contract. The board is a public body for the purposes of 4278  
section 121.22 of the Revised Code. The provisions of Chapter 4279  
2744. of the Revised Code apply to the board and the district. The 4280  
members of the board shall be appointed as provided in the 4281  
contract from among the elected members of the legislative 4282  
authorities and the elected chief executive officers of the 4283  
contracting parties, provided that there shall be at least two 4284  
members appointed from each of the contracting parties. 4285

(F) The contract shall enumerate the specific powers, duties, 4286  
and functions of the board of directors of a district, and the 4287  
contract shall provide for the determination of procedures that 4288

are to govern the board of directors. The contract may grant to 4289  
the board the power to adopt a resolution to levy an income tax 4290  
within the district. The income tax shall be used for the purposes 4291  
of the district and for the purposes of the contracting municipal 4292  
corporations and townships pursuant to the contract. The income 4293  
tax may be levied in the district based on income earned by 4294  
persons working or residing within the district and based on the 4295  
net profits of businesses located in the district. The income tax 4296  
shall follow the provisions of Chapter 718. of the Revised Code, 4297  
except that a vote shall be required by the electors residing in 4298  
the district to approve the rate of income tax. If no electors 4299  
reside within the district, then division (F)(4) of this section 4300  
applies. The rate of the income tax shall be no higher than the 4301  
highest rate being levied by a municipal corporation that is a 4302  
party to the contract. 4303

(1) Within one hundred eighty days after the first meeting of 4304  
the board of directors, the board may levy an income tax, provided 4305  
that the rate of the income tax is first submitted to and approved 4306  
by the electors of the district at the succeeding regular or 4307  
primary election, or a special election called by the board, 4308  
occurring subsequent to ~~seventy-five~~ eighty-five days after a 4309  
certified copy of the resolution levying the income tax and 4310  
calling for the election is filed with the board of elections. If 4311  
the voters approve the levy of the income tax, the income tax 4312  
shall be in force for the full period of the contract establishing 4313  
the district. Any increase in the rate of an income tax that was 4314  
first levied within one hundred eighty days after the first 4315  
meeting of the board of directors shall be approved by a vote of 4316  
the electors of the district, shall be in force for the remaining 4317  
period of the contract establishing the district, and shall not be 4318  
subject to division (F)(2) of this section. 4319

(2) Any resolution of the board of directors levying an 4320

income tax that is adopted subsequent to one hundred eighty days 4321  
after the first meeting of the board of directors shall be subject 4322  
to a referendum as provided in division (F)(2) of this section. 4323  
Any resolution of the board of directors levying an income tax 4324  
that is adopted subsequent to one hundred eighty days after the 4325  
first meeting of the board of directors shall be subject to an 4326  
initiative proceeding to amend or repeal the resolution levying 4327  
the income tax as provided in division (F)(2) of this section. 4328  
When a referendum petition, signed by ten per cent of the number 4329  
of electors in the district who voted for the office of governor 4330  
at the most recent general election for the office of governor, is 4331  
filed with the county auditor of each county within which a party 4332  
to the contract is located within thirty days after the resolution 4333  
is adopted by the board or when an initiative petition, signed by 4334  
ten per cent of the number of electors in the district who voted 4335  
for the office of governor at the most recent general election for 4336  
the office of governor, is filed with the county auditor of each 4337  
such county ordering that a resolution to amend or repeal a prior 4338  
resolution levying an income tax be submitted to the electors 4339  
within the district for their approval or rejection, the county 4340  
auditor of each such county, after ten days and not later than 4341  
four p.m. of the ~~seventy-fifth~~ eighty-fifth day before the 4342  
election, shall certify the text of the resolution to the board of 4343  
elections of that county. The county auditor of each such county 4344  
shall retain the petition. The board of elections shall submit the 4345  
resolution to such electors, for their approval or rejection, at 4346  
the next general, primary, or special election occurring 4347  
subsequent to ~~seventy-five~~ eighty-five days after the certifying 4348  
of such petition to the board of elections. 4349

(3) Whenever a district is located in the territory of more 4350  
than one contracting party, a majority vote of the electors, if 4351  
any, in each of the several portions of the territory of the 4352  
contracting parties constituting the district approving the levy 4353

of the tax is required before it may be imposed pursuant to this 4354  
division. 4355

(4) If there are no electors residing in the district, no 4356  
election for the approval or rejection of an income tax shall be 4357  
held pursuant to this section, provided that where no electors 4358  
reside in the district, the maximum rate of the income tax that 4359  
may be levied shall not exceed one per cent. 4360

(5) The board of directors of a district levying an income 4361  
tax shall enter into an agreement with one of the municipal 4362  
corporations that is a party to the contract to administer, 4363  
collect, and enforce the income tax on behalf of the district. The 4364  
resolution levying the income tax shall provide the same credits, 4365  
if any, to residents of the district for income taxes paid to 4366  
other such districts or municipal corporations where the residents 4367  
work, as credits provided to residents of the municipal 4368  
corporation administering the income tax. 4369

(6)(a) The board shall publish or post public notice within 4370  
the district of any resolution adopted levying an income tax in 4371  
the same manner required of municipal corporations under sections 4372  
731.21 and 731.25 of the Revised Code. 4373

(b) Except as otherwise specified by this division, any 4374  
referendum or initiative proceeding within a district shall be 4375  
conducted in the same manner as is required for such proceedings 4376  
within a municipal corporation pursuant to sections 731.28 to 4377  
731.40 of the Revised Code. 4378

(G) Membership on the board of directors does not constitute 4379  
the holding of a public office or employment within the meaning of 4380  
any section of the Revised Code or any charter provision 4381  
prohibiting the holding of other public office or employment, and 4382  
shall not constitute an interest, either direct or indirect, in a 4383  
contract or expenditure of money by any municipal corporation, 4384

township, county, or other political subdivision with which the 4385  
member may be connected. No member of a board of directors shall 4386  
be disqualified from holding any public office or employment, nor 4387  
shall such member forfeit or be disqualified from holding any such 4388  
office or employment, by reason of the member's membership on the 4389  
board of directors, notwithstanding any law or charter provision 4390  
to the contrary. 4391

(H) The powers and authorizations granted pursuant to this 4392  
section or section 715.71 of the Revised Code are in addition to 4393  
and not in derogation of all other powers granted to municipal 4394  
corporations and townships pursuant to law. When exercising a 4395  
power or performing a function or duty under a contract authorized 4396  
pursuant to this section or section 715.71 of the Revised Code, a 4397  
municipal corporation may exercise all of the powers of a 4398  
municipal corporation, and may perform all the functions and 4399  
duties of a municipal corporation, within the district, pursuant 4400  
to and to the extent consistent with the contract. When exercising 4401  
a power or performing a function or duty under a contract 4402  
authorized pursuant to this section or section 715.71 of the 4403  
Revised Code, a township may exercise all of the powers of a 4404  
township, and may perform all the functions and duties of a 4405  
township, within the district, pursuant to and to the extent 4406  
consistent with the contract. The district board of directors has 4407  
no powers except those specifically set forth in the contract as 4408  
agreed to by the participating parties. No political subdivision 4409  
shall authorize or grant any tax exemption pursuant to Chapter 4410  
1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the 4411  
Revised Code on any property located within the district without 4412  
the consent of the contracting parties. The prohibition for any 4413  
tax exemption pursuant to this division shall not apply to any 4414  
exemption filed, pending, or approved, or for which an agreement 4415  
has been entered into, before the effective date of the contract 4416  
entered into by the parties. 4417

(I) Municipal corporations and townships may enter into 4418  
binding agreements pursuant to a contract authorized under this 4419  
section or section 715.71 of the Revised Code with respect to the 4420  
substance and administration of zoning and other land use 4421  
regulations, building codes, public permanent improvements, and 4422  
other regulatory and proprietary matters that are determined, 4423  
pursuant to the contract, to be for a public purpose and to be 4424  
desirable with respect to the operation of the district or to 4425  
facilitate new or expanded economic development in the state or 4426  
the district, provided that no contract shall exempt the territory 4427  
within the district from the procedures and processes of land use 4428  
regulation applicable pursuant to municipal corporation, township, 4429  
and county regulations, including but not limited to procedures 4430  
and processes concerning zoning. 4431

(J) A contract entered into pursuant to this section or 4432  
section 715.71 of the Revised Code may be amended and it may be 4433  
renewed, canceled, or terminated as provided in or pursuant to the 4434  
contract. The contract may be amended to add property owned by one 4435  
of the contracting parties to the district, or may be amended to 4436  
delete property from the district whether or not one of the 4437  
contracting parties owns the deleted property. The contract shall 4438  
continue in existence throughout its term and shall be binding on 4439  
the contracting parties and on any entities succeeding to such 4440  
parties, whether by annexation, merger, or otherwise. The income 4441  
tax levied by the board pursuant to this section or section 715.71 4442  
of the Revised Code shall apply in the entire district throughout 4443  
the term of the contract, notwithstanding that all or a portion of 4444  
the district becomes subject to annexation, merger, or 4445  
incorporation. No township or municipal corporation is divested of 4446  
its rights or obligations under the contract because of 4447  
annexation, merger, or succession of interests. 4448

(K) After the creation of a joint economic development 4449

district described in division (A)(2) of this section, a municipal 4450  
corporation that is a contracting party may cease to own property 4451  
included in the district, but such property shall continue to be 4452  
included in the district and subject to the terms of the contract. 4453

**Sec. 715.71.** (A) This section provides alternative procedures 4454  
and requirements to those set forth in section 715.70 of the 4455  
Revised Code for creating and operating a joint economic 4456  
development district. Divisions (B), (C), (D)(1) to (3), and (F) 4457  
of section 715.70 of the Revised Code do not apply to a joint 4458  
economic development district established under this section. 4459  
However, divisions (A), (D)(4), (E), (G), (H), (I), (J), and (K) 4460  
of section 715.70 of the Revised Code do apply to a district 4461  
established under this section. 4462

(B) One or more municipal corporations and one or more 4463  
townships may enter into a contract approved by the legislative 4464  
authority of each contracting party pursuant to which they create 4465  
as a joint economic development district one or more areas for the 4466  
purpose of facilitating economic development to create or preserve 4467  
jobs and employment opportunities and to improve the economic 4468  
welfare of the people in this state and in the area of the 4469  
contracting parties. The district created shall be located within 4470  
the territory of one or more of the contracting parties and may 4471  
consist of all or a portion of that territory. The boundaries of 4472  
the district shall be described in the contract or in an addendum 4473  
to the contract. The area or areas of land to be included in the 4474  
district shall not include any parcel of land owned in fee by or 4475  
leased to a municipal corporation or township, unless the 4476  
municipal corporation or township is a party to the contract or 4477  
has given its consent to have its parcel of land included in the 4478  
district by the adoption of a resolution. As used in this 4479  
division, "parcel of land" has the same meaning as in division (B) 4480  
of section 715.70 of the Revised Code. 4481

(C) Before the legislative authority of a municipal corporation or a board of township trustees adopts an ordinance or resolution approving a contract to create a joint economic development district under this section, it shall hold a public hearing concerning the joint economic development district contract and shall provide thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the municipal corporation and the township. Each municipal corporation and township that is a party to the contract shall hold a public hearing. During the thirty-day period prior to a public hearing, a copy of the text of the contract together with copies of district maps and plans related to or part of the contract shall be on file, for public examination, in the offices of the clerk of the legislative authority of the municipal corporation and of the township fiscal officer. The public hearings provided for in this division shall allow for public comment and recommendations on the proposed contract. The participating parties may include in the contract any of those recommendations prior to approval of the contract.

(D) After the legislative authority of a municipal corporation and the board of township trustees have adopted an ordinance and resolution approving a contract to create a joint economic development district, the municipal corporation and the township jointly shall file with the legislative authority of each county within which a party to the contract is located all of the following:

(1) A signed copy of the contract, together with copies of district maps and plans related to or part of the contract;

(2) Certified copies of the ordinances and resolutions of the contracting parties relating to the district and the contract;

(3) A certificate of each of the contracting parties that the public hearings provided for in division (C) of this section have



been held, the date of the hearings, and evidence of publication 4514  
of the notice of the hearings. 4515

(E) Within thirty days after the filing under division (D) of 4516  
this section, the legislative authority of each county within 4517  
which a party to the contract is located shall adopt a resolution 4518  
acknowledging the receipt of the required documents, approving the 4519  
creation of the joint economic development district, and directing 4520  
that the resolution of the board of township trustees approving 4521  
the contract be submitted to the electors of the township for 4522  
approval at the next succeeding general, primary, or special 4523  
election. The legislative authority of the county shall file with 4524  
the board of elections at least ~~seventy-five~~ eighty-five days 4525  
before the day of the election a copy of the resolution of the 4526  
board of township trustees approving the contract. The resolution 4527  
of the legislative authority of the county also shall specify the 4528  
date the election is to be held and shall direct the board of 4529  
elections to conduct the election in the township. If the 4530  
resolution of the legislative authority of the county is not 4531  
adopted within the thirty-day period after the filing under 4532  
division (D) of this section, the joint economic development 4533  
district shall be deemed approved by the county legislative 4534  
authority, and the board of township trustees shall file its 4535  
resolution with the board of elections for submission to the 4536  
electors of the township for approval at the next succeeding 4537  
general, primary, or special election. The filing shall occur at 4538  
least ~~seventy-five~~ eighty-five days before the specified date the 4539  
election is to be held and shall direct the board of elections to 4540  
conduct the election in the township. 4541

The ballot shall be in the following form: 4542

"Shall the resolution of the board of township trustees 4543  
approving the contract with ..... (here insert name of 4544  
each municipal corporation and other township that is a party to 4545

the contract) for the creation of a joint economic development 4546  
district be approved? 4547

4548

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

4549

"

4550

4551

If a majority of the electors of the township voting on the issue 4552  
vote for the resolution and contract, the resolution shall become 4553  
effective immediately and the contract shall go into effect 4554  
immediately or in accordance with its terms. 4555

(F) The contract creating the district shall set forth or 4556  
provide for the amount or nature of the contribution of each 4557  
municipal corporation and township to the development and 4558  
operation of the district and may provide for the sharing of the 4559  
costs of the operation of and improvements for the district. The 4560  
contributions may be in any form to which the contracting 4561  
municipal corporations and townships agree and may include but are 4562  
not limited to the provision of services, money, real or personal 4563  
property, facilities, or equipment. The contract may provide for 4564  
the contracting parties to share revenue from taxes levied on 4565  
property by one or more of the contracting parties if those 4566  
revenues may lawfully be applied to that purpose under the 4567  
legislation by which those taxes are levied. The contract shall 4568  
provide for new, expanded, or additional services, facilities, or 4569  
improvements, including expanded or additional capacity for or 4570  
other enhancement of existing services, facilities, or 4571  
improvements, provided that the existing services, facilities, or 4572  
improvements, or the expanded or additional capacity for or 4573  
enhancement of the existing services, facilities, or improvements, 4574  
have been provided within the two-year period prior to the 4575  
execution of the contract. 4576

(G) The contract shall enumerate the specific powers, duties, and functions of the board of directors of the district and shall provide for the determination of procedures that are to govern the board of directors. The contract may grant to the board the power to adopt a resolution to levy an income tax within the district. The income tax shall be used for the purposes of the district and for the purposes of the contracting municipal corporations and townships pursuant to the contract. The income tax may be levied in the district based on income earned by persons working or residing within the district and based on the net profits of businesses located in the district. The income tax of the district shall follow the provisions of Chapter 718. of the Revised Code, except that no vote shall be required by the electors residing in the district. The rate of the income tax shall be no higher than the highest rate being levied by a municipal corporation that is a party to the contract.

The board of directors of a district levying an income tax shall enter into an agreement with one of the municipal corporations that is a party to the contract to administer, collect, and enforce the income tax on behalf of the district. The resolution levying the income tax shall provide the same credits, if any, to residents of the district for income taxes paid to other districts or municipal corporations where the residents work, as credits provided to residents of the municipal corporation administering the income tax.

(H) No annexation proceeding pursuant to Chapter 709. of the Revised Code that proposes the annexation to or merger or consolidation with a municipal corporation, except a municipal corporation that is a party to the contract, of any unincorporated territory within the district shall be commenced for a period of three years after the contract is filed with the legislative authority of each county within which a party to the contract is

located in accordance with division (D) of this section unless 4609  
each board of township trustees whose territory is included, in 4610  
whole or part, within the district and the territory proposed to 4611  
be annexed, merged, or consolidated adopts a resolution consenting 4612  
to the commencement of the proceeding and a copy of the resolution 4613  
is filed with the legislative authority of each such county or 4614  
unless the contract is terminated during this three-year period. 4615  
The contract entered into between the municipal corporations and 4616  
townships pursuant to this section may provide for the prohibition 4617  
of any annexation by the participating municipal corporations of 4618  
any unincorporated territory within the district. 4619

**Sec. 715.77.** (A)(1) A board of township trustees that is a 4620  
party to a contract creating a joint economic development district 4621  
pursuant to sections 715.72 to 715.82 of the Revised Code may 4622  
choose to not submit its resolution approving the contract to the 4623  
electors of the township if all of the following conditions are 4624  
satisfied: 4625

(a) The resolution has been approved by a unanimous vote of 4626  
the members of the board of township trustees or, if a county is 4627  
one of the contracting parties under division (D) of section 4628  
715.72 of the Revised Code, the resolution has been approved by a 4629  
majority vote of the members of the board of township trustees; 4630

(b) The creation of the joint economic development district 4631  
is proposed at the request of a majority of the owners of land 4632  
included within the proposed district; 4633

(c) The territory to be included in the proposed joint 4634  
economic development district is zoned in a manner appropriate to 4635  
the function of the proposed district. 4636

(2) Unless the legislative authority of a county adopts a 4637  
resolution under section 715.76 of the Revised Code disapproving 4638  
the creation of a joint economic development district within 4639

thirty days after the filing made under that section, the 4640  
legislative authority of each such county shall adopt a resolution 4641  
acknowledging the receipt of the required documents, approving the 4642  
creation of the joint economic development district, and, if the 4643  
board of township trustees has not invoked its authority under 4644  
division (A)(1) of this section, directing that the resolution of 4645  
the board of township trustees approving the contract creating the 4646  
joint economic development district be submitted to the electors 4647  
of the township for approval at the next succeeding general, 4648  
primary, or special election. If the board of township trustees 4649  
chooses to submit approval of the contract to the electors of the 4650  
township, the legislative authority of the county shall file with 4651  
the board of elections at least ~~seventy-five~~ eighty-five days 4652  
before the day of the election a copy of the resolution of the 4653  
board of township trustees approving the contract. The resolution 4654  
of the legislative authority of the county also shall specify the 4655  
date the election is to be held and shall direct the board of 4656  
elections to conduct the election in the township. 4657

(3) If the resolution of the legislative authority of the 4658  
county is not adopted within the thirty-day period after the 4659  
filing made under section 715.76 of the Revised Code, the joint 4660  
economic development district shall be deemed approved by the 4661  
county legislative authority and, if the board of township 4662  
trustees has not invoked its authority under division (A)(1) of 4663  
this section, the board of township trustees shall file its 4664  
resolution with the board of elections for submission to the 4665  
electors of the township for approval at the next succeeding 4666  
general, primary, or special election. In such case, the board of 4667  
township trustees shall file the resolution at least ~~seventy-five~~ 4668  
eighty-five days before the specified date the election is to be 4669  
held and shall direct the board of elections to conduct the 4670  
election in the township. 4671

(4) Any contract creating a joint economic development district in which a board of township trustees is a party shall provide that the contract is not effective earlier than the thirty-first day after its approval, including any approval by electors required in this section.

If the board of township trustees chooses pursuant to division (A)(1) of this section not to submit the approval of the contract to the electors, the resolution of the board of township trustees approving the contract is subject to a referendum of the electors of the township when requested through a petition. When signed by ten per cent of the number of electors in the township who voted for the office of governor at the most recent general election, a referendum petition asking that the resolution be submitted to the electors of the township may be presented to the board of township trustees. Such a petition shall be presented within thirty days after the board of township trustees adopts the resolution. The board of township trustees shall, not later than four p.m. of the tenth day after receipt of the petition, certify the text of the resolution to the board of elections. The board of elections shall submit the resolution to the electors of the township for their approval or rejection at the next general, primary, or special election occurring at least ~~seventy-five~~ eighty-five days after such certification.

(B) The ballot shall be in the following form:

"Shall the resolution of the board of township trustees approving the contract with ..... (here insert name of each municipal corporation and other township that is a contracting party) for the creation of a joint economic development district be approved?

	FOR THE RESOLUTION AND CONTRACT
--	---------------------------------

	AGAINST THE RESOLUTION AND CONTRACT	"	4703
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4704

If a majority of the electors of the township voting on the issue 4705  
vote for the resolution and contract, the resolution shall become 4706  
effective immediately and the contract shall go into effect on the 4707  
thirty-first day after this election or thereafter in accordance 4708  
with terms of the contract. 4709

**Sec. 718.01.** (A) As used in this chapter: 4710

(1) "Adjusted federal taxable income" means a C corporation's 4711  
federal taxable income before net operating losses and special 4712  
deductions as determined under the Internal Revenue Code, adjusted 4713  
as follows: 4714

(a) Deduct intangible income to the extent included in 4715  
federal taxable income. The deduction shall be allowed regardless 4716  
of whether the intangible income relates to assets used in a trade 4717  
or business or assets held for the production of income. 4718

(b) Add an amount equal to five per cent of intangible income 4719  
deducted under division (A)(1)(a) of this section, but excluding 4720  
that portion of intangible income directly related to the sale, 4721  
exchange, or other disposition of property described in section 4722  
1221 of the Internal Revenue Code; 4723

(c) Add any losses allowed as a deduction in the computation 4724  
of federal taxable income if the losses directly relate to the 4725  
sale, exchange, or other disposition of an asset described in 4726  
section 1221 or 1231 of the Internal Revenue Code; 4727

(d)(i) Except as provided in division (A)(1)(d)(ii) of this 4728  
section, deduct income and gain included in federal taxable income 4729  
to the extent the income and gain directly relate to the sale, 4730  
exchange, or other disposition of an asset described in section 4731  
1221 or 1231 of the Internal Revenue Code; 4732

(ii) Division (A)(1)(d)(i) of this section does not apply to 4733  
the extent the income or gain is income or gain described in 4734  
section 1245 or 1250 of the Internal Revenue Code. 4735

(e) Add taxes on or measured by net income allowed as a 4736  
deduction in the computation of federal taxable income; 4737

(f) In the case of a real estate investment trust and 4738  
regulated investment company, add all amounts with respect to 4739  
dividends to, distributions to, or amounts set aside for or 4740  
credited to the benefit of investors and allowed as a deduction in 4741  
the computation of federal taxable income; 4742

(g) If the taxpayer is not a C corporation and is not an 4743  
individual, the taxpayer shall compute adjusted federal taxable 4744  
income as if the taxpayer were a C corporation, except: 4745

(i) Guaranteed payments and other similar amounts paid or 4746  
accrued to a partner, former partner, member, or former member 4747  
shall not be allowed as a deductible expense; and 4748

(ii) Amounts paid or accrued to a qualified self-employed 4749  
retirement plan with respect to an owner or owner-employee of the 4750  
taxpayer, amounts paid or accrued to or for health insurance for 4751  
an owner or owner-employee, and amounts paid or accrued to or for 4752  
life insurance for an owner or owner-employee shall not be allowed 4753  
as a deduction. 4754

Nothing in division (A)(1) of this section shall be construed 4755  
as allowing the taxpayer to add or deduct any amount more than 4756  
once or shall be construed as allowing any taxpayer to deduct any 4757  
amount paid to or accrued for purposes of federal self-employment 4758  
tax. 4759

Nothing in this chapter shall be construed as limiting or 4760  
removing the ability of any municipal corporation to administer, 4761  
audit, and enforce the provisions of its municipal income tax. 4762



- (2) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. 4763  
4764
- (3) "Schedule C" means internal revenue service schedule C filed by a taxpayer pursuant to the Internal Revenue Code. 4765  
4766
- (4) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code. 4767  
4768
- (5) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701. of the Revised Code, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings or other similar games of chance. 4769  
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- (6) "S corporation" means a corporation that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year. 4780  
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- (7) For taxable years beginning on or after January 1, 2004, "net profit" for a taxpayer other than an individual means adjusted federal taxable income and "net profit" for a taxpayer who is an individual means the individual's profit required to be reported on schedule C, schedule E, or schedule F, other than any amount allowed as a deduction under division (E)(2) or (3) of this section or amounts described in division (H) of this section. 4783  
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- (8) "Taxpayer" means a person subject to a tax on income levied by a municipal corporation. Except as provided in division (L) of this section, "taxpayer" does not include any person that is a disregarded entity or a qualifying subchapter S subsidiary 4790  
4791  
4792  
4793

for federal income tax purposes, but "taxpayer" includes any other 4794  
person who owns the disregarded entity or qualifying subchapter S 4795  
subsidiary. 4796

(9) "Taxable year" means the corresponding tax reporting 4797  
period as prescribed for the taxpayer under the Internal Revenue 4798  
Code. 4799

(10) "Tax administrator" means the individual charged with 4800  
direct responsibility for administration of a tax on income levied 4801  
by a municipal corporation and includes: 4802

(a) The central collection agency and the regional income tax 4803  
agency and their successors in interest, and other entities 4804  
organized to perform functions similar to those performed by the 4805  
central collection agency and the regional income tax agency; 4806

(b) A municipal corporation acting as the agent of another 4807  
municipal corporation; and 4808

(c) Persons retained by a municipal corporation to administer 4809  
a tax levied by the municipal corporation, but only if the 4810  
municipal corporation does not compensate the person in whole or 4811  
in part on a contingency basis. 4812

(11) "Person" includes individuals, firms, companies, 4813  
business trusts, estates, trusts, partnerships, limited liability 4814  
companies, associations, corporations, governmental entities, and 4815  
any other entity. 4816

(12) "Schedule E" means internal revenue service schedule E 4817  
filed by a taxpayer pursuant to the Internal Revenue Code. 4818

(13) "Schedule F" means internal revenue service schedule F 4819  
filed by a taxpayer pursuant to the Internal Revenue Code. 4820

(B) No municipal corporation shall tax income at other than a 4821  
uniform rate. 4822

(C) No municipal corporation shall levy a tax on income at a 4823

rate in excess of one per cent without having obtained the 4824  
 approval of the excess by a majority of the electors of the 4825  
 municipality voting on the question at a general, primary, or 4826  
 special election. The legislative authority of the municipal 4827  
 corporation shall file with the board of elections at least 4828  
~~seventy-five~~ eighty-five days before the day of the election a 4829  
 copy of the ordinance together with a resolution specifying the 4830  
 date the election is to be held and directing the board of 4831  
 elections to conduct the election. The ballot shall be in the 4832  
 following form: "Shall the Ordinance providing for a ... per cent 4833  
 levy on income for (Brief description of the purpose of the 4834  
 proposed levy) be passed? 4835

	FOR THE INCOME TAX	
	AGAINST THE INCOME TAX	"

4836  
4837  
4838  
4839

In the event of an affirmative vote, the proceeds of the levy 4840  
 may be used only for the specified purpose. 4841

(D)(1) Except as otherwise provided in this section, no 4842  
 municipal corporation shall exempt from a tax on income 4843  
 compensation for personal services of individuals over eighteen 4844  
 years of age or the net profit from a business or profession. 4845

(2)(a) For taxable years beginning on or after January 1, 4846  
 2004, no municipal corporation shall tax the net profit from a 4847  
 business or profession using any base other than the taxpayer's 4848  
 adjusted federal taxable income. 4849

(b) Division (D)(2)(a) of this section does not apply to any 4850  
 taxpayer required to file a return under section 5745.03 of the 4851  
 Revised Code or to the net profit from a sole proprietorship. 4852

(E)(1) The legislative authority of a municipal corporation 4853  
 may, by ordinance or resolution, exempt from withholding and from 4854

a tax on income the following: 4855

(a) Compensation arising from the sale, exchange, or other 4856  
disposition of a stock option, the exercise of a stock option, or 4857  
the sale, exchange, or other disposition of stock purchased under 4858  
a stock option; or 4859

(b) Compensation attributable to a nonqualified deferred 4860  
compensation plan or program described in section 3121(v)(2)(C) of 4861  
the Internal Revenue Code. 4862

(2) The legislative authority of a municipal corporation may 4863  
adopt an ordinance or resolution that allows a taxpayer who is an 4864  
individual to deduct, in computing the taxpayer's municipal income 4865  
tax liability, an amount equal to the aggregate amount the 4866  
taxpayer paid in cash during the taxable year to a health savings 4867  
account of the taxpayer, to the extent the taxpayer is entitled to 4868  
deduct that amount on internal revenue service form 1040. 4869

(3) The legislative authority of a municipal corporation may 4870  
adopt an ordinance or resolution that allows a taxpayer who has a 4871  
net profit from a business or profession that is operated as a 4872  
sole proprietorship to deduct from that net profit the amount that 4873  
the taxpayer paid during the taxable year for medical care 4874  
insurance premiums for the taxpayer, the taxpayer's spouse, and 4875  
dependents as defined in section 5747.01 of the Revised Code. The 4876  
deduction shall be allowed to the same extent the taxpayer is 4877  
entitled to deduct the premiums on internal revenue service form 4878  
1040. The deduction allowed under this division shall be net of 4879  
any related premium refunds, related premium reimbursements, or 4880  
related insurance premium dividends received by the taxpayer 4881  
during the taxable year. 4882

(F) If an individual's taxable income includes income against 4883  
which the taxpayer has taken a deduction for federal income tax 4884  
purposes as reportable on the taxpayer's form 2106, and against 4885

which a like deduction has not been allowed by the municipal 4886  
corporation, the municipal corporation shall deduct from the 4887  
taxpayer's taxable income an amount equal to the deduction shown 4888  
on such form allowable against such income, to the extent not 4889  
otherwise so allowed as a deduction by the municipal corporation. 4890

(G)(1) In the case of a taxpayer who has a net profit from a 4891  
business or profession that is operated as a sole proprietorship, 4892  
no municipal corporation may tax or use as the base for 4893  
determining the amount of the net profit that shall be considered 4894  
as having a taxable situs in the municipal corporation, an amount 4895  
other than the net profit required to be reported by the taxpayer 4896  
on schedule C or F from such sole proprietorship for the taxable 4897  
year. 4898

(2) In the case of a taxpayer who has a net profit from 4899  
rental activity required to be reported on schedule E, no 4900  
municipal corporation may tax or use as the base for determining 4901  
the amount of the net profit that shall be considered as having a 4902  
taxable situs in the municipal corporation, an amount other than 4903  
the net profit from rental activities required to be reported by 4904  
the taxpayer on schedule E for the taxable year. 4905

(H) A municipal corporation shall not tax any of the 4906  
following: 4907

(1) The military pay or allowances of members of the armed 4908  
forces of the United States and of members of their reserve 4909  
components, including the Ohio national guard; 4910

(2) The income of religious, fraternal, charitable, 4911  
scientific, literary, or educational institutions to the extent 4912  
that such income is derived from tax-exempt real estate, 4913  
tax-exempt tangible or intangible property, or tax-exempt 4914  
activities; 4915

(3) Except as otherwise provided in division (I) of this 4916

section, intangible income; 4917

(4) Compensation paid under section 3501.28 or 3501.36 of the 4918  
Revised Code to a person serving as a precinct election official, 4919  
to the extent that such compensation does not exceed one thousand 4920  
dollars annually. Such compensation in excess of one thousand 4921  
dollars may be subjected to taxation by a municipal corporation. A 4922  
municipal corporation shall not require the payer of such 4923  
compensation to withhold any tax from that compensation. 4924

(5) Compensation paid to an employee of a transit authority, 4925  
regional transit authority, or regional transit commission created 4926  
under Chapter 306. of the Revised Code for operating a transit bus 4927  
or other motor vehicle for the authority or commission in or 4928  
through the municipal corporation, unless the bus or vehicle is 4929  
operated on a regularly scheduled route, the operator is subject 4930  
to such a tax by reason of residence or domicile in the municipal 4931  
corporation, or the headquarters of the authority or commission is 4932  
located within the municipal corporation; 4933

(6) The income of a public utility, when that public utility 4934  
is subject to the tax levied under section 5727.24 or 5727.30 of 4935  
the Revised Code, except a municipal corporation may tax the 4936  
following, subject to Chapter 5745. of the Revised Code: 4937

(a) Beginning January 1, 2002, the income of an electric 4938  
company or combined company; 4939

(b) Beginning January 1, 2004, the income of a telephone 4940  
company. 4941

As used in division (H)(6) of this section, "combined 4942  
company," "electric company," and "telephone company" have the 4943  
same meanings as in section 5727.01 of the Revised Code. 4944

(7) On and after January 1, 2003, items excluded from federal 4945  
gross income pursuant to section 107 of the Internal Revenue Code; 4946

(8) On and after January 1, 2001, compensation paid to a 4947  
nonresident individual to the extent prohibited under section 4948  
718.011 of the Revised Code; 4949

(9)(a) Except as provided in division (H)(9)(b) and (c) of 4950  
this section, an S corporation shareholder's distributive share of 4951  
net profits of the S corporation, other than any part of the 4952  
distributive share of net profits that represents wages as defined 4953  
in section 3121(a) of the Internal Revenue Code or net earnings 4954  
from self-employment as defined in section 1402(a) of the Internal 4955  
Revenue Code. 4956

(b) If, pursuant to division (H) of former section 718.01 of 4957  
the Revised Code as it existed before March 11, 2004, a majority 4958  
of the electors of a municipal corporation voted in favor of the 4959  
question at an election held on November 4, 2003, the municipal 4960  
corporation may continue after 2002 to tax an S corporation 4961  
shareholder's distributive share of net profits of an S 4962  
corporation. 4963

(c) If, on December 6, 2002, a municipal corporation was 4964  
imposing, assessing, and collecting a tax on an S corporation 4965  
shareholder's distributive share of net profits of the S 4966  
corporation to the extent the distributive share would be 4967  
allocated or apportioned to this state under divisions (B)(1) and 4968  
(2) of section 5733.05 of the Revised Code if the S corporation 4969  
were a corporation subject to taxes imposed under Chapter 5733. of 4970  
the Revised Code, the municipal corporation may continue to impose 4971  
the tax on such distributive shares to the extent such shares 4972  
would be so allocated or apportioned to this state only until 4973  
December 31, 2004, unless a majority of the electors of the 4974  
municipal corporation voting on the question of continuing to tax 4975  
such shares after that date vote in favor of that question at an 4976  
election held November 2, 2004. If a majority of those electors 4977  
vote in favor of the question, the municipal corporation may 4978

continue after December 31, 2004, to impose the tax on such 4979  
distributive shares only to the extent such shares would be so 4980  
allocated or apportioned to this state. 4981

(d) For the purposes of division (D) of section 718.14 of the 4982  
Revised Code, a municipal corporation shall be deemed to have 4983  
elected to tax S corporation shareholders' distributive shares of 4984  
net profits of the S corporation in the hands of the shareholders 4985  
if a majority of the electors of a municipal corporation vote in 4986  
favor of a question at an election held under division (H)(9)(b) 4987  
or (c) of this section. The municipal corporation shall specify by 4988  
ordinance or rule that the tax applies to the distributive share 4989  
of a shareholder of an S corporation in the hands of the 4990  
shareholder of the S corporation. 4991

(10) Employee compensation that is not "qualifying wages" as 4992  
defined in section 718.03 of the Revised Code; 4993

(11) Beginning August 1, 2007, compensation paid to a person 4994  
employed within the boundaries of a United States air force base 4995  
under the jurisdiction of the United States air force that is used 4996  
for the housing of members of the United States air force and is a 4997  
center for air force operations, unless the person is subject to 4998  
taxation because of residence or domicile. If the compensation is 4999  
subject to taxation because of residence or domicile, municipal 5000  
income tax shall be payable only to the municipal corporation of 5001  
residence or domicile. 5002

(I) Any municipal corporation that taxes any type of 5003  
intangible income on March 29, 1988, pursuant to Section 3 of 5004  
Amended Substitute Senate Bill No. 238 of the 116th general 5005  
assembly, may continue to tax that type of income after 1988 if a 5006  
majority of the electors of the municipal corporation voting on 5007  
the question of whether to permit the taxation of that type of 5008  
intangible income after 1988 vote in favor thereof at an election 5009  
held on November 8, 1988. 5010



(J) Nothing in this section or section 718.02 of the Revised Code shall authorize the levy of any tax on income that a municipal corporation is not authorized to levy under existing laws or shall require a municipal corporation to allow a deduction from taxable income for losses incurred from a sole proprietorship or partnership.

(K)(1) Nothing in this chapter prohibits a municipal corporation from allowing, by resolution or ordinance, a net operating loss carryforward.

(2) Nothing in this chapter requires a municipal corporation to allow a net operating loss carryforward.

(L)(1) A single member limited liability company that is a disregarded entity for federal tax purposes may elect to be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

(a) The limited liability company's single member is also a limited liability company;

(b) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004;

(c) Not later than December 31, 2004, the limited liability company and its single member each make an election to be treated as a separate taxpayer under division (L) of this section;

(d) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member;

(e) The Ohio municipal corporation that is the primary place

of business of the sole member of the limited liability company 5041  
consents to the election. 5042

(2) For purposes of division (L)(1)(e) of this section, a 5043  
municipal corporation is the primary place of business of a 5044  
limited liability company if, for the limited liability company's 5045  
taxable year ending in 2003, its income tax liability is greater 5046  
in that municipal corporation than in any other municipal 5047  
corporation in Ohio, and that tax liability to that municipal 5048  
corporation for its taxable year ending in 2003 is at least four 5049  
hundred thousand dollars. 5050

**Sec. 718.09.** (A) This section applies to either of the 5051  
following: 5052

(1) A municipal corporation that shares the same territory as 5053  
a city, local, or exempted village school district, to the extent 5054  
that not more than five per cent of the territory of the municipal 5055  
corporation is located outside the school district and not more 5056  
than five per cent of the territory of the school district is 5057  
located outside the municipal corporation; 5058

(2) A municipal corporation that shares the same territory as 5059  
a city, local, or exempted village school district, to the extent 5060  
that not more than five per cent of the territory of the municipal 5061  
corporation is located outside the school district, more than five 5062  
per cent but not more than ten per cent of the territory of the 5063  
school district is located outside the municipal corporation, and 5064  
that portion of the territory of the school district that is 5065  
located outside the municipal corporation is located entirely 5066  
within another municipal corporation having a population of four 5067  
hundred thousand or more according to the federal decennial census 5068  
most recently completed before the agreement is entered into under 5069  
division (B) of this section. 5070

(B) The legislative authority of a municipal corporation to 5071

which this section applies may propose to the electors an income 5072  
tax, one of the purposes of which shall be to provide financial 5073  
assistance to the school district through payment to the district 5074  
of not less than twenty-five per cent of the revenue generated by 5075  
the tax, except that the legislative authority may not propose to 5076  
levy the income tax on the incomes of nonresident individuals. 5077  
Prior to proposing the tax, the legislative authority shall 5078  
negotiate and enter into a written agreement with the board of 5079  
education of the school district specifying the tax rate, the 5080  
percentage of tax revenue to be paid to the school district, the 5081  
purpose for which the school district will use the money, the 5082  
first year the tax will be levied, the date of the special 5083  
election on the question of the tax, and the method and schedule 5084  
by which the municipal corporation will make payments to the 5085  
school district. The special election shall be held on a day 5086  
specified in division (D) of section 3501.01 of the Revised Code, 5087  
except that the special election may not be held on the day for 5088  
holding a primary election as authorized by the municipal 5089  
corporation's charter unless the municipal corporation is to have 5090  
a primary election on that day. 5091

After the legislative authority and board of education have 5092  
entered into the agreement, the legislative authority shall 5093  
provide for levying the tax by ordinance. The ordinance shall 5094  
state the tax rate, the percentage of tax revenue to be paid to 5095  
the school district, the purpose for which the municipal 5096  
corporation will use its share of the tax revenue, the first year 5097  
the tax will be levied, and that the question of the income tax 5098  
will be submitted to the electors of the municipal corporation. 5099  
The legislative authority also shall adopt a resolution specifying 5100  
the regular or special election date the election will be held and 5101  
directing the board of elections to conduct the election. At least 5102  
~~seventy-five~~ eighty-five days before the date of the election, the 5103  
legislative authority shall file certified copies of the ordinance 5104

and resolution with the board of elections. 5105

(C) The board of elections shall make the necessary 5106  
arrangements for the submission of the question to the electors of 5107  
the municipal corporation, and shall conduct the election in the 5108  
same manner as any other municipal income tax election. Notice of 5109  
the election shall be published in a newspaper of general 5110  
circulation in the municipal corporation once a week for four 5111  
consecutive weeks prior to the election, and shall include 5112  
statements of the rate and municipal corporation and school 5113  
district purposes of the income tax, the percentage of tax revenue 5114  
that will be paid to the school district, and the first year the 5115  
tax will be levied. The ballot shall be in the following form: 5116

"Shall the ordinance providing for a ..... per cent levy on 5117  
income for (brief description of the municipal corporation and 5118  
school district purposes of the levy, including a statement of the 5119  
percentage of tax revenue that will be paid to the school 5120  
district) be passed? The income tax, if approved, will not be 5121  
levied on the incomes of individuals who do not reside in (the 5122  
name of the municipal corporation). 5123

5124

	For the income tax	
	Against the income tax	"

5125  
5126

(D) If the question is approved by a majority of the 5128  
electors, the municipal corporation shall impose the income tax 5129  
beginning in the year specified in the ordinance. The proceeds of 5130  
the levy may be used only for the specified purposes, including 5131  
payment of the specified percentage to the school district. 5132

**Sec. 718.10.** (A) This section applies to a group of two or 5133  
more municipal corporations that, taken together, share the same 5134

territory as a single city, local, or exempted village school 5135  
district, to the extent that not more than five per cent of the 5136  
territory of the municipal corporations as a group is located 5137  
outside the school district and not more than five per cent of the 5138  
territory of the school district is located outside the municipal 5139  
corporations as a group. 5140

(B) The legislative authorities of the municipal corporations 5141  
in a group of municipal corporations to which this section applies 5142  
each may propose to the electors an income tax, to be levied in 5143  
concert with income taxes in the other municipal corporations of 5144  
the group, except that a legislative authority may not propose to 5145  
levy the income tax on the incomes of individuals who do not 5146  
reside in the municipal corporation. One of the purposes of such a 5147  
tax shall be to provide financial assistance to the school 5148  
district through payment to the district of not less than 5149  
twenty-five per cent of the revenue generated by the tax. Prior to 5150  
proposing the taxes, the legislative authorities shall negotiate 5151  
and enter into a written agreement with each other and with the 5152  
board of education of the school district specifying the tax rate, 5153  
the percentage of the tax revenue to be paid to the school 5154  
district, the first year the tax will be levied, and the date of 5155  
the election on the question of the tax, all of which shall be the 5156  
same for each municipal corporation. The agreement also shall 5157  
state the purpose for which the school district will use the 5158  
money, and specify the method and schedule by which each municipal 5159  
corporation will make payments to the school district. The special 5160  
election shall be held on a day specified in division (D) of 5161  
section 3501.01 of the Revised Code, including a day on which all 5162  
of the municipal corporations are to have a primary election. 5163

After the legislative authorities and board of education have 5164  
entered into the agreement, each legislative authority shall 5165  
provide for levying its tax by ordinance. Each ordinance shall 5166

state the rate of the tax, the percentage of tax revenue to be 5167  
paid to the school district, the purpose for which the municipal 5168  
corporation will use its share of the tax revenue, and the first 5169  
year the tax will be levied. Each ordinance also shall state that 5170  
the question of the income tax will be submitted to the electors 5171  
of the municipal corporation on the same date as the submission of 5172  
questions of an identical tax to the electors of each of the other 5173  
municipal corporations in the group, and that unless the electors 5174  
of all of the municipal corporations in the group approve the tax 5175  
in their respective municipal corporations, none of the municipal 5176  
corporations in the group shall levy the tax. Each legislative 5177  
authority also shall adopt a resolution specifying the regular or 5178  
special election date the election will be held and directing the 5179  
board of elections to conduct the election. At least ~~seventy-five~~ 5180  
eighty-five days before the date of the election, each legislative 5181  
authority shall file certified copies of the ordinance and 5182  
resolution with the board of elections. 5183

(C) For each of the municipal corporations, the board of 5184  
elections shall make the necessary arrangements for the submission 5185  
of the question to the electors, and shall conduct the election in 5186  
the same manner as any other municipal income tax election. For 5187  
each of the municipal corporations, notice of the election shall 5188  
be published in a newspaper of general circulation in the 5189  
municipal corporation once a week for four consecutive weeks prior 5190  
to the election. The notice shall include a statement of the rate 5191  
and municipal corporation and school district purposes of the 5192  
income tax, the percentage of tax revenue that will be paid to the 5193  
school district, and the first year the tax will be levied, and an 5194  
explanation that the tax will not be levied unless an identical 5195  
tax is approved by the electors of each of the other municipal 5196  
corporations in the group. The ballot shall be in the following 5197  
form: 5198

"Shall the ordinance providing for a ... per cent levy on income for (brief description of the municipal corporation and school district purposes of the levy, including a statement of the percentage of income tax revenue that will be paid to the school district) be passed? The income tax, if approved, will not be levied on the incomes of individuals who do not reside in (the name of the municipal corporation). In order for the income tax to be levied, the voters of (the other municipal corporations in the group), which are also in the (name of the school district) school district, must approve an identical income tax and agree to pay the same percentage of the tax revenue to the school district.

	For the income tax	"
	Against the income tax	

(D) If the question is approved by a majority of the electors and identical taxes are approved by a majority of the electors in each of the other municipal corporations in the group, the municipal corporation shall impose the tax beginning in the year specified in the ordinance. The proceeds of the levy may be used only for the specified purposes, including payment of the specified percentage to the school district.

**Sec. 731.03.** (A) Except as otherwise provided in division (B) of this section, one member of the legislative authority of a city from each ward and such number of members thereof at large as is provided by section 731.01 of the Revised Code shall be chosen in each odd-numbered year. Members shall serve for a term of two years commencing on the first day of January next after their election.

(B) A city legislative authority may, by majority vote, adopt a resolution causing the board of elections to submit to the city

electors the question of whether the terms of office of the 5230  
members of the legislative authority should be changed from two to 5231  
four years. The question may also ask whether the legislative 5232  
authority should be authorized to establish staggered four-year 5233  
terms of office among members of the legislative authority by 5234  
fixing certain terms of office at two years for one term of office 5235  
but then at four years thereafter. If the resolution calls for 5236  
submission of the question about staggered terms, the resolution 5237  
shall specify the number of members to be elected for four-year 5238  
terms and the number to be elected for two-year terms at the next 5239  
election for such members. The resolution shall also specify how 5240  
many of those members elected to four-year terms and how many of 5241  
those members elected to two-year terms shall be elected from the 5242  
city at large, and how many from wards. If staggered terms of 5243  
office are established, the legislative authority shall fix the 5244  
length of the terms of office prior to the last day fixed by law 5245  
for filing as a candidate for such office. The question shall be 5246  
voted upon at the next general election occurring not less than 5247  
~~seventy-five~~ eighty-five days after the certification of the 5248  
resolution to the board of elections. If a majority of the votes 5249  
cast on the question is in the affirmative, the terms of office of 5250  
the members of the legislative authority shall be four years 5251  
effective on the first day of January following the next regular 5252  
municipal election, except as may otherwise be provided by the 5253  
legislative authority to establish staggered terms of office among 5254  
members of the legislative authority. 5255

A city legislative authority whose members' terms of office 5256  
are four years may, by a majority vote, adopt a resolution 5257  
establishing staggered four-year terms of office among members of 5258  
the legislative authority by fixing certain terms of office at two 5259  
years for one term of office but then at four years thereafter. 5260  
The resolution shall specify the number of members to be elected 5261  
for four-year terms and the number to be elected for two-year 5262



terms, and shall specify how many of those members elected to 5263  
four-year terms and how many of those members elected to two-year 5264  
terms shall be elected from the city at large, and how many from 5265  
wards. If staggered terms of office are established, the 5266  
legislative authority shall fix the length of the terms of office 5267  
prior to the last day fixed by law for filing as a candidate for 5268  
such office. 5269

A city legislative authority whose members' terms of office 5270  
are four years may, by majority vote, adopt a resolution causing 5271  
the board of elections to submit to the city electors the question 5272  
of whether the members' terms should be changed back from four to 5273  
two years. The question shall be voted upon at the next general 5274  
election occurring not less than ~~seventy-five~~ eighty-five days 5275  
after the certification of the resolution to the board of 5276  
elections. If a majority of the votes cast on the question is in 5277  
the affirmative, the terms of office of the members of the 5278  
legislative authority shall be two years effective on the first 5279  
day of January following the next regular municipal election. 5280

**Sec. 731.28.** Ordinances and other measures providing for the 5281  
exercise of any powers of government granted by the constitution 5282  
or delegated to any municipal corporation by the general assembly 5283  
may be proposed by initiative petition. Such initiative petition 5284  
must contain the signatures of not less than ten per cent of the 5285  
number of electors who voted for governor at the most recent 5286  
general election for the office of governor in the municipal 5287  
corporation. 5288

When a petition is filed with the city auditor or village 5289  
clerk, signed by the required number of electors proposing an 5290  
ordinance or other measure, such auditor or clerk shall, after ten 5291  
days, transmit a certified copy of the text of the proposed 5292  
ordinance or measure to the board of elections. The auditor or 5293

clerk shall transmit the petition to the board together with the 5294  
certified copy of the proposed ordinance or other measure. The 5295  
board shall examine all signatures on the petition to determine 5296  
the number of electors of the municipal corporation who signed the 5297  
petition. The board shall return the petition to the auditor or 5298  
clerk within ten days after receiving it, together with a 5299  
statement attesting to the number of such electors who signed the 5300  
petition. 5301

The board shall submit such proposed ordinance or measure for 5302  
the approval or rejection of the electors of the municipal 5303  
corporation at the next general election occurring subsequent to 5304  
~~seventy-five~~ eighty-five days after the auditor or clerk certifies 5305  
the sufficiency and validity of the initiative petition to the 5306  
board of elections. No ordinance or other measure proposed by 5307  
initiative petition and approved by a majority of the electors 5308  
voting upon the measure in such municipal corporation shall be 5309  
subject to the veto of the mayor. 5310

As used in this section, "certified copy" means a copy 5311  
containing a written statement attesting it is a true and exact 5312  
reproduction of the original proposed ordinance or other measure. 5313

**Sec. 731.29.** Any ordinance or other measure passed by the 5314  
legislative authority of a municipal corporation shall be subject 5315  
to the referendum except as provided by section 731.30 of the 5316  
Revised Code. No ordinance or other measure shall go into effect 5317  
until thirty days after it is filed with the mayor of a city or 5318  
passed by the legislative authority in a village, except as 5319  
provided by such section. 5320

When a petition, signed by ten per cent of the number of 5321  
electors who voted for governor at the most recent general 5322  
election for the office of governor in the municipal corporation, 5323  
is filed with the city auditor or village clerk within thirty days 5324

after any ordinance or other measure is filed with the mayor or 5325  
passed by the legislative authority of a village, or in case the 5326  
mayor has vetoed the ordinance or any measure and returned it to 5327  
council, such petition may be filed within thirty days after the 5328  
council has passed the ordinance or measure over ~~his~~ the veto, 5329  
ordering that such ordinance or measure be submitted to the 5330  
electors of such municipal corporation for their approval or 5331  
rejection, such auditor or clerk shall, after ten days, and not 5332  
later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before 5333  
the day of election, transmit a certified copy of the text of the 5334  
ordinance or measure to the board of elections. The auditor or 5335  
clerk shall transmit the petition to the board together with the 5336  
certified copy of the ordinance or measure. The board shall 5337  
examine all signatures on the petition to determine the number of 5338  
electors of the municipal corporation who signed the petition. The 5339  
board shall return the petition to the auditor or clerk within ten 5340  
days after receiving it, together with a statement attesting to 5341  
the number of such electors who signed the petition. The board 5342  
shall submit the ordinance or measure to the electors of the 5343  
municipal corporation, for their approval or rejection, at the 5344  
next general election occurring subsequent to ~~seventy-five~~ 5345  
eighty-five days after the auditor or clerk certifies the 5346  
sufficiency and validity of the petition to the board of 5347  
elections. 5348

No such ordinance or measure shall go into effect until 5349  
approved by the majority of those voting upon it. Sections 731.28 5350  
to 731.41 of the Revised Code do not prevent a municipal 5351  
corporation, after the passage of any ordinance or other measure, 5352  
from proceeding at once to give any notice or make any publication 5353  
required by such ordinance or other measure. 5354

As used in this section, "certified copy" means a copy 5355  
containing a written statement attesting that it is a true and 5356

exact reproduction of the original ordinance or other measure. 5357

**Sec. 733.09.** (A) Except as otherwise provided in division (B) 5358  
of this section, the president of the legislative authority of a 5359  
city shall be elected for a term of two years, commencing on the 5360  
first day of January next after ~~his~~ election. ~~He~~ The president of 5361  
the legislative authority shall be an elector of the city, and 5362  
shall preside at all regular and special meetings of such 5363  
legislative authority, but ~~he~~ the president shall have no vote 5364  
therein except in case of a tie. 5365

(B) A city legislative authority may, by majority vote, adopt 5366  
a resolution causing the board of elections to submit to the city 5367  
electors the question of whether the term of office of the 5368  
president of the legislative authority should be changed from two 5369  
to four years. The question shall be voted upon at the next 5370  
general election occurring not less than ~~seventy-five~~ eighty-five 5371  
days after the certification of the resolution to the board of 5372  
elections. If a majority of the votes cast on the question is in 5373  
the affirmative, the term of office of the president of the 5374  
legislative authority shall be four years effective on the first 5375  
day of January following the next regular municipal election. 5376

A city legislative authority whose president's term of office 5377  
is four years may, by majority vote, adopt a resolution causing 5378  
the board of elections to submit to the city electors the question 5379  
of whether the president's term should be changed from four to two 5380  
years. The question shall be voted upon at the next general 5381  
election ~~occurring~~ occurring not less than ~~seventy-five~~ eighty-five 5382  
days after the certification of the resolution to the board of 5383  
elections. If a majority of the votes cast on the question is in 5384  
the affirmative, the term of the office of the president of the 5385  
legislative authority shall be two years effective on the first 5386  
day of January following the next regular municipal election. 5387

**Sec. 733.261.** (A) The legislative authority of a village may, 5388  
by ordinance or resolution passed by at least a majority vote, 5389  
combine the duties of the clerk and the treasurer into one office, 5390  
to be known as the clerk-treasurer. The combination shall be 5391  
effective on the first day of January following the next regular 5392  
municipal election at which the village clerk is to be elected, 5393  
provided that a clerk-treasurer shall be elected at such election 5394  
pursuant to this section and shall be elected for a term of four 5395  
years, commencing on the first day of April following ~~his~~ 5396  
election. Between the first day of January and the first day of 5397  
April following such an election, the clerk shall perform the 5398  
duties of clerk-treasurer. The legislative authority of the 5399  
village shall file certification of such action with the board of 5400  
elections not less than one hundred ~~five~~ fifteen days before the 5401  
day of the next municipal primary election at which the village 5402  
clerk is to be elected; provided that in villages under two 5403  
thousand population in which no petition for a primary election 5404  
was filed pursuant to section 3513.01 of the Revised Code, or in 5405  
villages in which no primary is held pursuant to section 3513.02 5406  
of the Revised Code, such action shall be certified to the board 5407  
of elections not less than one hundred ~~five~~ fifteen days before 5408  
the next general election at which the village clerk is to be 5409  
elected. 5410

At such succeeding regular municipal election and thereafter, 5411  
the clerk-treasurer shall be elected for a term of four years, 5412  
commencing on the first day of April following the 5413  
clerk-treasurer's election. The clerk-treasurer shall be an 5414  
elector of the corporation. 5415

(B) In addition to the circumstances described in division 5416  
(A) of this section, when a vacancy exists in the office of 5417  
village treasurer or village clerk the legislative authority of a 5418  
village may, by ordinance or resolution passed by at least a 5419

majority vote, combine the duties of the clerk and the treasurer 5420  
into one office, to be known as the clerk-treasurer. The 5421  
combination shall be effective on the effective date of the 5422  
ordinance or resolution combining the duties of the offices of 5423  
clerk and treasurer. At the next regular municipal election at 5424  
which the village clerk would have been elected and each four 5425  
years thereafter, the clerk-treasurer shall be elected for a term 5426  
of four years, commencing on the first day of April following the 5427  
clerk-treasurer's election. The clerk-treasurer shall be an 5428  
elector of the municipal corporation. 5429

(C) The clerk-treasurer shall perform the duties provided by 5430  
law for the clerk and the treasurer. All laws pertaining to the 5431  
clerk and to the treasurer shall be construed to apply to the 5432  
clerk-treasurer, provided that the initial compensation for the 5433  
office of clerk-treasurer shall be established by the legislative 5434  
authority and that action shall not be subject to section 731.13 5435  
of the Revised Code relating to the time when the compensation of 5436  
village elected officials shall be fixed and pertaining to changes 5437  
in compensation of officials during the term of office. 5438

(D) The legislative authority of a village having a 5439  
clerk-treasurer may separate the offices by ordinance or 5440  
resolution passed by at least a majority vote. The action to 5441  
separate the offices may be taken in either of the following 5442  
circumstances: 5443

(1) When a vacancy exists in the office of clerk-treasurer, 5444  
in which case the separation shall be effective upon the effective 5445  
date of the ordinance or resolution; 5446

(2) When the action of the legislative authority is certified 5447  
to and filed with the board of elections not less than one hundred 5448  
~~five~~ fifteen days before the day of the next primary election at 5449  
which the village clerk and treasurer are to be elected; provided 5450  
that in villages under two thousand population in which no 5451

petition for a primary election was filed pursuant to section 5452  
3513.01 of the Revised Code, or in villages in which no primary is 5453  
held pursuant to section 3513.02 of the Revised Code, such action 5454  
shall be certified to the board of elections not less than one 5455  
hundred ~~five~~ fifteen days before the next general election at 5456  
which the village clerk and treasurer are to be elected. 5457

**Sec. 733.262.** (A) In lieu of having the elected office of 5458  
village clerk and the office of village treasurer, or the combined 5459  
elected office of village clerk-treasurer, a village may combine 5460  
the duties of the clerk and treasurer into one appointed office, 5461  
to be known as the village fiscal officer. To make this change, 5462  
the village legislative authority shall pass, by a two-thirds 5463  
vote, an ordinance or resolution proposing to make the change 5464  
effective on the first day of January following the next regular 5465  
municipal election at which the village clerk or village 5466  
clerk-treasurer is to be elected. 5467

So that no election for the office of village clerk or 5468  
village clerk-treasurer is held after the passage of the ordinance 5469  
or resolution, the village legislative authority shall file a 5470  
certified copy of the ordinance or resolution with the board of 5471  
elections not less than one hundred ~~five~~ fifteen days before the 5472  
day of the next succeeding municipal primary election at which 5473  
candidates for the office of village clerk or village 5474  
clerk-treasurer are to be nominated, or, in villages with a 5475  
population of under two thousand in which no petition for a 5476  
primary election is filed under section 3513.01 of the Revised 5477  
Code or in villages in which no primary is held under section 5478  
3513.02 of the Revised Code, not less than one hundred ~~five~~ 5479  
fifteen days before the next succeeding regular municipal election 5480  
at which the village clerk or village clerk-treasurer is to be 5481  
elected. 5482

(B) In addition to the circumstances described in division 5483  
(A) of this section, when a vacancy exists in the office of 5484  
village clerk or village clerk-treasurer, the village legislative 5485  
authority may pass, by a two-thirds vote, an ordinance or 5486  
resolution to combine the duties of the clerk and the treasurer 5487  
into the appointed office of village fiscal officer. That change 5488  
shall take effect on the effective date of the ordinance or 5489  
resolution. 5490

(C) A village fiscal officer appointed under this section 5491  
shall perform the duties provided by law for the village clerk and 5492  
treasurer and any other duties consistent with the nature of the 5493  
office that are provided for by municipal ordinance. 5494

(D) A village fiscal officer shall be appointed by the mayor 5495  
of the village, but that appointment does not become effective 5496  
until it is approved by a majority vote of the village legislative 5497  
authority. The village fiscal officer need not be an elector of 5498  
the village or reside in the village at the time of appointment; 5499  
however, the fiscal officer shall become a resident of the village 5500  
within six months after the appointment takes effect, unless an 5501  
ordinance is passed approving the fiscal officer's residence 5502  
outside of the village. 5503

The village fiscal officer may be removed without cause 5504  
either by the mayor with the consent of a majority of the members 5505  
of the village legislative authority or by a three-fourths vote of 5506  
the village legislative authority with or without the consent of 5507  
the mayor. 5508

(E) The legislative authority of a village that has a village 5509  
fiscal officer may abolish that appointed office and return to an 5510  
elected office of village clerk-treasurer by passing an ordinance 5511  
or resolution by a two-thirds vote. 5512

If a vacancy exists in the office of village fiscal officer 5513



when this ordinance or resolution is passed, the abolition shall 5514  
take effect on the effective date of the ordinance or resolution, 5515  
and the mayor shall appoint a village clerk-treasurer to serve 5516  
until the first day of April following the next regular municipal 5517  
election at which a clerk-treasurer can be elected. So an election 5518  
can be held, the village legislative authority shall file a 5519  
certified copy of the ordinance or resolution with the board of 5520  
elections not less than one hundred ~~five~~ fifteen days before the 5521  
day of the next succeeding municipal primary election. 5522

If a vacancy does not exist in the office of village fiscal 5523  
officer when the abolishing ordinance or resolution is passed, the 5524  
village legislative authority shall certify a copy of the 5525  
ordinance or resolution to the board of elections not less than 5526  
one hundred ~~five~~ fifteen days before the day of the next 5527  
succeeding municipal primary election. 5528

The person elected at the next regular municipal election as 5529  
village clerk-treasurer under the circumstances described in this 5530  
division shall serve a four-year term commencing on the first day 5531  
of April following that election. 5532

**Sec. 733.31.** (A) Unless otherwise provided by law, vacancies 5533  
arising in appointive and elective offices of villages shall be 5534  
filled by appointment by the mayor for the remainder of the 5535  
unexpired term, provided that: 5536

(1) Vacancies in the office of mayor shall be filled in the 5537  
manner provided by section 733.25 of the Revised Code; 5538

(2) Vacancies in the membership of the legislative authority 5539  
shall be filled in the manner provided by section 731.43 of the 5540  
Revised Code; 5541

(3) Vacancies in the office of president pro tempore of a 5542  
village legislative authority shall be filled in the manner 5543

provided by section 731.11 of the Revised Code. 5544

In the event of a vacancy in the office of village clerk or 5545  
treasurer, the mayor may appoint a person to serve as an acting 5546  
officer to perform the duties of the office until a permanent 5547  
officer is appointed to fill the vacancy. 5548

(B) Unless otherwise provided by law, vacancies arising in 5549  
appointive offices of cities shall be filled by appointment by the 5550  
mayor for the remainder of the unexpired term. 5551

(C) A vacancy in the office of president of the legislative 5552  
authority of a city shall be filled in the same manner as provided 5553  
in division (D) of this section. Vacancies in the office of mayor 5554  
of a city shall be filled in the manner provided in section 733.08 5555  
of the Revised Code. Vacancies in the membership of the 5556  
legislative authority of a city shall be filled in the manner 5557  
provided in section 731.43 of the Revised Code. 5558

(D) In case of the death, resignation, removal, or disability 5559  
of the director of law, auditor, or treasurer of a city and such 5560  
vacancy occurs more than ~~forty~~ fifty days before the next general 5561  
election for such office, a successor shall be elected at such 5562  
election for the unexpired term unless such term expires within 5563  
one year immediately following the date of such general election. 5564  
In either event, the vacancy shall be filled as provided in this 5565  
section and the appointee shall hold ~~his~~ office until a successor 5566  
is elected and qualified. 5567

(1) The county central committee of the political party with 5568  
which the last occupant of the office was affiliated, acting 5569  
through its members who reside in the city where the vacancy 5570  
occurs, shall appoint a person to hold the office and to perform 5571  
the duties thereof until a successor is elected and has qualified, 5572  
except that if such vacancy occurs because of the death, 5573  
resignation, or inability to take the office of an officer-elect 5574

whose term has not yet begun, an appointment to take such office 5575  
at the beginning of the term shall be made by the members of the 5576  
central committee who reside in the city where the vacancy occurs. 5577

(2) Not less than five nor more than forty-five days after a 5578  
vacancy occurs, the county central committee, acting through its 5579  
members who reside in the city where the vacancy occurs, shall 5580  
meet for the purpose of making an appointment. Not less than four 5581  
days before the date of the meeting the ~~chairman~~ chairperson or 5582  
secretary of the central committee shall send by first class mail 5583  
to every member of such central committee who resides in the city 5584  
where the vacancy occurs a written notice which shall state the 5585  
time and place of such meeting and the purpose thereof. A majority 5586  
of the members of the central committee present at such meeting 5587  
may make the appointment. 5588

(E) If the last occupant of the office or the officer-elect, 5589  
as provided in division (D) of this section, was elected as an 5590  
independent candidate, the mayor of the city shall make the 5591  
appointment at the time the vacancy occurs. 5592

(F) Appointments made under this section shall be certified 5593  
by the appointing county central committee or by the mayor of the 5594  
municipal corporation to the county board of elections and to the 5595  
secretary of state. The persons so appointed and certified shall 5596  
be entitled to all remuneration provided by law for the offices to 5597  
which they are appointed. 5598

(G) The mayor of the city may appoint a person to hold the 5599  
city office of director of law, auditor, or treasurer as an acting 5600  
officer and to perform the duties thereof between the occurrence 5601  
of the vacancy and the time when the person appointed by the 5602  
central committee qualifies and takes the office. 5603

**Sec. 733.48.** (A) Except as provided in division (B) of this 5604  
section, when it considers it necessary, the legislative authority 5605

of a village may provide legal counsel for the village, or for any 5606  
department or official of the village, for a period not to exceed 5607  
two years and shall provide compensation for the legal counsel. 5608

(B) A petition may be filed with the village clerk, signed by 5609  
registered electors residing in the village equal in number to not 5610  
less than ten per cent of the total vote cast for all candidates 5611  
for governor in the village at the most recent general election at 5612  
which a governor was elected, requesting that the question be 5613  
placed before the electors whether, instead of the legislative 5614  
authority appointing legal counsel for the village or for any 5615  
department or official of the village, the mayor shall appoint an 5616  
attorney or law firm as the legal counsel with the advice and 5617  
consent of the legislative authority. Within two weeks after 5618  
receipt of the petition, the clerk shall certify it to the board 5619  
of elections, which shall determine its sufficiency and validity. 5620  
The petition shall be certified to the board not less than 5621  
~~seventy-five~~ eighty-five days prior to the election at which the 5622  
question is to be voted upon. 5623

At the election, if a majority of the electors of the village 5624  
approves the question, then effective immediately when the mayor 5625  
considers it necessary, the mayor shall appoint, with the advice 5626  
and consent of the legislative authority, an attorney or law firm 5627  
as legal counsel for the village, or for any department or 5628  
official of the village, for a period not to exceed two years. The 5629  
appointment of legal counsel under this division shall be pursuant 5630  
to a contract approved by the mayor and a majority vote of the 5631  
legislative authority. The contract shall provide for the 5632  
compensation and other terms of the engagement of the legal 5633  
counsel, and the legislative authority shall provide that 5634  
compensation for the legal counsel. 5635

(C) When acting under this section, the legislative authority 5636  
acts in its administrative capacity. 5637

**Sec. 749.021.** Upon the execution of the agreement provided 5638  
for in section 749.02 of the Revised Code the legislative 5639  
authority of the municipal corporation shall submit to the 5640  
electors thereof, at the next general election occurring not less 5641  
than ~~seventy-five~~ eighty-five days after the certification of the 5642  
resolution to the board of elections, the question of the 5643  
ratification of such agreement, and if the sum to be paid by the 5644  
municipal corporation under the terms of such agreement is not 5645  
available from current general revenues thereof, the legislative 5646  
authority shall also submit to the electors, at the same election, 5647  
the question of the issue of bonds of the municipal corporation in 5648  
the amount specified in such agreement for the purpose of 5649  
providing funds for the payment of such sum. The proceedings in 5650  
the matter of such election and in the issuance and sale of such 5651  
bonds shall be as provided by law for municipal bonds. Such 5652  
agreement shall not be effective, and no bonds shall be issued, 5653  
unless the electors approve of both the agreement and the bond 5654  
issue, if the question of the issue of bonds is so submitted. 5655

**Sec. 755.01.** When five per cent of the qualified electors of 5656  
a city petition the board of elections of the county for the 5657  
privilege of determining by ballot whether there shall be a board 5658  
of park commissioners, such board shall submit at the next general 5659  
election held within such city at least eighty-five days after the 5660  
petition is filed, or at a special election occurring at least 5661  
eighty-five days after the petition is filed, if the petition 5662  
requests a special election, the questions presented in the 5663  
petition, to the electors of the city. Such special election shall 5664  
be held at the usual place for holding municipal elections and 5665  
shall be governed by the same rules, regulations, and laws as 5666  
govern the holding of municipal elections. 5667

**Sec. 757.02.** Upon the filing of a petition as provided by 5668  
section 757.01 of the Revised Code, the taxing authority of the 5669  
municipal corporation shall pass a resolution providing for the 5670  
submission of the question of levying a tax as provided by such 5671  
section at the next following municipal election. A copy of such 5672  
resolution shall be certified by the taxing authority to the board 5673  
of elections not less than ~~seventy-five~~ eighty-five days before 5674  
the general election in any year in which a municipal election is 5675  
held, and such board shall submit the question to the electors of 5676  
the municipal corporation at the succeeding November election. 5677  
Section 5705.25 of the Revised Code relating to the arrangements 5678  
for and the conduct of such election, publication thereof, and 5679  
form of ballot therefor, shall apply to such proposal to the 5680  
electorate. 5681

If sixty-five per cent of the electors voting on such 5682  
proposal at the election vote in favor thereof, sections 5705.25 5683  
and 5705.26 of the Revised Code, shall apply to the certification 5684  
and levy of such additional tax. 5685

**Sec. 759.25.** The legislative authority of a village may levy 5686  
a tax for the purchase of a funeral coach or the ~~construction~~ 5687  
construction of a vault for the dead, for the use of the village. 5688  
Such resolution shall be filed with the board of elections not 5689  
later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before 5690  
the day of the election. The question of levying such tax, for 5691  
either or both purposes, and the amount asked therefor, shall be 5692  
separately submitted to the electors of the village at a general 5693  
election. Twenty days' notice of such election shall be given by 5694  
posting in at least three public places in the village. The notice 5695  
shall state specifically the amount to be raised, and for what 5696  
purpose. If a majority of all the votes cast at the election is in 5697  
favor of either or both propositions, they shall be considered 5698

adopted and the tax authorized. The funeral coach and vault shall 5699  
be under the control of the board of cemetery trustees of the 5700  
village where there is such board, otherwise under the control of 5701  
the legislative authority or person appointed by it. 5702

**Sec. 1515.28.** A board of county commissioners may declare by 5703  
resolution that it is necessary to levy a tax upon the property 5704  
within the project area in order to pay the costs of the 5705  
improvement not otherwise funded. 5706

Such resolution shall specify the rate which it is necessary 5707  
to levy, the purpose thereof, and the number of years during which 5708  
such increase shall be in effect, which levy may include a levy 5709  
upon the duplicate of the current year. 5710

A copy of the resolution shall be certified to the board of 5711  
elections for the county not less than ~~seventy-five~~ eighty-five 5712  
days before the general election in any year and said board shall 5713  
submit the proposal to the electors within the project area at the 5714  
succeeding November election in accordance with section 5705.25 of 5715  
the Revised Code. For purposes of that section, the subdivision is 5716  
the project area. 5717

If the per cent required for approval of a levy as set forth 5718  
in section 5705.26 of the Revised Code vote in favor thereof, the 5719  
board of county commissioners may levy a tax within the project 5720  
area, outside the ten-mill limitation, during the period and for 5721  
the purpose stated in the resolution, or at any less rate or for 5722  
any less number of years. 5723

The board may issue bonds and notes in anticipation of the 5724  
collection of taxes levied under this section, and notes in 5725  
anticipation of the issuance of bonds. 5726

**Sec. 1545.21.** The board of park commissioners, by resolution, 5727  
may submit to the electors of the park district the question of 5728

levying taxes for the use of the district. The resolution shall 5729  
declare the necessity of levying such taxes, shall specify the 5730  
purpose for which such taxes shall be used, the annual rate 5731  
proposed, and the number of consecutive years the rate shall be 5732  
levied. Such resolution shall be forthwith certified to the board 5733  
of elections in each county in which any part of such district is 5734  
located, not later than the ~~seventy-fifth~~ eighty-fifth day before 5735  
the day of the election, and the question of the levy of taxes as 5736  
provided in such resolution shall be submitted to the electors of 5737  
the district at a special election to be held on whichever of the 5738  
following occurs first: 5739

(A) The day of the next general election; 5740

(B) The first Tuesday after the first Monday in May in any 5741  
calendar year, except that if a presidential primary election is 5742  
held in that calendar year, then the day of that election. The 5743  
ballot shall set forth the purpose for which the taxes shall be 5744  
levied, the annual rate of levy, and the number of years of such 5745  
levy. If the tax is to be placed on the current tax list, the form 5746  
of the ballot shall state that the tax will be levied in the 5747  
current tax year and shall indicate the first calendar year the 5748  
tax will be due. If the resolution of the board of park 5749  
commissioners provides that an existing levy will be canceled upon 5750  
the passage of the new levy, the ballot may include a statement 5751  
that: "an existing levy of ... mills (stating the original levy 5752  
millage), having ... years remaining, will be canceled and 5753  
replaced upon the passage of this levy." In such case, the ballot 5754  
may refer to the new levy as a "replacement levy" if the new 5755  
millage does not exceed the original millage of the levy being 5756  
canceled or as a "replacement and additional levy" if the new 5757  
millage exceeds the original millage of the levy being canceled. 5758  
If a majority of the electors voting upon the question of such 5759  
levy vote in favor thereof, such taxes shall be levied and shall 5760



be in addition to the taxes authorized by section 1545.20 of the Revised Code, and all other taxes authorized by law. The rate submitted to the electors at any one time shall not exceed two mills annually upon each dollar of valuation. When a tax levy has been authorized as provided in this section or in section 1545.041 of the Revised Code, the board of park commissioners may issue bonds pursuant to section 133.24 of the Revised Code in anticipation of the collection of such levy, provided that such bonds shall be issued only for the purpose of acquiring and improving lands. Such levy, when collected, shall be applied in payment of the bonds so issued and the interest thereon. The amount of bonds so issued and outstanding at any time shall not exceed one per cent of the total tax valuation in such district. Such bonds shall bear interest at a rate not to exceed the rate determined as provided in section 9.95 of the Revised Code.

**Sec. 1545.36.** (A) When the board of elections of the county in which a park district is located has had filed with it a petition calling for the dissolution of the district, and determines that the petition meets the requirements of this section and section 3501.38 of the Revised Code, the board shall place the issue of the dissolution on the ballot at the next special election to be held on the day of a general or primary election. Written notice of the filing of the petition shall be sent immediately to the board of park commissioners and the probate court that created the district.

(B) The petition shall:

(1) Be filed with the board no less than ~~seventy-five~~ eighty-five days before the next election;

(2) Be supported by the signatures of at least twenty-five per cent of the number of voters in the district who voted in the preceding gubernatorial election.

(C) If the petition as filed does not have the required 5792  
number of signatures and the time for filing has elapsed, the 5793  
board shall declare it invalid. No further petition for 5794  
dissolution shall be received until after the next election is 5795  
completed. On determination of these findings, the board shall 5796  
send written notice of them to the principal circulator. 5797

(D)(1) If a majority of the votes cast support the 5798  
dissolution, the board shall immediately send written notice of 5799  
the vote, citing the number of votes for and against the issue, to 5800  
the probate court, to the board of park commissioners, and to the 5801  
principal circulator. No park district shall be applied for within 5802  
the dissolved district for a period of four years following the 5803  
election in which the issue was supported. 5804

(2) If the issue fails to obtain a majority of the votes 5805  
cast, the board shall receive no further petition for dissolution 5806  
until the fourth year following that in which the election failed, 5807  
and shall send written notice of these results to the principal 5808  
circulator and the board of park commissioners. 5809

**Sec. 1711.30.** Before issuing bonds under section 1711.28 of 5810  
the Revised Code, the board of county commissioners, by 5811  
resolution, shall submit to the qualified electors of the county 5812  
at the next general election for county officers, held not less 5813  
than ~~thirty~~ eighty-five days after receiving from the county 5814  
agricultural society the notice provided for in section 1711.25 of 5815  
the Revised Code, the question of issuing and selling such bonds 5816  
in such amount and denomination as are necessary for the purpose 5817  
in view, and shall certify a copy of such resolution to the county 5818  
board of elections. 5819

The county board of elections shall place the question of 5820  
issuing and selling such bonds upon the ballot and make all other 5821  
necessary arrangements for the submission, at the time fixed by 5822

such resolution, of such question to such electors. The votes cast 5823  
at such election upon such question must be counted, canvassed, 5824  
and certified in the same manner, except as provided by law, as 5825  
votes cast for county officers. Fifteen days' notice of such 5826  
submission shall be given by the county board of elections, by 5827  
publication once a week for two consecutive weeks in two or more 5828  
newspapers published in the county, stating the amount of bonds to 5829  
be issued, the purpose for which they are to be issued, and the 5830  
time and places of holding such election. Such question must be 5831  
stated on the ballot as follows: "For the issue of county fair 5832  
bonds, yes"; "For the issue of county fair bonds, no." If the 5833  
majority of those voting upon the question of issuing the bonds 5834  
vote in favor thereof, then and only then shall they be issued and 5835  
the tax provided for in section 1711.29 of the Revised Code be 5836  
levied. 5837

**Sec. 1901.07.** (A) All municipal court judges shall be elected 5838  
on the nonpartisan ballot for terms of six years. In a municipal 5839  
court in which only one judge is to be elected in any one year, 5840  
that judge's term commences on the first day of January after the 5841  
election. In a municipal court in which two or more judges are to 5842  
be elected in any one year, their terms commence on successive 5843  
days beginning the first day of January, following the election, 5844  
unless otherwise provided by section 1901.08 of the Revised Code. 5845  
5846

(B) All candidates for municipal court judge may be nominated 5847  
either by nominating petition or by primary election, except that 5848  
if the jurisdiction of a municipal court extends only to the 5849  
corporate limits of the municipal corporation in which the court 5850  
is located and that municipal corporation operates under a 5851  
charter, all candidates shall be nominated in the same manner 5852  
provided in the charter for the office of municipal court judge 5853  
or, if no specific provisions are made in the charter for the 5854

office of municipal court judge, in the same manner as the charter 5855  
prescribes for the nomination and election of the legislative 5856  
authority of the municipal corporation. 5857

If the jurisdiction of a municipal court extends beyond the 5858  
corporate limits of the municipal corporation in which it is 5859  
located or if the jurisdiction of the court does not extend beyond 5860  
the corporate limits of the municipal corporation in which it is 5861  
located and no charter provisions apply, all candidates for party 5862  
nomination to the office of municipal court judge shall file a 5863  
declaration of candidacy and petition not later than four p.m. of 5864  
the ~~seventy-fifth~~ eighty-fifth day before the day of the primary 5865  
election, ~~or if the primary election is a presidential primary~~ 5866  
~~election, not later than four p.m. of the sixtieth day before the~~ 5867  
~~day of the presidential primary election,~~ in the form prescribed 5868  
by section 3513.07 of the Revised Code. The petition shall conform 5869  
to the requirements provided for those petitions of candidacy 5870  
contained in section 3513.05 of the Revised Code, except that the 5871  
petition shall be signed by at least fifty electors of the 5872  
territory of the court. If no valid declaration of candidacy is 5873  
filed for nomination as a candidate of a political party for 5874  
election to the office of municipal court judge, or if the number 5875  
of persons filing the declarations of candidacy for nominations as 5876  
candidates of one political party for election to the office does 5877  
not exceed the number of candidates that that party is entitled to 5878  
nominate as its candidates for election to the office, no primary 5879  
election shall be held for the purpose of nominating candidates of 5880  
that party for election to the office, and the candidates shall be 5881  
issued certificates of nomination in the manner set forth in 5882  
section 3513.02 of the Revised Code. 5883

If the jurisdiction of a municipal court extends beyond the 5885  
corporate limits of the municipal corporation in which it is 5886

located or if the jurisdiction of the court does not extend beyond 5887  
the corporate limits of the municipal corporation in which it is 5888  
located and no charter provisions apply, nonpartisan candidates 5889  
for the office of municipal court judge shall file nominating 5890  
petitions not later than four p.m. of the day before the day of 5891  
the primary election in the form prescribed by section 3513.261 of 5892  
the Revised Code. The petition shall conform to the requirements 5893  
provided for those petitions of candidacy contained in section 5894  
3513.257 of the Revised Code, except that the petition shall be 5895  
signed by at least fifty electors of the territory of the court. 5896

The nominating petition or declaration of candidacy for a 5897  
municipal court judge shall contain a designation of the term for 5898  
which the candidate seeks election. At the following regular 5899  
municipal election, the candidacies of the judges nominated shall 5900  
be submitted to the electors of the territory on a nonpartisan, 5901  
judicial ballot in the same manner as provided for judges of the 5902  
court of common pleas, except that, in a municipal corporation 5903  
operating under a charter, all candidates for municipal court 5904  
judge shall be elected in conformity with the charter if 5905  
provisions are made in the charter for the election of municipal 5906  
court judges. 5907

(C) Notwithstanding divisions (A) and (B) of this section, in 5908  
the following municipal courts, the judges shall be nominated and 5909  
elected as follows: 5910

(1) In the Cleveland municipal court, the judges shall be 5911  
nominated only by petition. The petition shall be signed by at 5912  
least fifty electors of the territory of the court. It shall be in 5913  
the statutory form and shall be filed in the manner and within the 5914  
time prescribed by the charter of the city of Cleveland for filing 5915  
petitions of candidates for municipal offices. Each elector shall 5916  
have the right to sign petitions for as many candidates as are to 5917  
be elected, but no more. The judges shall be elected by the 5918

electors of the territory of the court in the manner provided by 5919  
law for the election of judges of the court of common pleas. 5920

(2) In the Toledo municipal court, the judges shall be 5921  
nominated only by petition. The petition shall be signed by at 5922  
least fifty electors of the territory of the court. It shall be in 5923  
the statutory form and shall be filed in the manner and within the 5924  
time prescribed by the charter of the city of Toledo for filing 5925  
nominating petitions for city council. Each elector shall have the 5926  
right to sign petitions for as many candidates as are to be 5927  
elected, but no more. The judges shall be elected by the electors 5928  
of the territory of the court in the manner provided by law for 5929  
the election of judges of the court of common pleas. 5930

(3) In the Akron municipal court, the judges shall be 5931  
nominated only by petition. The petition shall be signed by at 5932  
least fifty electors of the territory of the court. It shall be in 5933  
statutory form and shall be filed in the manner and within the 5934  
time prescribed by the charter of the city of Akron for filing 5935  
nominating petitions of candidates for municipal offices. Each 5936  
elector shall have the right to sign petitions for as many 5937  
candidates as are to be elected, but no more. The judges shall be 5938  
elected by the electors of the territory of the court in the 5939  
manner provided by law for the election of judges of the court of 5940  
common pleas. 5941

(4) In the Hamilton county municipal court, the judges shall 5942  
be nominated only by petition. The petition shall be signed by at 5943  
least fifty electors of the territory of the court, which 5944  
petitions shall be signed, verified, and filed in the manner and 5945  
within the time required by law for nominating petitions for 5946  
members of council of the city of Cincinnati. The judges shall be 5947  
elected by the electors of the territory of the court at the 5948  
regular municipal election and in the manner provided by law for 5949  
the election of judges of the court of common pleas. 5950

(5) In the Franklin county municipal court, the judges shall 5951  
be nominated only by petition. The petition shall be signed by at 5952  
least fifty electors of the territory of the court. The petition 5953  
shall be in the statutory form and shall be filed in the manner 5954  
and within the time prescribed by the charter of the city of 5955  
Columbus for filing petitions of candidates for municipal offices. 5956  
The judges shall be elected by the electors of the territory of 5957  
the court in the manner provided by law for the election of judges 5958  
of the court of common pleas. 5959

(6) In the Auglaize, Brown, Carroll, Clermont, Crawford, 5960  
Hocking, Jackson, Lawrence, Madison, Miami, Morrow, and Wayne 5961  
county municipal courts, the judges shall be nominated only by 5962  
petition. The petitions shall be signed by at least fifty electors 5963  
of the territory of the court and shall conform to the provisions 5964  
of this section. 5965

(D) In the Portage county municipal court, the judges shall 5966  
be nominated either by nominating petition or by primary election, 5967  
as provided in division (B) of this section. 5968

(E) As used in this section, as to an election for either a 5969  
full or an unexpired term, "the territory within the jurisdiction 5970  
of the court" means that territory as it will be on the first day 5971  
of January after the election. 5972

**Sec. 1901.10.** (A)(1)(a) The judges of the municipal court and 5973  
officers of the court shall take an oath of office as provided in 5974  
section 3.23 of the Revised Code. The office of judge of the 5975  
municipal court is subject to forfeiture, and the judge may be 5976  
removed from office, for the causes and by the procedure provided 5977  
in sections 3.07 to 3.10 of the Revised Code. A vacancy in the 5978  
office of judge exists upon the death, resignation, forfeiture, 5979  
removal from office, or absence from official duties for a period 5980  
of six consecutive months, as determined under this section, of 5981

the judge and also by reason of the expiration of the term of an 5982  
incumbent when no successor has been elected or qualified. The 5983  
chief justice of the supreme court may designate a judge of 5984  
another municipal court to act until that vacancy is filled in 5985  
accordance with section 107.08 of the Revised Code. A vacancy 5986  
resulting from the absence of a judge from official duties for a 5987  
period of six consecutive months shall be determined and declared 5988  
by the legislative authority. 5989

(b) If a vacancy occurs in the office of judge or clerk of 5990  
the municipal court after the one-hundredth day before the first 5991  
Tuesday after the first Monday in May and prior to the ~~fortieth~~ 5992  
fiftieth day before the day of the general election, all 5993  
candidates for election to the unexpired term of the judge or 5994  
clerk shall file nominating petitions with the board of elections 5995  
not later than four p.m. on the tenth day following the day on 5996  
which the vacancy occurs, except that, when the vacancy occurs 5997  
fewer than six days before the ~~fortieth~~ fiftieth day before the 5998  
general election, the deadline for filing shall be four p.m. on 5999  
the ~~thirty-sixth~~ forty-sixth day before the day of the general 6000  
election. 6001

(c) Each nominating petition referred to in division 6002  
(A)(1)(b) of this section shall be in the form prescribed in 6003  
section 3513.261 of the Revised Code and shall be signed by at 6004  
least fifty qualified electors of the territory of the municipal 6005  
court. No nominating petition shall be accepted for filing or 6006  
filed if it appears on its face to contain signatures aggregating 6007  
in number more than twice the minimum aggregate number of 6008  
signatures required by this section. 6009

(2) If a judge of a municipal court that has only one judge 6010  
is temporarily absent, incapacitated, or otherwise unavailable, 6011  
the judge may appoint a substitute who has the qualifications 6012  
required by section 1901.06 of the Revised Code or a retired judge 6013



of a court of record who is a qualified elector and a resident of 6014  
the territory of the court. If the judge is unable to make the 6015  
appointment, the chief justice of the supreme court shall appoint 6016  
a substitute. The appointee shall serve during the absence, 6017  
incapacity, or unavailability of the incumbent, shall have the 6018  
jurisdiction and powers conferred upon the judge of the municipal 6019  
court, and shall be styled "acting judge." During that time of 6020  
service, the acting judge shall sign all process and records and 6021  
shall perform all acts pertaining to the office, except that of 6022  
removal and appointment of officers of the court. All courts shall 6023  
take judicial notice of the selection and powers of the acting 6024  
judge. The incumbent judge shall establish the amount of 6025  
compensation of an acting judge upon either a per diem, hourly, or 6026  
other basis, but the rate of pay shall not exceed the per diem 6027  
amount received by the incumbent judge. 6028

(B) When the volume of cases pending in any municipal court 6029  
necessitates an additional judge, the chief justice of the supreme 6030  
court, upon the written request of the judge or presiding judge of 6031  
that municipal court, may designate a judge of another municipal 6032  
court or county court to serve for any period of time that the 6033  
chief justice may prescribe. The compensation of a judge so 6034  
designated shall be paid from the city treasury or, in the case of 6035  
a county-operated municipal court, from the county treasury. In 6036  
addition to the annual salary provided for in section 1901.11 of 6037  
the Revised Code and in addition to any compensation under 6038  
division (A)(5) or (6) of section 141.04 of the Revised Code to 6039  
which the judge is entitled in connection with the judge's own 6040  
court, a full-time or part-time judge while holding court outside 6041  
the judge's territory on the designation of the chief justice 6042  
shall receive actual and necessary expenses and compensation as 6043  
follows: 6044

(1) A full-time judge shall receive thirty dollars for each 6045

day of the assignment. 6046

(2) A part-time judge shall receive for each day of the 6047  
assignment the per diem compensation of the judges of the court to 6048  
which the judge is assigned, less the per diem amount paid to 6049  
those judges pursuant to section 141.04 of the Revised Code, 6050  
calculated on the basis of two hundred fifty working days per 6051  
year. 6052

If a request is made by a judge or the presiding judge of a 6053  
municipal court to designate a judge of another municipal court 6054  
because of the volume of cases in the court for which the request 6055  
is made and the chief justice reports, in writing, that no 6056  
municipal or county court judge is available to serve by 6057  
designation, the judges of the court requesting the designation 6058  
may appoint a substitute as provided in division (A)(2) of this 6059  
section, who may serve for any period of time that is prescribed 6060  
by the chief justice. The substitute judge shall be paid in the 6061  
same manner and at the same rate as the incumbent judges, except 6062  
that, if the substitute judge is entitled to compensation under 6063  
division (A)(5) or (6) of section 141.04 of the Revised Code, then 6064  
section 1901.121 of the Revised Code shall govern its payment. 6065

**Sec. 1901.31.** The clerk and deputy clerks of a municipal 6066  
court shall be selected, be compensated, give bond, and have 6067  
powers and duties as follows: 6068

(A) There shall be a clerk of the court who is appointed or 6069  
elected as follows: 6070

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton 6071  
county, Portage county, and Wayne county municipal courts and 6072  
through December 31, 2008, the Cuyahoga Falls municipal court, if 6073  
the population of the territory equals or exceeds one hundred 6074  
thousand at the regular municipal election immediately preceding 6075  
the expiration of the term of the present clerk, the clerk shall 6076

be nominated and elected by the qualified electors of the 6077  
territory in the manner that is provided for the nomination and 6078  
election of judges in section 1901.07 of the Revised Code. 6079

The clerk so elected shall hold office for a term of six 6080  
years, which term shall commence on the first day of January 6081  
following the clerk's election and continue until the clerk's 6082  
successor is elected and qualified. 6083

(b) In the Hamilton county municipal court, the clerk of 6084  
courts of Hamilton county shall be the clerk of the municipal 6085  
court and may appoint an assistant clerk who shall receive the 6086  
compensation, payable out of the treasury of Hamilton county in 6087  
semimonthly installments, that the board of county commissioners 6088  
prescribes. The clerk of courts of Hamilton county, acting as the 6089  
clerk of the Hamilton county municipal court and assuming the 6090  
duties of that office, shall receive compensation at one-fourth 6091  
the rate that is prescribed for the clerks of courts of common 6092  
pleas as determined in accordance with the population of the 6093  
county and the rates set forth in sections 325.08 and 325.18 of 6094  
the Revised Code. This compensation shall be paid from the county 6095  
treasury in semimonthly installments and is in addition to the 6096  
annual compensation that is received for the performance of the 6097  
duties of the clerk of courts of Hamilton county, as provided in 6098  
sections 325.08 and 325.18 of the Revised Code. 6099

(c) In the Portage county and Wayne county municipal courts, 6100  
the clerks of courts of Portage county and Wayne county shall be 6101  
the clerks, respectively, of the Portage county and Wayne county 6102  
municipal courts and may appoint a chief deputy clerk for each 6103  
branch that is established pursuant to section 1901.311 of the 6104  
Revised Code and assistant clerks as the judges of the municipal 6105  
court determine are necessary, all of whom shall receive the 6106  
compensation that the legislative authority prescribes. The clerks 6107  
of courts of Portage county and Wayne county, acting as the clerks 6108

of the Portage county and Wayne county municipal courts and 6109  
assuming the duties of these offices, shall receive compensation 6110  
payable from the county treasury in semimonthly installments at 6111  
one-fourth the rate that is prescribed for the clerks of courts of 6112  
common pleas as determined in accordance with the population of 6113  
the county and the rates set forth in sections 325.08 and 325.18 6114  
of the Revised Code. 6115

(d) Except as otherwise provided in division (A)(1)(d) of 6116  
this section, in the Akron municipal court, candidates for 6117  
election to the office of clerk of the court shall be nominated by 6118  
primary election. The primary election shall be held on the day 6119  
specified in the charter of the city of Akron for the nomination 6120  
of municipal officers. Notwithstanding any contrary provision of 6121  
section 3513.05 or 3513.257 of the Revised Code, the declarations 6122  
of candidacy and petitions of partisan candidates and the 6123  
nominating petitions of independent candidates for the office of 6124  
clerk of the Akron municipal court shall be signed by at least 6125  
fifty qualified electors of the territory of the court. 6126

The candidates shall file a declaration of candidacy and 6127  
petition, or a nominating petition, whichever is applicable, not 6128  
later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before 6129  
the day of the primary election, in the form prescribed by section 6130  
3513.07 or 3513.261 of the Revised Code. The declaration of 6131  
candidacy and petition, or the nominating petition, shall conform 6132  
to the applicable requirements of section 3513.05 or 3513.257 of 6133  
the Revised Code. 6134

If no valid declaration of candidacy and petition is filed by 6135  
any person for nomination as a candidate of a particular political 6136  
party for election to the office of clerk of the Akron municipal 6137  
court, a primary election shall not be held for the purpose of 6138  
nominating a candidate of that party for election to that office. 6139  
If only one person files a valid declaration of candidacy and 6140

petition for nomination as a candidate of a particular political 6141  
party for election to that office, a primary election shall not be 6142  
held for the purpose of nominating a candidate of that party for 6143  
election to that office, and the candidate shall be issued a 6144  
certificate of nomination in the manner set forth in section 6145  
3513.02 of the Revised Code. 6146

Declarations of candidacy and petitions, nominating 6147  
petitions, and certificates of nomination for the office of clerk 6148  
of the Akron municipal court shall contain a designation of the 6149  
term for which the candidate seeks election. At the following 6150  
regular municipal election, all candidates for the office shall be 6151  
submitted to the qualified electors of the territory of the court 6152  
in the manner that is provided in section 1901.07 of the Revised 6153  
Code for the election of the judges of the court. The clerk so 6154  
elected shall hold office for a term of six years, which term 6155  
shall commence on the first day of January following the clerk's 6156  
election and continue until the clerk's successor is elected and 6157  
qualified. 6158

(e) Except as otherwise provided in division (A)(1)(e) of 6159  
this section, in the Barberton municipal court, candidates for 6160  
election to the office of clerk of the court shall be nominated by 6161  
primary election. The primary election shall be held on the day 6162  
specified in the charter of the city of Barberton for the 6163  
nomination of municipal officers. Notwithstanding any contrary 6164  
provision of section 3513.05 or 3513.257 of the Revised Code, the 6165  
declarations of candidacy and petitions of partisan candidates and 6166  
the nominating petitions of independent candidates for the office 6167  
of clerk of the Barberton municipal court shall be signed by at 6168  
least fifty qualified electors of the territory of the court. 6169

The candidates shall file a declaration of candidacy and 6170  
petition, or a nominating petition, whichever is applicable, not 6171  
later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before 6172

the day of the primary election, in the form prescribed by section 6173  
3513.07 or 3513.261 of the Revised Code. The declaration of 6174  
candidacy and petition, or the nominating petition, shall conform 6175  
to the applicable requirements of section 3513.05 or 3513.257 of 6176  
the Revised Code. 6177

If no valid declaration of candidacy and petition is filed by 6178  
any person for nomination as a candidate of a particular political 6179  
party for election to the office of clerk of the Barberton 6180  
municipal court, a primary election shall not be held for the 6181  
purpose of nominating a candidate of that party for election to 6182  
that office. If only one person files a valid declaration of 6183  
candidacy and petition for nomination as a candidate of a 6184  
particular political party for election to that office, a primary 6185  
election shall not be held for the purpose of nominating a 6186  
candidate of that party for election to that office, and the 6187  
candidate shall be issued a certificate of nomination in the 6188  
manner set forth in section 3513.02 of the Revised Code. 6189

Declarations of candidacy and petitions, nominating 6190  
petitions, and certificates of nomination for the office of clerk 6191  
of the Barberton municipal court shall contain a designation of 6192  
the term for which the candidate seeks election. At the following 6193  
regular municipal election, all candidates for the office shall be 6194  
submitted to the qualified electors of the territory of the court 6195  
in the manner that is provided in section 1901.07 of the Revised 6196  
Code for the election of the judges of the court. The clerk so 6197  
elected shall hold office for a term of six years, which term 6198  
shall commence on the first day of January following the clerk's 6199  
election and continue until the clerk's successor is elected and 6200  
qualified. 6201

(f)(i) Through December 31, 2008, except as otherwise 6202  
provided in division (A)(1)(f)(i) of this section, in the Cuyahoga 6203  
Falls municipal court, candidates for election to the office of 6204

clerk of the court shall be nominated by primary election. The 6205  
primary election shall be held on the day specified in the charter 6206  
of the city of Cuyahoga Falls for the nomination of municipal 6207  
officers. Notwithstanding any contrary provision of section 6208  
3513.05 or 3513.257 of the Revised Code, the declarations of 6209  
candidacy and petitions of partisan candidates and the nominating 6210  
petitions of independent candidates for the office of clerk of the 6211  
Cuyahoga Falls municipal court shall be signed by at least fifty 6212  
qualified electors of the territory of the court. 6213

The candidates shall file a declaration of candidacy and 6214  
petition, or a nominating petition, whichever is applicable, not 6215  
later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before 6216  
the day of the primary election, in the form prescribed by section 6217  
3513.07 or 3513.261 of the Revised Code. The declaration of 6218  
candidacy and petition, or the nominating petition, shall conform 6219  
to the applicable requirements of section 3513.05 or 3513.257 of 6220  
the Revised Code. 6221

If no valid declaration of candidacy and petition is filed by 6222  
any person for nomination as a candidate of a particular political 6223  
party for election to the office of clerk of the Cuyahoga Falls 6224  
municipal court, a primary election shall not be held for the 6225  
purpose of nominating a candidate of that party for election to 6226  
that office. If only one person files a valid declaration of 6227  
candidacy and petition for nomination as a candidate of a 6228  
particular political party for election to that office, a primary 6229  
election shall not be held for the purpose of nominating a 6230  
candidate of that party for election to that office, and the 6231  
candidate shall be issued a certificate of nomination in the 6232  
manner set forth in section 3513.02 of the Revised Code. 6233

Declarations of candidacy and petitions, nominating 6234  
petitions, and certificates of nomination for the office of clerk 6235  
of the Cuyahoga Falls municipal court shall contain a designation 6236

of the term for which the candidate seeks election. At the 6237  
following regular municipal election, all candidates for the 6238  
office shall be submitted to the qualified electors of the 6239  
territory of the court in the manner that is provided in section 6240  
1901.07 of the Revised Code for the election of the judges of the 6241  
court. The clerk so elected shall hold office for a term of six 6242  
years, which term shall commence on the first day of January 6243  
following the clerk's election and continue until the clerk's 6244  
successor is elected and qualified. 6245

(ii) Division (A)(1)(f)(i) of this section shall have no 6246  
effect after December 31, 2008. 6247

(g) Except as otherwise provided in division (A)(1)(g) of 6248  
this section, in the Toledo municipal court, candidates for 6249  
election to the office of clerk of the court shall be nominated by 6250  
primary election. The primary election shall be held on the day 6251  
specified in the charter of the city of Toledo for the nomination 6252  
of municipal officers. Notwithstanding any contrary provision of 6253  
section 3513.05 or 3513.257 of the Revised Code, the declarations 6254  
of candidacy and petitions of partisan candidates and the 6255  
nominating petitions of independent candidates for the office of 6256  
clerk of the Toledo municipal court shall be signed by at least 6257  
fifty qualified electors of the territory of the court. 6258

The candidates shall file a declaration of candidacy and 6259  
petition, or a nominating petition, whichever is applicable, not 6260  
later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before 6261  
the day of the primary election, in the form prescribed by section 6262  
3513.07 or 3513.261 of the Revised Code. The declaration of 6263  
candidacy and petition, or the nominating petition, shall conform 6264  
to the applicable requirements of section 3513.05 or 3513.257 of 6265  
the Revised Code. 6266

If no valid declaration of candidacy and petition is filed by 6267  
any person for nomination as a candidate of a particular political 6268



party for election to the office of clerk of the Toledo municipal 6269  
court, a primary election shall not be held for the purpose of 6270  
nominating a candidate of that party for election to that office. 6271  
If only one person files a valid declaration of candidacy and 6272  
petition for nomination as a candidate of a particular political 6273  
party for election to that office, a primary election shall not be 6274  
held for the purpose of nominating a candidate of that party for 6275  
election to that office, and the candidate shall be issued a 6276  
certificate of nomination in the manner set forth in section 6277  
3513.02 of the Revised Code. 6278

Declarations of candidacy and petitions, nominating 6279  
petitions, and certificates of nomination for the office of clerk 6280  
of the Toledo municipal court shall contain a designation of the 6281  
term for which the candidate seeks election. At the following 6282  
regular municipal election, all candidates for the office shall be 6283  
submitted to the qualified electors of the territory of the court 6284  
in the manner that is provided in section 1901.07 of the Revised 6285  
Code for the election of the judges of the court. The clerk so 6286  
elected shall hold office for a term of six years, which term 6287  
shall commence on the first day of January following the clerk's 6288  
election and continue until the clerk's successor is elected and 6289  
qualified. 6290

(2)(a) Except for the Alliance, Auglaize county, Brown 6291  
county, Columbiana county, Holmes county, Lorain, Massillon, and 6292  
Youngstown municipal courts, in a municipal court for which the 6293  
population of the territory is less than one hundred thousand, the 6294  
clerk shall be appointed by the court, and the clerk shall hold 6295  
office until the clerk's successor is appointed and qualified. 6296

(b) In the Alliance, Lorain, Massillon, and Youngstown 6297  
municipal courts, the clerk shall be elected for a term of office 6298  
as described in division (A)(1)(a) of this section. 6299

(c) In the Auglaize county, Brown county, and Holmes county 6300

municipal courts, the clerks of courts of Auglaize county, Brown 6301  
county, and Holmes county shall be the clerks, respectively, of 6302  
the Auglaize county, Brown county, and Holmes county municipal 6303  
courts and may appoint a chief deputy clerk for each branch office 6304  
that is established pursuant to section 1901.311 of the Revised 6305  
Code, and assistant clerks as the judge of the court determines 6306  
are necessary, all of whom shall receive the compensation that the 6307  
legislative authority prescribes. The clerks of courts of Auglaize 6308  
county, Brown county, and Holmes county, acting as the clerks of 6309  
the Auglaize county, Brown county, and Holmes county municipal 6310  
courts and assuming the duties of these offices, shall receive 6311  
compensation payable from the county treasury in semimonthly 6312  
installments at one-fourth the rate that is prescribed for the 6313  
clerks of courts of common pleas as determined in accordance with 6314  
the population of the county and the rates set forth in sections 6315  
325.08 and 325.18 of the Revised Code. 6316

(d) In the Columbiana county municipal court, the clerk of 6317  
courts of Columbiana county shall be the clerk of the municipal 6318  
court, may appoint a chief deputy clerk for each branch office 6319  
that is established pursuant to section 1901.311 of the Revised 6320  
Code, and may appoint any assistant clerks that the judges of the 6321  
court determine are necessary. All of the chief deputy clerks and 6322  
assistant clerks shall receive the compensation that the 6323  
legislative authority prescribes. The clerk of courts of 6324  
Columbiana county, acting as the clerk of the Columbiana county 6325  
municipal court and assuming the duties of that office, shall 6326  
receive in either biweekly installments or semimonthly 6327  
installments, as determined by the payroll administrator, 6328  
compensation payable from the county treasury at one-fourth the 6329  
rate that is prescribed for the clerks of courts of common pleas 6330  
as determined in accordance with the population of the county and 6331  
the rates set forth in sections 325.08 and 325.18 of the Revised 6332  
Code. 6333

(3) During the temporary absence of the clerk due to illness, 6334  
vacation, or other proper cause, the court may appoint a temporary 6335  
clerk, who shall be paid the same compensation, have the same 6336  
authority, and perform the same duties as the clerk. 6337

(B) Except in the Hamilton county, Portage county, and Wayne 6338  
county municipal courts, if a vacancy occurs in the office of the 6339  
clerk of the Alliance, Lorain, Massillon, or Youngstown municipal 6340  
court or occurs in the office of the clerk of a municipal court 6341  
for which the population of the territory equals or exceeds one 6342  
hundred thousand because the clerk ceases to hold the office 6343  
before the end of the clerk's term or because a clerk-elect fails 6344  
to take office, the vacancy shall be filled, until a successor is 6345  
elected and qualified, by a person chosen by the residents of the 6346  
territory of the court who are members of the county central 6347  
committee of the political party by which the last occupant of 6348  
that office or the clerk-elect was nominated. Not less than five 6349  
nor more than fifteen days after a vacancy occurs, those members 6350  
of that county central committee shall meet to make an appointment 6351  
to fill the vacancy. At least four days before the date of the 6352  
meeting, the chairperson or a secretary of the county central 6353  
committee shall notify each such member of that county central 6354  
committee by first class mail of the date, time, and place of the 6355  
meeting and its purpose. A majority of all such members of that 6356  
county central committee constitutes a quorum, and a majority of 6357  
the quorum is required to make the appointment. If the office so 6358  
vacated was occupied or was to be occupied by a person not 6359  
nominated at a primary election, or if the appointment was not 6360  
made by the committee members in accordance with this division, 6361  
the court shall make an appointment to fill the vacancy. A 6362  
successor shall be elected to fill the office for the unexpired 6363  
term at the first municipal election that is held more than one 6364  
hundred ~~twenty~~ thirty days after the vacancy occurred. 6365

(C)(1) In a municipal court, other than the Auglaize county, 6366  
the Brown county, the Columbiana county, the Holmes county, and 6367  
the Lorain municipal courts, for which the population of the 6368  
territory is less than one hundred thousand, the clerk of the 6369  
municipal court shall receive the annual compensation that the 6370  
presiding judge of the court prescribes, if the revenue of the 6371  
court for the preceding calendar year, as certified by the auditor 6372  
or chief fiscal officer of the municipal corporation in which the 6373  
court is located or, in the case of a county-operated municipal 6374  
court, the county auditor, is equal to or greater than the 6375  
expenditures, including any debt charges, for the operation of the 6376  
court payable under this chapter from the city treasury or, in the 6377  
case of a county-operated municipal court, the county treasury for 6378  
that calendar year, as also certified by the auditor or chief 6379  
fiscal officer. If the revenue of a municipal court, other than 6380  
the Auglaize county, the Brown county, the Columbiana county, and 6381  
the Lorain municipal courts, for which the population of the 6382  
territory is less than one hundred thousand for the preceding 6383  
calendar year as so certified is not equal to or greater than 6384  
those expenditures for the operation of the court for that 6385  
calendar year as so certified, the clerk of a municipal court 6386  
shall receive the annual compensation that the legislative 6387  
authority prescribes. As used in this division, "revenue" means 6388  
the total of all costs and fees that are collected and paid to the 6389  
city treasury or, in a county-operated municipal court, the county 6390  
treasury by the clerk of the municipal court under division (F) of 6391  
this section and all interest received and paid to the city 6392  
treasury or, in a county-operated municipal court, the county 6393  
treasury in relation to the costs and fees under division (G) of 6394  
this section. 6395

(2) In a municipal court, other than the Hamilton county, 6396  
Portage county, and Wayne county municipal courts, for which the 6397  
population of the territory is one hundred thousand or more, and 6398

in the Lorain municipal court, the clerk of the municipal court 6399  
shall receive annual compensation in a sum equal to eighty-five 6400  
per cent of the salary of a judge of the court. 6401

(3) The compensation of a clerk described in division (C)(1) 6402  
or (2) of this section and of the clerk of the Columbiana county 6403  
municipal court is payable in either semimonthly installments or 6404  
biweekly installments, as determined by the payroll administrator, 6405  
from the same sources and in the same manner as provided in 6406  
section 1901.11 of the Revised Code, except that the compensation 6407  
of the clerk of the Carroll county municipal court is payable in 6408  
biweekly installments. 6409

(D) Before entering upon the duties of the clerk's office, 6410  
the clerk of a municipal court shall give bond of not less than 6411  
six thousand dollars to be determined by the judges of the court, 6412  
conditioned upon the faithful performance of the clerk's duties. 6413

(E) The clerk of a municipal court may do all of the 6414  
following: administer oaths, take affidavits, and issue executions 6415  
upon any judgment rendered in the court, including a judgment for 6416  
unpaid costs; issue, sign, and attach the seal of the court to all 6417  
writs, process, subpoenas, and papers issuing out of the court; 6418  
and approve all bonds, sureties, recognizances, and undertakings 6419  
fixed by any judge of the court or by law. The clerk may refuse to 6420  
accept for filing any pleading or paper submitted for filing by a 6421  
person who has been found to be a vexatious litigator under 6422  
section 2323.52 of the Revised Code and who has failed to obtain 6423  
leave to proceed under that section. The clerk shall do all of the 6424  
following: file and safely keep all journals, records, books, and 6425  
papers belonging or appertaining to the court; record the 6426  
proceedings of the court; perform all other duties that the judges 6427  
of the court may prescribe; and keep a book showing all receipts 6428  
and disbursements, which book shall be open for public inspection 6429  
at all times. 6430

The clerk shall prepare and maintain a general index, a docket, and other records that the court, by rule, requires, all of which shall be the public records of the court. In the docket, the clerk shall enter, at the time of the commencement of an 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 307.515 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 section 503.52 or 503.53 or 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 6464  
Ottawa county municipal courts, the clerk shall pay fifty per cent 6465  
of the fines received for violation of municipal ordinances and 6466  
fifty per cent of the fines received for violation of township 6467  
resolutions adopted pursuant to section 503.52 or 503.53 or 6468  
Chapter 504. of the Revised Code into the treasury of the county. 6469  
Subject to sections 307.515, 4511.19, and 5503.04 of the Revised 6470  
Code and to any other section of the Revised Code that requires a 6471  
specific manner of disbursement of any moneys received by a 6472  
municipal court, the clerk shall pay all fines collected for the 6473  
violation of state laws into the county treasury. Except in a 6474  
county-operated municipal court, the clerk shall pay all costs and 6475  
fees the disbursement of which is not otherwise provided for in 6476  
the Revised Code into the city treasury. The clerk of a 6477  
county-operated municipal court shall pay the costs and fees the 6478  
disbursement of which is not otherwise provided for in the Revised 6479  
Code into the county treasury. Moneys deposited as security for 6480  
costs shall be retained pending the litigation. The clerk shall 6481  
keep a separate account of all receipts and disbursements in civil 6482  
and criminal cases, which shall be a permanent public record of 6483  
the office. On the expiration of the term of the clerk, the clerk 6484  
shall deliver the records to the clerk's successor. The clerk 6485  
shall have other powers and duties as are prescribed by rule or 6486  
order of the court. 6487

(G) All moneys paid into a municipal court shall be noted on 6488  
the record of the case in which they are paid and shall be 6489  
deposited in a state or national bank, or a domestic savings and 6490  
loan association, as defined in section 1151.01 of the Revised 6491  
Code, that is selected by the clerk. Any interest received upon 6492  
the deposits shall be paid into the city treasury, except that, in 6493  
a county-operated municipal court, the interest shall be paid into 6494  
the treasury of the county in which the court is located. 6495

On the first Monday in January of each year, the clerk shall 6496  
make a list of the titles of all cases in the court that were 6497  
finally determined more than one year past in which there remains 6498  
unclaimed in the possession of the clerk any funds, or any part of 6499  
a deposit for security of costs not consumed by the costs in the 6500  
case. The clerk shall give notice of the moneys to the parties who 6501  
are entitled to the moneys or to their attorneys of record. All 6502  
the moneys remaining unclaimed on the first day of April of each 6503  
year shall be paid by the clerk to the city treasurer, except 6504  
that, in a county-operated municipal court, the moneys shall be 6505  
paid to the treasurer of the county in which the court is located. 6506  
The treasurer shall pay any part of the moneys at any time to the 6507  
person who has the right to the moneys upon proper certification 6508  
of the clerk. 6509

(H) Deputy clerks of a municipal court other than the Carroll 6510  
county municipal court may be appointed by the clerk and shall 6511  
receive the compensation, payable in either biweekly installments 6512  
or semimonthly installments, as determined by the payroll 6513  
administrator, out of the city treasury, that the clerk may 6514  
prescribe, except that the compensation of any deputy clerk of a 6515  
county-operated municipal court shall be paid out of the treasury 6516  
of the county in which the court is located. The judge of the 6517  
Carroll county municipal court may appoint deputy clerks for the 6518  
court, and the deputy clerks shall receive the compensation, 6519  
payable in biweekly installments out of the county treasury, that 6520  
the judge may prescribe. Each deputy clerk shall take an oath of 6521  
office before entering upon the duties of the deputy clerk's 6522  
office and, when so qualified, may perform the duties appertaining 6523  
to the office of the clerk. The clerk may require any of the 6524  
deputy clerks to give bond of not less than three thousand 6525  
dollars, conditioned for the faithful performance of the deputy 6526  
clerk's duties. 6527



(I) For the purposes of this section, whenever the population 6528  
of the territory of a municipal court falls below one hundred 6529  
thousand but not below ninety thousand, and the population of the 6530  
territory prior to the most recent regular federal census exceeded 6531  
one hundred thousand, the legislative authority of the municipal 6532  
corporation may declare, by resolution, that the territory shall 6533  
be considered to have a population of at least one hundred 6534  
thousand. 6535

(J) The clerk or a deputy clerk shall be in attendance at all 6536  
sessions of the municipal court, although not necessarily in the 6537  
courtroom, and may administer oaths to witnesses and jurors and 6538  
receive verdicts. 6539

**Sec. 1907.13.** A county court judge, at the time of filing a 6540  
nominating petition for the office or at the time of appointment 6541  
to the office and during the judge's term of office, shall be a 6542  
qualified elector and a resident of the county court district in 6543  
which the judge is elected or appointed. A county court judge does 6544  
not have to be a resident of an area of separate jurisdiction in 6545  
the county court district to which the judge may be assigned 6546  
pursuant to section 1907.15 of the Revised Code. Every county 6547  
court judge shall have been admitted to the practice of law in 6548  
this state and shall have been engaged, for a total of at least 6549  
six years preceding the judge's appointment or the commencement of 6550  
the judge's term, in the practice of law in this state, except 6551  
that the six-year practice requirement does not apply to a county 6552  
court judge who is holding office on the effective date of this 6553  
amendment and who subsequently is a candidate for that office. 6554

Judges shall be elected by the electors of the county court 6555  
district at the general election in even-numbered years as set 6556  
forth in section 1907.11 of the Revised Code for a term of six 6557  
years commencing on the first day of January following the 6558

election for the county court or on the dates specified in section 6559  
1907.11 of the Revised Code for particular county court judges. 6560  
Their successors shall be elected in even-numbered years every six 6561  
years. 6562

All candidates for county court judge shall be nominated by 6563  
petition. The nominating petition shall be in the general form and 6564  
signed and verified as prescribed by section 3513.261 of the 6565  
Revised Code and shall be signed by the lesser of fifty qualified 6566  
electors of the county court district or a number of qualified 6567  
electors of the county court district not less than one per cent 6568  
of the number of electors who voted for governor at the most 6569  
recent regular state election in the district. A nominating 6570  
petition shall not be accepted for filing or filed if it appears 6571  
on its face to contain signatures aggregating in number more than 6572  
twice the minimum aggregate number of signatures required by this 6573  
section. A nominating petition shall be filed with the board of 6574  
elections not later than four p.m. of the ~~seventy-fifth~~ 6575  
eighty-fifth day before the day of the general election. 6576

**Sec. 2101.43.** Whenever ten per cent of the number of electors 6577  
voting for governor at the most recent election in any county 6578  
having less than sixty thousand population, as determined by the 6579  
most recent federal census, petition a judge of the court of 6580  
common pleas of such county, not less than ~~seventy-five~~ 6581  
eighty-five days before any general election for county officers, 6582  
for the submission to the electors of such county the question of 6583  
combining the probate court with the court of common pleas, such 6584  
judge shall place upon the journal of said court an order 6585  
requiring the sheriff to make proclamation that at the next 6586  
general election there will be submitted to the electors the 6587  
question of combining the probate court with the court of common 6588  
pleas. The clerk of the court of common pleas shall, thereupon, 6589  
make and deliver a certified copy of such order to the sheriff, 6590

and the sheriff shall include notice of the submission of such 6591  
question in ~~his~~ the sheriff's proclamation of election for the 6592  
next general election. 6593

Each elector joining in a petition for the submission of said 6594  
question shall sign such petition in the elector's own 6595  
handwriting, unless the elector cannot write and the elector's 6596  
signature is made by mark, and shall add thereto the township, 6597  
precinct, or ward of which the elector is a resident. Such 6598  
petition may consist of as many parts as are convenient. One of 6599  
the signers to each separate paper shall swear before some officer 6600  
qualified to administer the oath that the petition is bona fide to 6601  
the best of the signer's knowledge and belief. Such oath shall be 6602  
a part of or attached to such paper. The judge upon receipt of 6603  
such petition shall deposit it with the clerk of the court of 6604  
common pleas. 6605

No signature shall be taken from or added to such petition 6606  
after it has been filed with the judge. When deposited such 6607  
petition shall be preserved and open to public inspection, and if 6608  
it is in conformity with this section, it shall be valid, unless 6609  
objection thereto is made in writing by an elector of the county 6610  
within five days after the filing thereof. Such objections, or any 6611  
other questions arising in the course of the submission of the 6612  
question of combining said courts, shall be considered and 6613  
determined by the judge, and ~~his~~ the judge's decision shall be 6614  
final. 6615

**Sec. 2301.02.** The number of judges of the court of common 6616  
pleas for each county, the time for the next election of the 6617  
judges in the several counties, and the beginning of their terms 6618  
shall be as follows: 6619

(A) In Adams, Ashland, Fayette, and Pike counties, one judge, 6620  
elected in 1956, term to begin February 9, 1957; 6621

In Brown, Crawford, Defiance, Highland, Holmes, Morgan,	6622
Ottawa, and Union counties, one judge, to be elected in 1954, term	6623
to begin February 9, 1955;	6624
In Auglaize county, one judge, to be elected in 1956, term to	6625
begin January 9, 1957;	6626
In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin,	6627
Jackson, Knox, Madison, Mercer, Monroe, Paulding, Vinton, and	6628
Wyandot counties, one judge, to be elected in 1956, term to begin	6629
January 1, 1957;	6630
In Morrow county, two judges, one to be elected in 1956, term	6631
to begin January 1, 1957, and one to be elected in 2006, term to	6632
begin January 1, 2007;	6633
In Logan county, two judges, one to be elected in 1956, term	6634
to begin January 1, 1957, and one to be elected in 2004, term to	6635
begin January 2, 2005;	6636
In Carroll, Clinton, Hocking, Meigs, Pickaway, Preble,	6637
Shelby, Van Wert, and Williams counties, one judge, to be elected	6638
in 1952, term to begin January 1, 1953;	6639
In Champaign county, two judges, one to be elected in 1952,	6640
term to begin January 1, 1953, and one to be elected in 2008, term	6641
to begin February 10, 2009.	6642
In Harrison and Noble counties, one judge, to be elected in	6643
1954, term to begin April 18, 1955;	6644
In Henry county, two judges, one to be elected in 1956, term	6645
to begin May 9, 1957, and one to be elected in 2004, term to begin	6646
January 1, 2005;	6647
In Putnam county, one judge, to be elected in 1956, term to	6648
begin May 9, 1957;	6649
In Huron county, one judge, to be elected in 1952, term to	6650
begin May 14, 1953;	6651

In Perry county, one judge, to be elected in 1954, term to  
begin July 6, 1956; 6652  
6653

In Sandusky county, two judges, one to be elected in 1954,  
term to begin February 10, 1955, and one to be elected in 1978,  
term to begin January 1, 1979; 6654  
6655  
6656

(B) In Allen county, three judges, one to be elected in 1956,  
term to begin February 9, 1957, the second to be elected in 1958,  
term to begin January 1, 1959, and the third to be elected in  
1992, term to begin January 1, 1993; 6657  
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6659  
6660

In Ashtabula county, three judges, one to be elected in 1954,  
term to begin February 9, 1955, one to be elected in 1960, term to  
begin January 1, 1961, and one to be elected in 1978, term to  
begin January 2, 1979; 6661  
6662  
6663  
6664

In Athens county, two judges, one to be elected in 1954, term  
to begin February 9, 1955, and one to be elected in 1990, term to  
begin July 1, 1991; 6665  
6666  
6667

In Erie county, four judges, one to be elected in 1956, term  
to begin January 1, 1957, the second to be elected in 1970, term  
to begin January 2, 1971, the third to be elected in 2004, term to  
begin January 2, 2005, and the fourth to be elected in 2008, term  
to begin February 9, 2009; 6668  
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In Fairfield county, three judges, one to be elected in 1954,  
term to begin February 9, 1955, the second to be elected in 1970,  
term to begin January 1, 1971, and the third to be elected in  
1994, term to begin January 2, 1995; 6673  
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In Geauga county, two judges, one to be elected in 1956, term  
to begin January 1, 1957, and the second to be elected in 1976,  
term to begin January 6, 1977; 6677  
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In Greene county, four judges, one to be elected in 1956,  
term to begin February 9, 1957, the second to be elected in 1960,  
6680  
6681

term to begin January 1, 1961, the third to be elected in 1978, 6682  
term to begin January 2, 1979, and the fourth to be elected in 6683  
1994, term to begin January 1, 1995; 6684

In Hancock county, two judges, one to be elected in 1952, 6685  
term to begin January 1, 1953, and the second to be elected in 6686  
1978, term to begin January 1, 1979; 6687

In Lawrence county, two judges, one to be elected in 1954, 6688  
term to begin February 9, 1955, and the second to be elected in 6689  
1976, term to begin January 1, 1977; 6690

In Marion county, three judges, one to be elected in 1952, 6691  
term to begin January 1, 1953, the second to be elected in 1976, 6692  
term to begin January 2, 1977, and the third to be elected in 6693  
1998, term to begin February 9, 1999; 6694

In Medina county, three judges, one to be elected in 1956, 6695  
term to begin January 1, 1957, the second to be elected in 1966, 6696  
term to begin January 1, 1967, and the third to be elected in 6697  
1994, term to begin January 1, 1995; 6698

In Miami county, two judges, one to be elected in 1954, term 6699  
to begin February 9, 1955, and one to be elected in 1970, term to 6700  
begin on January 1, 1971; 6701

In Muskingum county, three judges, one to be elected in 1968, 6702  
term to begin August 9, 1969, one to be elected in 1978, term to 6703  
begin January 1, 1979, and one to be elected in 2002, term to 6704  
begin January 2, 2003; 6705

In Portage county, three judges, one to be elected in 1956, 6706  
term to begin January 1, 1957, the second to be elected in 1960, 6707  
term to begin January 1, 1961, and the third to be elected in 6708  
1986, term to begin January 2, 1987; 6709

In Ross county, two judges, one to be elected in 1956, term 6710  
to begin February 9, 1957, and the second to be elected in 1976, 6711

term to begin January 1, 1977; 6712

In Scioto county, three judges, one to be elected in 1954, 6713  
term to begin February 10, 1955, the second to be elected in 1960, 6714  
term to begin January 1, 1961, and the third to be elected in 6715  
1994, term to begin January 2, 1995; 6716

In Seneca county, two judges, one to be elected in 1956, term 6717  
to begin January 1, 1957, and the second to be elected in 1986, 6718  
term to begin January 2, 1987; 6719

In Warren county, four judges, one to be elected in 1954, 6720  
term to begin February 9, 1955, the second to be elected in 1970, 6721  
term to begin January 1, 1971, the third to be elected in 1986, 6722  
term to begin January 1, 1987, and the fourth to be elected in 6723  
2004, term to begin January 2, 2005; 6724

In Washington county, two judges, one to be elected in 1952, 6725  
term to begin January 1, 1953, and one to be elected in 1986, term 6726  
to begin January 1, 1987; 6727

In Wood county, three judges, one to be elected in 1968, term 6728  
beginning January 1, 1969, the second to be elected in 1970, term 6729  
to begin January 2, 1971, and the third to be elected in 1990, 6730  
term to begin January 1, 1991; 6731

In Belmont and Jefferson counties, two judges, to be elected 6732  
in 1954, terms to begin January 1, 1955, and February 9, 1955, 6733  
respectively; 6734

In Clark county, four judges, one to be elected in 1952, term 6735  
to begin January 1, 1953, the second to be elected in 1956, term 6736  
to begin January 2, 1957, the third to be elected in 1986, term to 6737  
begin January 3, 1987, and the fourth to be elected in 1994, term 6738  
to begin January 2, 1995. 6739

In Clermont county, five judges, one to be elected in 1956, 6740  
term to begin January 1, 1957, the second to be elected in 1964, 6741

term to begin January 1, 1965, the third to be elected in 1982, 6742  
term to begin January 2, 1983, the fourth to be elected in 1986, 6743  
term to begin January 2, 1987; and the fifth to be elected in 6744  
2006, term to begin January 3, 2007; 6745

In Columbiana county, two judges, one to be elected in 1952, 6746  
term to begin January 1, 1953, and the second to be elected in 6747  
1956, term to begin January 1, 1957; 6748

In Delaware county, two judges, one to be elected in 1990, 6749  
term to begin February 9, 1991, the second to be elected in 1994, 6750  
term to begin January 1, 1995; 6751

In Lake county, six judges, one to be elected in 1958, term 6752  
to begin January 1, 1959, the second to be elected in 1960, term 6753  
to begin January 2, 1961, the third to be elected in 1964, term to 6754  
begin January 3, 1965, the fourth and fifth to be elected in 1978, 6755  
terms to begin January 4, 1979, and January 5, 1979, respectively, 6756  
and the sixth to be elected in 2000, term to begin January 6, 6757  
2001; 6758

In Licking county, four judges, one to be elected in 1954, 6759  
term to begin February 9, 1955, one to be elected in 1964, term to 6760  
begin January 1, 1965, one to be elected in 1990, term to begin 6761  
January 1, 1991, and one to be elected in 2004, term to begin 6762  
January 1, 2005; 6763

In Lorain county, nine judges, two to be elected in 1952, 6764  
terms to begin January 1, 1953, and January 2, 1953, respectively, 6765  
one to be elected in 1958, term to begin January 3, 1959, one to 6766  
be elected in 1968, term to begin January 1, 1969, two to be 6767  
elected in 1988, terms to begin January 4, 1989, and January 5, 6768  
1989, respectively, two to be elected in 1998, terms to begin 6769  
January 2, 1999, and January 3, 1999, respectively; and one to be 6770  
elected in 2006, term to begin January 6, 2007; 6771

In Butler county, eleven judges, one to be elected in 1956, 6772



term to begin January 1, 1957; two to be elected in 1954, terms to 6773  
begin January 1, 1955, and February 9, 1955, respectively; one to 6774  
be elected in 1968, term to begin January 2, 1969; one to be 6775  
elected in 1986, term to begin January 3, 1987; two to be elected 6776  
in 1988, terms to begin January 1, 1989, and January 2, 1989, 6777  
respectively; one to be elected in 1992, term to begin January 4, 6778  
1993; two to be elected in 2002, terms to begin January 2, 2003, 6779  
and January 3, 2003, respectively; and one to be elected in 2006, 6780  
term to begin January 3, 2007; 6781

In Richland county, four judges, one to be elected in 1956, 6782  
term to begin January 1, 1957, the second to be elected in 1960, 6783  
term to begin February 9, 1961, the third to be elected in 1968, 6784  
term to begin January 2, 1969, and the fourth to be elected in 6785  
2004, term to begin January 3, 2005; 6786

In Tuscarawas county, two judges, one to be elected in 1956, 6787  
term to begin January 1, 1957, and the second to be elected in 6788  
1960, term to begin January 2, 1961; 6789

In Wayne county, two judges, one to be elected in 1956, term 6790  
beginning January 1, 1957, and one to be elected in 1968, term to 6791  
begin January 2, 1969; 6792

In Trumbull county, six judges, one to be elected in 1952, 6793  
term to begin January 1, 1953, the second to be elected in 1954, 6794  
term to begin January 1, 1955, the third to be elected in 1956, 6795  
term to begin January 1, 1957, the fourth to be elected in 1964, 6796  
term to begin January 1, 1965, the fifth to be elected in 1976, 6797  
term to begin January 2, 1977, and the sixth to be elected in 6798  
1994, term to begin January 3, 1995; 6799

(C) In Cuyahoga county, thirty-nine judges; eight to be 6800  
elected in 1954, terms to begin on successive days beginning from 6801  
January 1, 1955, to January 7, 1955, and February 9, 1955, 6802  
respectively; eight to be elected in 1956, terms to begin on 6803

successive days beginning from January 1, 1957, to January 8, 6804  
1957; three to be elected in 1952, terms to begin from January 1, 6805  
1953, to January 3, 1953; two to be elected in 1960, terms to 6806  
begin on January 8, 1961, and January 9, 1961, respectively; two 6807  
to be elected in 1964, terms to begin January 4, 1965, and January 6808  
5, 1965, respectively; one to be elected in 1966, term to begin on 6809  
January 10, 1967; four to be elected in 1968, terms to begin on 6810  
successive days beginning from January 9, 1969, to January 12, 6811  
1969; two to be elected in 1974, terms to begin on January 18, 6812  
1975, and January 19, 1975, respectively; five to be elected in 6813  
1976, terms to begin on successive days beginning January 6, 1977, 6814  
to January 10, 1977; two to be elected in 1982, terms to begin 6815  
January 11, 1983, and January 12, 1983, respectively; and two to 6816  
be elected in 1986, terms to begin January 13, 1987, and January 6817  
14, 1987, respectively; 6818

In Franklin county, twenty-two judges; two to be elected in 6819  
1954, terms to begin January 1, 1955, and February 9, 1955, 6820  
respectively; four to be elected in 1956, terms to begin January 6821  
1, 1957, to January 4, 1957; four to be elected in 1958, terms to 6822  
begin January 1, 1959, to January 4, 1959; three to be elected in 6823  
1968, terms to begin January 5, 1969, to January 7, 1969; three to 6824  
be elected in 1976, terms to begin on successive days beginning 6825  
January 5, 1977, to January 7, 1977; one to be elected in 1982, 6826  
term to begin January 8, 1983; one to be elected in 1986, term to 6827  
begin January 9, 1987; two to be elected in 1990, terms to begin 6828  
July 1, 1991, and July 2, 1991, respectively; one to be elected in 6829  
1996, term to begin January 2, 1997; and one to be elected in 6830  
2004, term to begin July 1, 2005; 6831

In Hamilton county, twenty-one judges; eight to be elected in 6832  
1966, terms to begin January 1, 1967, January 2, 1967, and from 6833  
February 9, 1967, to February 14, 1967, respectively; five to be 6834  
elected in 1956, terms to begin from January 1, 1957, to January 6835

5, 1957; one to be elected in 1964, term to begin January 1, 1965; 6836  
one to be elected in 1974, term to begin January 15, 1975; one to 6837  
be elected in 1980, term to begin January 16, 1981; two to be 6838  
elected at large in the general election in 1982, terms to begin 6839  
April 1, 1983; one to be elected in 1990, term to begin July 1, 6840  
1991; and two to be elected in 1996, terms to begin January 3, 6841  
1997, and January 4, 1997, respectively; 6842

In Lucas county, fourteen judges; two to be elected in 1954, 6843  
terms to begin January 1, 1955, and February 9, 1955, 6844  
respectively; two to be elected in 1956, terms to begin January 1, 6845  
1957, and October 29, 1957, respectively; two to be elected in 6846  
1952, terms to begin January 1, 1953, and January 2, 1953, 6847  
respectively; one to be elected in 1964, term to begin January 3, 6848  
1965; one to be elected in 1968, term to begin January 4, 1969; 6849  
two to be elected in 1976, terms to begin January 4, 1977, and 6850  
January 5, 1977, respectively; one to be elected in 1982, term to 6851  
begin January 6, 1983; one to be elected in 1988, term to begin 6852  
January 7, 1989; one to be elected in 1990, term to begin January 6853  
2, 1991; and one to be elected in 1992, term to begin January 2, 6854  
1993; 6855

In Mahoning county, seven judges; three to be elected in 6856  
1954, terms to begin January 1, 1955, January 2, 1955, and 6857  
February 9, 1955, respectively; one to be elected in 1956, term to 6858  
begin January 1, 1957; one to be elected in 1952, term to begin 6859  
January 1, 1953; one to be elected in 1968, term to begin January 6860  
2, 1969; and one to be elected in 1990, term to begin July 1, 6861  
1991; 6862

In Montgomery county, fifteen judges; three to be elected in 6863  
1954, terms to begin January 1, 1955, January 2, 1955, and January 6864  
3, 1955, respectively; four to be elected in 1952, terms to begin 6865  
January 1, 1953, January 2, 1953, July 1, 1953, and July 2, 1953, 6866  
respectively; one to be elected in 1964, term to begin January 3, 6867

1965; one to be elected in 1968, term to begin January 3, 1969; 6868  
three to be elected in 1976, terms to begin on successive days 6869  
beginning January 4, 1977, to January 6, 1977; two to be elected 6870  
in 1990, terms to begin July 1, 1991, and July 2, 1991, 6871  
respectively; and one to be elected in 1992, term to begin January 6872  
1, 1993. 6873

In Stark county, eight judges; one to be elected in 1958, 6874  
term to begin on January 2, 1959; two to be elected in 1954, terms 6875  
to begin on January 1, 1955, and February 9, 1955, respectively; 6876  
two to be elected in 1952, terms to begin January 1, 1953, and 6877  
April 16, 1953, respectively; one to be elected in 1966, term to 6878  
begin on January 4, 1967; and two to be elected in 1992, terms to 6879  
begin January 1, 1993, and January 2, 1993, respectively; 6880

In Summit county, thirteen judges; four to be elected in 6881  
1954, terms to begin January 1, 1955, January 2, 1955, January 3, 6882  
1955, and February 9, 1955, respectively; three to be elected in 6883  
1958, terms to begin January 1, 1959, January 2, 1959, and May 17, 6884  
1959, respectively; one to be elected in 1966, term to begin 6885  
January 4, 1967; one to be elected in 1968, term to begin January 6886  
5, 1969; one to be elected in 1990, term to begin May 1, 1991; one 6887  
to be elected in 1992, term to begin January 6, 1993; and two to 6888  
be elected in 2008, terms to begin January 5, 2009, and January 6, 6889  
2009, respectively. 6890

Notwithstanding the foregoing provisions, in any county 6891  
having two or more judges of the court of common pleas, in which 6892  
more than one-third of the judges plus one were previously elected 6893  
at the same election, if the office of one of those judges so 6894  
elected becomes vacant more than ~~forty~~ fifty days prior to the 6895  
second general election preceding the expiration of that judge's 6896  
term, the office that that judge had filled shall be abolished as 6897  
of the date of the next general election, and a new office of 6898  
judge of the court of common pleas shall be created. The judge who 6899

is to fill that new office shall be elected for a six-year term at 6900  
the next general election, and the term of that judge shall 6901  
commence on the first day of the year following that general 6902  
election, on which day no other judge's term begins, so that the 6903  
number of judges that the county shall elect shall not be reduced. 6904

Judges of the probate division of the court of common pleas 6905  
are judges of the court of common pleas but shall be elected 6906  
pursuant to sections 2101.02 and 2101.021 of the Revised Code, 6907  
except in Adams, Harrison, Henry, Morgan, Noble, and Wyandot 6908  
counties in which the judge of the court of common pleas elected 6909  
pursuant to this section also shall serve as judge of the probate 6910  
division, except in Lorain county in which the judges of the 6911  
domestic relations division of the Lorain county court of common 6912  
pleas elected pursuant to this section also shall perform the 6913  
duties and functions of the judge of the probate division from 6914  
February 9, 2009, through September 28, 2009, and except in Morrow 6915  
county in which the judges of the court of common pleas elected 6916  
pursuant to this section also shall perform the duties and 6917  
functions of the judge of the probate division. 6918

**Sec. 3311.053.** (A) The boards of education of up to five 6919  
adjoining educational service centers may, by identical 6920  
resolutions adopted by a majority of the members of each governing 6921  
board within any sixty-day period, combine such educational 6922  
service centers into one educational service center. The 6923  
resolutions shall state the name of the new center, which may be 6924  
styled as a "joint educational service center." The resolutions 6925  
shall also indicate whether the governing board of the new 6926  
educational service center is to be formed in accordance with 6927  
division (B) of this section, in accordance with division (A) of 6928  
section 3311.054 of the Revised Code, or in accordance with 6929  
section 3311.057 of the Revised Code. 6930

A copy of each resolution shall be filed with the state board of education. The new educational service center shall be created and the governing boards of the participating educational service centers shall be dissolved and a new governing board established thirty days after the date on which the last resolution was filed with the state board.

(B) The initial members of a new governing board established in accordance with this division shall be appointed as follows:

(1) If two educational service centers combine, each center's governing board, prior to its dissolution, shall appoint two members to the new governing board and the four members so selected shall select a fifth member within ten days of the date on which the last of the four members is appointed.

(2) If three educational service centers combine, each center's governing board, prior to its dissolution, shall appoint one member to the new governing board and the three members so selected shall select the remaining two members of the governing board within ten days of the date on which the last of the three members is appointed.

(3) If four educational service centers combine, each center's governing board, prior to its dissolution, shall appoint one member to the new governing board and the four members so selected shall select the remaining member of the governing board within ten days of the date on which the last of the four members is appointed.

(4) If five educational service centers combine, each center's governing board, prior to its dissolution, shall appoint one member to the new governing board.

If the members appointed to a new governing board by the governing boards of the combining educational service centers are unable to agree on the selection of the remaining members of the

new governing board within ten days, the probate judge of the 6962  
county in which the greatest number of pupils under the 6963  
supervision of the new educational service center reside shall 6964  
appoint the remaining members. 6965

Electors of the new educational service center shall elect a 6966  
new governing board at the next general election occurring in an 6967  
odd-numbered year and more than ~~seventy-five~~ eighty-five days 6968  
after the date of the appointment of the last member to the 6969  
initial governing board. Members shall serve for the duration of 6970  
the term to which they are elected or until their successors are 6971  
elected and qualified. At such election, two members shall be 6972  
elected to terms of two years and three members shall be elected 6973  
to terms of four years. Thereafter, their successors shall be 6974  
elected in the same manner and for the same terms as members of 6975  
governing boards of all educational service centers. Each 6976  
candidate for election as a member of the educational service 6977  
center governing board shall file a nominating petition in 6978  
accordance with section 3513.255 of the Revised Code. 6979

(C) The funds of each former educational service center shall 6980  
be paid over in full to the governing board of the new educational 6981  
service center, and the legal title to all property of the former 6982  
governing boards shall become vested in the new governing board. 6983

The governing board of an educational service center created 6984  
under this section shall honor all contracts made by the former 6985  
governing boards. 6986

**Sec. 3311.059.** The procedure prescribed in this section may 6987  
be used in lieu of a transfer prescribed under section 3311.231 of 6988  
the Revised Code. 6989

(A) Subject to divisions (B) and (C) of this section, a board 6990  
of education of a local school district may by a resolution 6991  
approved by a majority of all its members propose to sever that 6992

local school district from the territory of the educational 6993  
service center in which the local school district is currently 6994  
included and to instead annex the local school district to the 6995  
territory of another educational service center, the current 6996  
territory of which is adjacent to the territory of the educational 6997  
service center in which the local school district is currently 6998  
included. The resolution shall promptly be filed with the 6999  
governing board of each educational service center affected by the 7000  
resolution and with the superintendent of public instruction. 7001

(B) The resolution adopted under division (A) of this section 7002  
shall not be effective unless it is approved by the state board of 7003  
education. In deciding whether to approve the resolution, the 7004  
state board shall consider the impact of an annexation on both the 7005  
school district and the educational service center to which the 7006  
district is proposed to be annexed, including the ability of that 7007  
service center to deliver services in a cost-effective and 7008  
efficient manner. The severance of the local school district from 7009  
one educational service center and its annexation to another 7010  
educational service center under this section shall not be 7011  
effective until one year after the first day of July following the 7012  
later of the date that the state board of education approves the 7013  
resolution or the date the board of elections certifies the 7014  
results of the referendum election as provided in division (C) of 7015  
this section. 7016

(C) Within sixty days following the date of the adoption of 7017  
the resolution under division (A) of this section, the electors of 7018  
the local school district may petition for a referendum vote on 7019  
the resolution. The question whether to approve or disapprove the 7020  
resolution shall be submitted to the electors of such school 7021  
district if a number of qualified electors equal to twenty per 7022  
cent of the number of electors in the school district who voted 7023  
for the office of governor at the most recent general election for 7024



that office sign a petition asking that the question of whether 7025  
the resolution shall be disapproved be submitted to the electors. 7026  
The petition shall be filed with the board of elections of the 7027  
county in which the school district is located. If the school 7028  
district is located in more than one county, the petition shall be 7029  
filed with the board of elections of the county in which the 7030  
majority of the territory of the school district is located. The 7031  
board shall certify the validity and sufficiency of the signatures 7032  
on the petition. 7033

The board of elections shall immediately notify the board of 7034  
education of the local school district and the governing board of 7035  
each educational service center affected by the resolution that 7036  
the petition has been filed. 7037

The effect of the resolution shall be stayed until the board 7038  
of elections certifies the validity and sufficiency of the 7039  
signatures on the petition. If the board of elections determines 7040  
that the petition does not contain a sufficient number of valid 7041  
signatures and sixty days have passed since the adoption of the 7042  
resolution, the resolution shall become effective as provided in 7043  
division (B) of this section. 7044

If the board of elections certifies that the petition 7045  
contains a sufficient number of valid signatures, the board shall 7046  
submit the question to the qualified electors of the school 7047  
district on the day of the next general or primary election held 7048  
at least ~~seventy-five~~ eighty-five days after the board of 7049  
elections certifies the validity and sufficiency of signatures on 7050  
the petition. The election shall be conducted and canvassed and 7051  
the results shall be certified in the same manner as in regular 7052  
elections for the election of members of a board of education. 7053

If a majority of the electors voting on the question 7054  
disapprove the resolution, the resolution shall not become 7055  
effective. If a majority of the electors voting on the question 7056

approve the resolution, the resolution shall become effective as 7057  
provided in division (B) of this section. 7058

(D) Upon the effective date of the severance of the local 7059  
school district from one educational service center and its 7060  
annexation to another educational service center as provided in 7061  
division (B) of this section, the governing board of each 7062  
educational service center shall take such steps for the election 7063  
of members of the governing board and for organization of the 7064  
governing board as prescribed in Chapter 3313. of the Revised 7065  
Code. 7066

(E) If a school district is severed from one educational 7067  
service center and annexed to another service center under this 7068  
section, the board of education of that school district shall not 7069  
propose a subsequent severance and annexation action under this 7070  
section that would be effective sooner than five years after the 7071  
effective date of the next previous severance and annexation 7072  
action under this section. 7073

**Sec. 3311.21.** (A) In addition to the resolutions authorized 7074  
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 7075  
the Revised Code, the board of education of a joint vocational or 7076  
cooperative education school district by a vote of two-thirds of 7077  
its full membership may at any time adopt a resolution declaring 7078  
the necessity to levy a tax in excess of the ten-mill limitation 7079  
for a period not to exceed ten years to provide funds for any one 7080  
or more of the following purposes, which may be stated in the 7081  
following manner in such resolution, the ballot, and the notice of 7082  
election: purchasing a site or enlargement thereof and for the 7083  
erection and equipment of buildings; for the purpose of enlarging, 7084  
improving, or rebuilding thereof; for the purpose of providing for 7085  
the current expenses of the joint vocational or cooperative school 7086  
district; or for a continuing period for the purpose of providing 7087

for the current expenses of the joint vocational or cooperative 7088  
education school district. The resolution shall specify the amount 7089  
of the proposed rate and, if a renewal, whether the levy is to 7090  
renew all, or a portion of, the existing levy, and shall specify 7091  
the first year in which the levy will be imposed. If the levy 7092  
provides for but is not limited to current expenses, the 7093  
resolution shall apportion the annual rate of the levy between 7094  
current expenses and the other purpose or purposes. Such 7095  
apportionment may but need not be the same for each year of the 7096  
levy, but the respective portions of the rate actually levied each 7097  
year for current expenses and the other purpose or purposes shall 7098  
be limited by such apportionment. The portion of any such rate 7099  
actually levied for current expenses of a joint vocational or 7100  
cooperative education school district shall be used in applying 7101  
division (A)(1) of section 3306.01 and division (A) of section 7102  
3317.01 of the Revised Code. The portion of any such rate not 7103  
apportioned to the current expenses of a joint vocational or 7104  
cooperative education school district shall be used in applying 7105  
division (B) of this section. On the adoption of such resolution, 7106  
the joint vocational or cooperative education school district 7107  
board of education shall certify the resolution to the board of 7108  
elections of the county containing the most populous portion of 7109  
the district, which board shall receive resolutions for filing and 7110  
send them to the boards of elections of each county in which 7111  
territory of the district is located, furnish all ballots for the 7112  
election as provided in section 3505.071 of the Revised Code, and 7113  
prepare the election notice; and the board of elections of each 7114  
county in which the territory of such district is located shall 7115  
make the other necessary arrangements for the submission of the 7116  
question to the electors of the joint vocational or cooperative 7117  
education school district at the next primary or general election 7118  
occurring not less than ~~seventy-five~~ eighty-five days after the 7119  
resolution was received from the joint vocational or cooperative 7120

education school district board of education, or at a special 7121  
election to be held at a time designated by the district board of 7122  
education consistent with the requirements of section 3501.01 of 7123  
the Revised Code, which date shall not be earlier than 7124  
~~seventy-five~~ eighty-five days after the adoption and certification 7125  
of the resolution. 7126

The board of elections of the county or counties in which 7127  
territory of the joint vocational or cooperative education school 7128  
district is located shall cause to be published in one or more 7129  
newspapers of general circulation in that district an 7130  
advertisement of the proposed tax levy question together with a 7131  
statement of the amount of the proposed levy once a week for two 7132  
consecutive weeks, prior to the election at which the question is 7133  
to appear on the ballot, and, if the board of elections operates 7134  
and maintains a web site, the board also shall post a similar 7135  
advertisement on its web site for thirty days prior to that 7136  
election. 7137

If a majority of the electors voting on the question of 7138  
levying such tax vote in favor of the levy, the joint vocational 7139  
or cooperative education school district board of education shall 7140  
annually make the levy within the district at the rate specified 7141  
in the resolution and ballot or at any lesser rate, and the county 7142  
auditor of each affected county shall annually place the levy on 7143  
the tax list and duplicate of each school district in the county 7144  
having territory in the joint vocational or cooperative education 7145  
school district. The taxes realized from the levy shall be 7146  
collected at the same time and in the same manner as other taxes 7147  
on the duplicate, and the taxes, when collected, shall be paid to 7148  
the treasurer of the joint vocational or cooperative education 7149  
school district and deposited to a special fund, which shall be 7150  
established by the joint vocational or cooperative education 7151  
school district board of education for all revenue derived from 7152

any tax levied pursuant to this section and for the proceeds of 7153  
anticipation notes which shall be deposited in such fund. After 7154  
the approval of the levy, the joint vocational or cooperative 7155  
education school district board of education may anticipate a 7156  
fraction of the proceeds of the levy and from time to time, during 7157  
the life of the levy, but in any year prior to the time when the 7158  
tax collection from the levy so anticipated can be made for that 7159  
year, issue anticipation notes in an amount not exceeding fifty 7160  
per cent of the estimated proceeds of the levy to be collected in 7161  
each year up to a period of five years after the date of the 7162  
issuance of the notes, less an amount equal to the proceeds of the 7163  
levy obligated for each year by the issuance of anticipation 7164  
notes, provided that the total amount maturing in any one year 7165  
shall not exceed fifty per cent of the anticipated proceeds of the 7166  
levy for that year. Each issue of notes shall be sold as provided 7167  
in Chapter 133. of the Revised Code, and shall, except for such 7168  
limitation that the total amount of such notes maturing in any one 7169  
year shall not exceed fifty per cent of the anticipated proceeds 7170  
of the levy for that year, mature serially in substantially equal 7171  
installments, during each year over a period not to exceed five 7172  
years after their issuance. 7173

(B) Prior to the application of section 319.301 of the 7174  
Revised Code, the rate of a levy that is limited to, or to the 7175  
extent that it is apportioned to, purposes other than current 7176  
expenses shall be reduced in the same proportion in which the 7177  
district's total valuation increases during the life of the levy 7178  
because of additions to such valuation that have resulted from 7179  
improvements added to the tax list and duplicate. 7180

(C) The form of ballot cast at an election under division (A) 7181  
of this section shall be as prescribed by section 5705.25 of the 7182  
Revised Code. 7183

**Sec. 3311.213.** (A) With the approval of the board of 7184  
education of a joint vocational school district which is in 7185  
existence, any school district in the county or counties 7186  
comprising the joint vocational school district or any school 7187  
district in a county adjacent to a county comprising part of a 7188  
joint vocational school district may become a part of the joint 7189  
vocational school district. On the adoption of a resolution of 7190  
approval by the board of education of the joint vocational school 7191  
district, it shall advertise a copy of such resolution in a 7192  
newspaper of general circulation in the school district proposing 7193  
to become a part of such joint vocational school district once 7194  
each week for at least two weeks immediately following the date of 7195  
the adoption of such resolution. Such resolution shall not become 7196  
effective until the later of the sixty-first day after its 7197  
adoption or until the board of elections certifies the results of 7198  
an election in favor of joining of the school district to the 7199  
joint vocational school district if such an election is held under 7200  
division (B) of this section. 7201

(B) During the sixty-day period following the date of the 7202  
adoption of a resolution to join a school district to a joint 7203  
vocational school district under division (A) of this section, the 7204  
electors of the school district that proposes joining the joint 7205  
vocational school district may petition for a referendum vote on 7206  
the resolution. The question whether to approve or disapprove the 7207  
resolution shall be submitted to the electors of such school 7208  
district if a number of qualified electors equal to twenty per 7209  
cent of the number of electors in the school district who voted 7210  
for the office of governor at the most recent general election for 7211  
that office sign a petition asking that the question of whether 7212  
the resolution shall be disapproved be submitted to the electors. 7213  
The petition shall be filed with the board of elections of the 7214  
county in which the school district is located. If the school 7215

district is located in more than one county, the petition shall be 7216  
filed with the board of elections of the county in which the 7217  
majority of the territory of the school district is located. The 7218  
board shall certify the validity and sufficiency of the signatures 7219  
on the petition. 7220

The board of elections shall immediately notify the board of 7221  
education of the joint vocational school district and the board of 7222  
education of the school district that proposes joining the joint 7223  
vocational school district that the petition has been filed. 7224

The effect of the resolution shall be stayed until the board 7225  
of elections certifies the validity and sufficiency of the 7226  
signatures on the petition. If the board of elections determines 7227  
that the petition does not contain a sufficient number of valid 7228  
signatures and sixty days have passed since the adoption of the 7229  
resolution, the resolution shall become effective. 7230

If the board of elections certifies that the petition 7231  
contains a sufficient number of valid signatures, the board shall 7232  
submit the question to the qualified electors of the school 7233  
district on the day of the next general or primary election held 7234  
at least ~~seventy-five~~ eighty-five days after but no later than six 7235  
months after the board of elections certifies the validity and 7236  
sufficiency of signatures on the petition. If there is no general 7237  
or primary election held at least ~~seventy-five~~ eighty-five days 7238  
after but no later than six months after the board of elections 7239  
certifies the validity and sufficiency of signatures on the 7240  
petition, the board shall submit the question to the electors at a 7241  
special election to be held on the next day specified for special 7242  
elections in division (D) of section 3501.01 of the Revised Code 7243  
that occurs at least ~~seventy-five~~ eighty-five days after the board 7244  
certifies the validity and sufficiency of signatures on the 7245  
petition. The election shall be conducted and canvassed and the 7246  
results shall be certified in the same manner as in regular 7247

elections for the election of members of a board of education. 7248

If a majority of the electors voting on the question 7249  
disapprove the resolution, the resolution shall not become 7250  
effective. 7251

(C) If the resolution becomes effective, the board of 7252  
education of the joint vocational school district shall notify the 7253  
county auditor of the county in which the school district becoming 7254  
a part of the joint vocational school district is located, who 7255  
shall thereupon have any outstanding levy for building purposes, 7256  
bond retirement, or current expenses in force in the joint 7257  
vocational school district spread over the territory of the school 7258  
district becoming a part of the joint vocational school district. 7259  
On the addition of a city or exempted village school district or 7260  
an educational service center to the joint vocational school 7261  
district, pursuant to this section, the board of education of such 7262  
joint vocational school district shall submit to the state board 7263  
of education a proposal to enlarge the membership of such board by 7264  
the addition of one or more persons at least one of whom shall be 7265  
a member of the board of education or governing board of such 7266  
additional school district or educational service center, and the 7267  
term of each such additional member. On the addition of a local 7268  
school district to the joint vocational school district, pursuant 7269  
to this section, the board of education of such joint vocational 7270  
school district may submit to the state board of education a 7271  
proposal to enlarge the membership of such board by the addition 7272  
of one or more persons who are members of the educational service 7273  
center governing board of such additional local school district. 7274  
On approval by the state board of education additional members 7275  
shall be added to such joint vocational school district board of 7276  
education. 7277

**Sec. 3311.22.** A governing board of an educational service 7278



center may propose, by resolution adopted by majority vote of its 7279  
full membership, or qualified electors of the area affected equal 7280  
in number to at least fifty-five per cent of the qualified 7281  
electors voting at the last general election residing within that 7282  
portion of a school district, or districts proposed to be 7283  
transferred may propose, by petition, the transfer of a part or 7284  
all of one or more local school districts to another local school 7285  
district or districts within the territory of the educational 7286  
service center. Such transfers may be made only to local school 7287  
districts adjoining the school district that is proposed to be 7288  
transferred, unless the board of education of the district 7289  
proposed to be transferred has entered into an agreement pursuant 7290  
to section 3313.42 of the Revised Code, in which case such 7291  
transfers may be made to any local school district within the 7292  
territory of the educational service center. 7293

When a governing board of an educational service center 7294  
adopts a resolution proposing a transfer of school territory it 7295  
shall forthwith file a copy of such resolution, together with an 7296  
accurate map of the territory described in the resolution, with 7297  
the board of education of each school district whose boundaries 7298  
would be altered by such proposal. A governing board of an 7299  
educational service center proposing a transfer of territory under 7300  
the provisions of this section shall at its next regular meeting 7301  
that occurs not earlier than thirty days after the adoption by the 7302  
governing board of a resolution proposing such transfer, adopt a 7303  
resolution making the transfer effective at any time prior to the 7304  
next succeeding first day of July, unless, prior to the expiration 7305  
of such thirty-day period, qualified electors residing in the area 7306  
proposed to be transferred, equal in number to a majority of the 7307  
qualified electors voting at the last general election, file a 7308  
petition of referendum against such transfer. 7309

Any petition of transfer or petition of referendum filed 7310

under the provisions of this section shall be filed at the office 7311  
of the educational service center superintendent. The person 7312  
presenting the petition shall be given a receipt containing 7313  
thereon the time of day, the date, and the purpose of the 7314  
petition. 7315

The educational service center superintendent shall cause the 7316  
board of elections to check the sufficiency of signatures on any 7317  
petition of transfer or petition of referendum filed under this 7318  
section and, if found to be sufficient, ~~he~~ the superintendent 7319  
shall present the petition to the educational service center 7320  
governing board at a meeting of the board which shall occur not 7321  
later than thirty days following the filing of the petition. 7322

Upon presentation to the educational service center governing 7323  
board of a proposal to transfer territory as requested by petition 7324  
of fifty-five per cent of the qualified electors voting at the 7325  
last general election or a petition of referendum against a 7326  
proposal of the county board to transfer territory, the governing 7327  
board shall promptly certify the proposal to the board of 7328  
elections for the purpose of having the proposal placed on the 7329  
ballot at the next general or primary election which occurs not 7330  
less than ~~seventy-five~~ eighty-five days after the date of such 7331  
certification, or at a special election, the date of which shall 7332  
be specified in the certification, which date shall not be less 7333  
than ~~seventy-five~~ eighty-five days after the date of such 7334  
certification. Signatures on a petition of transfer or petition of 7335  
referendum may be withdrawn up to and including the above 7336  
mentioned meeting of the educational service center governing 7337  
board only by order of the board upon testimony of the petitioner 7338  
concerned under oath before the board that ~~his~~ the petitioner's 7339  
signature was obtained by fraud, duress, or misrepresentation. 7340

If a petition is filed with the educational service center 7341  
governing board which proposes the transfer of a part or all of 7342

the territory included in a resolution of transfer previously 7343  
adopted by the educational service center governing board, no 7344  
action shall be taken on such petition if within the thirty-day 7345  
period after the adoption of the resolution of transfer a 7346  
referendum petition is filed. After the election, if the proposed 7347  
transfer fails to receive a majority vote, action on such petition 7348  
shall then be processed under this section as though originally 7349  
filed under the provisions hereof. If no referendum petition is 7350  
filed within the thirty-day period after the adoption of the 7351  
resolution of transfer, no action shall be taken on such petition. 7352

If a petition is filed with the educational service center 7353  
governing board which proposes the transfer of a part or all of 7354  
the territory included in a petition previously filed by electors 7355  
no action shall be taken on such new petition. 7356

Upon certification of a proposal to the board or boards of 7357  
elections pursuant to this section, the board or boards of 7358  
elections shall make the necessary arrangements for the submission 7359  
of such question to the electors of the county or counties 7360  
qualified to vote thereon, and the election shall be conducted and 7361  
canvassed and the results shall be certified in the same manner as 7362  
in regular elections for the election of members of a board of 7363  
education. 7364

The persons qualified to vote upon a proposal are the 7365  
electors residing in the district or districts containing 7366  
territory that is proposed to be transferred. If the proposed 7367  
transfer be approved by at least a majority of the electors voting 7368  
on the proposal, the educational service center governing board 7369  
shall make such transfer at any time prior to the next succeeding 7370  
first day of July. If the proposed transfer is not approved by at 7371  
least a majority of the electors voting on the proposal, the 7372  
question of transferring any property included in the territory 7373  
covered by the proposal shall not be submitted to electors at any 7374

election prior to the first general election the date of which is 7375  
at least two years after the date of the original election, or the 7376  
first primary election held in an even-numbered year the date of 7377  
which is at least two years after the date of the original 7378  
election. A transfer shall be subject to the approval of the 7379  
receiving board or boards of education, unless the proposal was 7380  
initiated by the educational service center governing board, in 7381  
which case, if the transfer is opposed by the board of education 7382  
offered the territory, the local board may, within thirty days, 7383  
following the receipt of the notice of transfer, appeal to the 7384  
state board of education which shall then either approve or 7385  
disapprove the transfer. 7386

Following an election upon a proposed transfer initiated by a 7387  
petition the board of education that is offered territory shall, 7388  
within thirty days following receipt of the proposal, either 7389  
accept or reject the transfer. 7390

When an entire school district is proposed to be transferred 7391  
to two or more school districts and the offer is rejected by any 7392  
one of the receiving boards of education, none of the territory 7393  
included in the proposal shall be transferred. 7394

Upon the acceptance of territory by the receiving board or 7395  
boards of education the educational service center governing board 7396  
offering the territory shall file with the county auditor and with 7397  
the state board of education an accurate map showing the 7398  
boundaries of the territory transferred. 7399

Upon the making of such transfer, the net indebtedness of the 7400  
former district from which territory was transferred shall be 7401  
apportioned between the acquiring school district and that portion 7402  
of the former school district remaining after the transfer in the 7403  
ratio which the assessed valuation of the territory transferred to 7404  
the acquiring school district bears to the assessed valuation of 7405  
the original school district as of the effective date of the 7406

transfer. As used in this section "net indebtedness" means the 7407  
difference between the par value of the outstanding and unpaid 7408  
bonds and notes of the school district and the amount held in the 7409  
sinking fund and other indebtedness retirement funds for their 7410  
redemption. 7411

If an entire district is transferred, any indebtedness of the 7412  
former district incurred as a result of a loan made under section 7413  
3317.64 of the Revised Code is hereby canceled and such 7414  
indebtedness shall not be apportioned among any districts 7415  
acquiring the territory. 7416

Upon the making of any transfer under this section, the funds 7417  
of the district from which territory was transferred shall be 7418  
divided equitably by the educational service center governing 7419  
board between the acquiring district and any part of the original 7420  
district remaining after the transfer. 7421

If an entire district is transferred the board of education 7422  
of such district is thereby abolished or if a member of the board 7423  
of education lives in that part of a school district transferred 7424  
the member becomes a nonresident of the school district from which 7425  
the territory was transferred and ~~he~~ such member ceases to be a 7426  
member of the board of education of such district. 7427

The legal title of all property of the board of education in 7428  
the territory transferred shall become vested in the board of 7429  
education of the school district to which such territory is 7430  
transferred. 7431

Subsequent to June 30, 1959, if an entire district is 7432  
transferred, foundation program moneys accruing to a district 7433  
accepting school territory under the provisions of this section or 7434  
former section 3311.22 of the Revised Code, shall not be less, in 7435  
any year during the next succeeding three years following the 7436  
transfer, than the sum of the amounts received by the districts 7437

separately in the year in which the transfer was consummated. 7438

**Sec. 3311.231.** A governing board of an educational service 7439  
center may propose, by resolution adopted by majority vote of its 7440  
full membership, or qualified electors of the area affected equal 7441  
in number to not less than fifty-five per cent of the qualified 7442  
electors voting at the last general election residing within that 7443  
portion of a school district proposed to be transferred may 7444  
propose, by petition, the transfer of a part or all of one or more 7445  
local school districts within the territory of the center to an 7446  
adjoining educational service center or to an adjoining city or 7447  
exempted village school district. 7448

A governing board of an educational service center adopting a 7449  
resolution proposing a transfer of school territory under this 7450  
section shall file a copy of such resolution together with an 7451  
accurate map of the territory described in the resolution, with 7452  
the board of education of each school district whose boundaries 7453  
would be altered by such proposal. Where a transfer of territory 7454  
is proposed by a governing board of an educational service center 7455  
under this section, the governing board shall, at its next regular 7456  
meeting that occurs not earlier than the thirtieth day after the 7457  
adoption by the governing board of the resolution proposing such 7458  
transfer, adopt a resolution making the transfer as originally 7459  
proposed, effective at any time prior to the next succeeding first 7460  
day of July, unless, prior to the expiration of such thirty-day 7461  
period, qualified electors residing in the area proposed to be 7462  
transferred, equal in number to a majority of the qualified 7463  
electors voting at the last general election, file a petition of 7464  
referendum against such transfer. 7465

Any petition of transfer or petition of referendum under the 7466  
provisions of this section shall be filed at the office of the 7467  
educational service center superintendent. The person presenting 7468

the petition shall be given a receipt containing thereon the time 7469  
of day, the date, and the purpose of the petition. 7470

The educational service center superintendent shall cause the 7471  
board of elections to check the sufficiency of signatures on any 7472  
such petition, and, if found to be sufficient, ~~he~~ the 7473  
superintendent shall present the petition to the educational 7474  
service center governing board at a meeting of said governing 7475  
board which shall occur not later than thirty days following the 7476  
filing of said petition. 7477

The educational service center governing board shall promptly 7478  
certify the proposal to the board of elections of such counties in 7479  
which school districts whose boundaries would be altered by such 7480  
proposal are located for the purpose of having the proposal placed 7481  
on the ballot at the next general or primary election which occurs 7482  
not less than ~~seventy-five~~ eighty-five days after the date of such 7483  
certification or at a special election, the date of which shall be 7484  
specified in the certification, which date shall not be less than 7485  
~~seventy-five~~ eighty-five days after the date of such 7486  
certification. 7487

Signatures on a petition of transfer or petition of 7488  
referendum may be withdrawn up to and including the above 7489  
mentioned meeting of the educational service center governing 7490  
board only by order of the governing board upon testimony of the 7491  
petitioner concerned under oath before the board that ~~his~~ the 7492  
petitioner's signature was obtained by fraud, duress, or 7493  
misrepresentation. 7494

If a petition is filed with the educational service center 7495  
governing board which proposes the transfer of a part or all of 7496  
the territory included either in a petition previously filed by 7497  
electors or in a resolution of transfer previously adopted by the 7498  
educational service center governing board, no action shall be 7499  
taken on such new petition as long as the previously initiated 7500

proposal is pending before the governing board or is subject to an election. 7501  
7502

Upon certification of a proposal to the board or boards of elections pursuant to this section, the board or boards of elections shall make the necessary arrangements for the submission of such question to the electors of the county or counties qualified to vote thereon, and the election shall be conducted and canvassed and the results shall be certified in the same manner as in regular elections for the election of members of a board of education. 7503  
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The persons qualified to vote upon a proposal are the electors residing in the district or districts containing territory that is proposed to be transferred. If the proposed transfer is approved by at least a majority of the electors voting on the proposal, the educational service center governing board shall make such transfer at any time prior to the next succeeding first day of July, subject to the approval of the receiving board of education in case of a transfer to a city or exempted village school district, and subject to the approval of the educational service center governing board of the receiving center, in case of a transfer to an educational service center. If the proposed transfer is not approved by at least a majority of the electors voting on the proposal, the question of transferring any property included in the territory covered by the proposal shall not be submitted to electors at any election prior to the first general election the date of which is at least two years after the date of the original election, or the first primary election held in an even-numbered year the date of which is at least two years after the date of the original election. 7511  
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Where a territory is transferred under this section to a city or exempted village school district, the board of education of such district shall, and where territory is transferred to an 7530  
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educational service center the governing board of such educational 7533  
service center shall, within thirty days following receipt of the 7534  
proposal, either accept or reject the transfer. 7535

Where a governing board of an educational service center 7536  
adopts a resolution accepting territory transferred to the 7537  
educational service center under the provisions of sections 7538  
3311.231 and 3311.24 of the Revised Code, the governing board 7539  
shall, at the time of the adoption of the resolution accepting the 7540  
territory, designate the school district to which the accepted 7541  
territory shall be annexed. 7542

When an entire school district is proposed to be transferred 7543  
to two or more adjoining school districts and the offer is 7544  
rejected by any one of the receiving boards of education, none of 7545  
the territory included in the proposal shall be transferred. 7546

Upon the acceptance of territory by the receiving board or 7547  
boards of education the educational service center governing board 7548  
offering the territory shall file with the county auditor of each 7549  
county affected by the transfer and with the state board of 7550  
education an accurate map showing the boundaries of the territory 7551  
transferred. 7552

Upon the making of such transfer, the net indebtedness of the 7553  
former district from which territory was transferred shall be 7554  
apportioned between the acquiring school district and the portion 7555  
of the former school district remaining after the transfer in the 7556  
ratio which the assessed valuation of the territory transferred to 7557  
the acquiring school district bears to the assessed valuation of 7558  
the original school district as of the effective date of the 7559  
transfer. As used in this section "net indebtedness" means the 7560  
difference between the par value of the outstanding and unpaid 7561  
bonds and notes of the school district and the amount held in the 7562  
sinking fund and other indebtedness retirement funds for their 7563  
redemption. 7564

If an entire district is transferred, any indebtedness of the former district incurred as a result of a loan made under section 3317.64 of the Revised Code is hereby canceled and such indebtedness shall not be apportioned among any districts acquiring the territory.

Upon the making of any transfer under this section, the funds of the district from which territory was transferred shall be divided equitably by the educational service center governing board, between the acquiring district and any part of the original district remaining after the transfer.

If an entire district is transferred the board of education of such district is thereby abolished or if a member of the board of education lives in that part of a school district transferred the member becomes a nonresident of the school district from which the territory was transferred and ~~he~~ such member ceases to be a member of the board of education of such district.

The legal title of all property of the board of education in the territory transferred shall become vested in the board of education of the school district to which such territory is transferred.

If an entire district is transferred, foundation program moneys accruing to a district receiving school territory under the provisions of this section shall not be less, in any year during the next succeeding three years following the transfer, than the sum of the amounts received by the districts separately in the year in which the transfer was consummated.

**Sec. 3311.25.** (A) Notwithstanding any other provision of this chapter, two or more city, local, or exempted village school districts whose territory is primarily located within the same county may be merged as provided in this section, if the county has a population of less than one hundred thousand, as determined

by the most recent federal decennial census. 7596

(B) A petition may be filed with the board of elections 7597  
proposing that two or more school districts whose territory is 7598  
primarily located within a county meeting the qualifications of 7599  
division (A) of this section form a commission to study the 7600  
proposed merger of the school districts. The petition may be 7601  
presented in separate petition papers. Each petition paper shall 7602  
contain, in concise language, the purpose of the petition and the 7603  
names of five electors of each school district proposed to be 7604  
merged to serve as commissioners on the merger study commission. 7605  
The petition shall be governed by the rules of section 3501.38 of 7606  
the Revised Code. 7607

A petition filed under this section shall contain signatures 7608  
of electors of each school district proposed to be merged, 7609  
numbering not less than ten per cent of the number of electors 7610  
residing in that district who voted for the office of governor at 7611  
the most recent general election for that office. The petition 7612  
shall be filed with the board of elections of the county described 7613  
by division (A) of this section. The board of elections of the 7614  
county in which the petition is required to be filed shall 7615  
ascertain the validity of all signatures on the petition and may 7616  
require the assistance of boards of elections of other counties if 7617  
any of the school districts proposed to be merged are located 7618  
partially in a county other than the one in which the petition is 7619  
required to be filed. 7620

(C)(1) If the board of elections of the county in which the 7621  
petition is required to be filed determines that the petition is 7622  
sufficient, the board shall submit the following question for the 7623  
approval or rejection of the electors of each school district 7624  
proposed to be merged at the next general election occurring at 7625  
least ~~seventy-five~~ eighty-five days after the date the petition is 7626

filed: "Shall a commission be established to study the proposed merger of any or all of the school districts in this county and, if a merger is considered desirable, to draw up a statement of conditions for that proposed merger?" The ballot shall include, for each of the school districts proposed to be merged, the names of the five electors identified in the petition, who shall constitute the commissioners on behalf of that district.

(2) If any of the school districts for which merger is proposed are located partially in a county other than the one in which the petition is required to be filed, the board of elections of the county in which the petition is required to be filed shall, if the petition is found to be sufficient, certify the sufficiency of that petition and the statement of the issue to be voted on to the boards of elections of those other counties. The boards of those other counties shall submit the question of merging and the names of candidates to be elected to the commission for the approval or rejection of electors in the portions of the school districts proposed to be merged that are located within their respective counties. Upon the holding of the election, those boards shall certify the results to the board of elections of the county in which the petition is required to be filed.

(D) A petition shall not be deemed insufficient for all school districts proposed to be merged if it contains the signatures of less than ten per cent of the electors who voted for the office of governor at the most recent general election for that office in a particular school district. If the petition contains a sufficient number of signatures and is otherwise determined by the board of elections to be sufficient for at least two school districts proposed to be merged, the board shall submit the question of the proposed merger for the approval or rejection of voters under division (C) of this section in each of the districts for which the petition was determined to be sufficient.

The board shall not submit the question of the proposed merger for the approval or rejection of voters under division (C) of this section for any school district for which a petition contains an insufficient number of signatures or for which the board otherwise determines the petition to be insufficient.

(E)(1) If the question of forming a merger study commission as provided in division (C) of this section is approved by a majority of those voting on it in at least two school districts, the commission shall be established and the five candidates from each school district in which the question was approved shall be elected to the commission to study the proposed merger and to formulate any conditions of any proposed merger if a merger is considered desirable after study by the commission. Any school district that disapproved of the question of forming a merger study commission by a majority of those voting on it shall not be included in, and its proposed candidates shall not be elected to, the commission.

(2) The first meeting of the commission shall be held in the regular meeting place of the board of county commissioners of the county in which the petition is required to be filed, at nine a.m. on the tenth day after the certification of the election by the last of the respective boards of elections to make such certification, unless that day is a Saturday, Sunday, or a holiday, in which case the first meeting shall be held on the next day thereafter that is not a Saturday, Sunday, or holiday. The president of the school board of the school district with the largest population of the districts that approved the question of forming a merger study commission under division (C) of this section shall serve as temporary chairperson until permanent officers are elected. The commission shall immediately elect its own permanent officers and shall proceed to meet as often as necessary to study the proposed merger, determine whether a

proposed merger is desirable, and formulate any conditions for any 7691  
proposed merger. All meetings of the commission shall be subject 7692  
to the requirements of section 121.22 of the Revised Code. 7693

(3) The conditions for a proposed merger may provide for the 7694  
election of school board members for the new school district and 7695  
any other conditions that a majority of the members of the 7696  
commission from each school district find necessary. The 7697  
conditions for the proposed merger also may provide that the 7698  
merger, if approved, shall not become effective until the date on 7699  
which any required changes in state law necessary for the school 7700  
district merger to occur become effective. 7701

(4) As soon as the commission determines that a merger is not 7702  
desirable or finalizes the conditions for a proposed merger, the 7703  
commission shall report this fact, and the name of each school 7704  
district proposed for merger in which the majority of the 7705  
district's commissioners have agreed to the conditions for merger, 7706  
to the board of elections of each of the counties in which the 7707  
school districts proposed for merger are located. 7708

The question shall be submitted to the voters in each school 7709  
district in which the majority of the district's commissioners 7710  
have agreed to the conditions for merger at the next general 7711  
election occurring after the commission is elected. The question 7712  
shall not be submitted to the voters in any school district in 7713  
which a majority of that district's commissioners have not agreed 7714  
to the conditions for merger. The board of elections shall not 7715  
submit the conditions for merger to the voters in any district if 7716  
the conditions for merger include the merging of any district in 7717  
which the majority of that district's commissioners have not 7718  
agreed to the conditions for merger. 7719

The boards of elections shall submit the conditions of 7720  
proposed merger for the approval or rejection of the electors in 7721  
the portions of the school districts proposed to be merged within 7722

their respective counties. Upon the holding of that election, the 7723  
boards of elections shall certify the results to the board of 7724  
elections of the county in which the petition is required to be 7725  
filed. 7726

Regardless of whether the commission succeeds in reaching 7727  
agreement, the commission shall cease to exist on the 7728  
~~seventy-fifth~~ eighty-fifth day prior to the next general election 7729  
after the commission is elected. 7730

(F) If the conditions of merger agreed upon by the merger 7731  
commission are disapproved by a majority of those voting on them 7732  
in any school district proposed to be merged, the merger shall not 7733  
occur, unless the conditions of merger provide for a merger to 7734  
occur without the inclusion of that district and the conditions of 7735  
merger are otherwise met. No district in which the conditions of 7736  
merger are disapproved by a majority of those voting on them shall 7737  
be included in any merger resulting from that election. If the 7738  
conditions of merger are approved by a majority of those voting on 7739  
them in each school district proposed to be merged, or if the 7740  
conditions of merger provide for a merger to occur without the 7741  
inclusion of one or more districts in which the conditions of 7742  
merger are disapproved by a majority of those voting on them, the 7743  
merger shall be effective on the date specified in the conditions 7744  
of the merger, unless the conditions of merger specify changes 7745  
required to be made in state law for the merger to occur, in which 7746  
case the merger shall be effective on the date on which those 7747  
changes to state law become effective. 7748

**Sec. 3311.26.** The state board of education may, by resolution 7749  
adopted by majority vote of its full membership, propose the 7750  
creation of a new local school district from one or more local 7751  
school districts or parts thereof, including the creation of a 7752  
local district with noncontiguous territory from one or more local 7753

school districts if one of those districts has entered into an 7754  
agreement under section 3313.42 of the Revised Code. Such proposal 7755  
shall include an accurate map showing the territory affected. 7756  
After the adoption of the resolution, the state board shall file a 7757  
copy of such proposal with the board of education of each school 7758  
district whose boundaries would be altered by such proposal. 7759

7760  
Upon the creation of a new district under this section, the 7761  
state board shall at its next regular meeting that occurs not 7762  
earlier than thirty days after the adoption by the state board of 7763  
the resolution proposing such creation, adopt a resolution making 7764  
the creation effective prior to the next succeeding first day of 7765  
July, unless, prior to the expiration of such thirty-day period, 7766  
qualified electors residing in the area included in such proposed 7767  
new district, equal in number to thirty-five per cent of the 7768  
qualified electors voting at the last general election, file a 7769  
petition of referendum against the creation of the proposed new 7770  
district. 7771

A petition of referendum filed under this section shall be 7772  
filed at the office of the state superintendent of public 7773  
instruction. The person presenting the petition shall be given a 7774  
receipt containing thereon the time of day, the date, and the 7775  
purpose of the petition. 7776

If a petition of referendum is filed, the state board shall, 7777  
at the next regular meeting of the state board, certify the 7778  
proposal to the board of elections for the purpose of having the 7779  
proposal placed on the ballot at the next general or primary 7780  
election which occurs not less than ~~seventy-five~~ eighty-five days 7781  
after the date of such certification, or at a special election, 7782  
the date of which shall be specified in the certification, which 7783  
date shall not be less than ~~seventy-five~~ eighty-five days after 7784  
the date of such certification. 7785



Upon certification of a proposal to the board or boards of 7786  
elections pursuant to this section, the board or boards of 7787  
elections shall make the necessary arrangements for the submission 7788  
of such question to the electors of the county or counties 7789  
qualified to vote thereon, and the election shall be conducted and 7790  
canvassed and the results shall be certified in the same manner as 7791  
in regular elections for the election of members of a board of 7792  
education. 7793

The persons qualified to vote upon a proposal are the 7794  
electors residing in the proposed new districts. 7795

If the proposed district be approved by at least a majority 7796  
of the electors voting on the proposal, the state board shall then 7797  
create such new district prior to the next succeeding first day of 7798  
July. 7799

Upon the creation of such district, the indebtedness of each 7800  
former district becoming in its entirety a part of the new 7801  
district shall be assumed in full by the new district. Upon the 7802  
creation of such district, that part of the net indebtedness of 7803  
each former district becoming only in part a part of the new 7804  
district shall be assumed by the new district which bears the same 7805  
ratio to the entire net indebtedness of the former district as the 7806  
assessed valuation of the part taken by the new district bears to 7807  
the entire assessed valuation of the former district as fixed on 7808  
the effective date of transfer. As used in this section, "net 7809  
indebtedness" means the difference between the par value of the 7810  
outstanding and unpaid bonds and notes of the school district and 7811  
the amount held in the sinking fund and other indebtedness 7812  
retirement funds for their redemption. Upon the creation of such 7813  
district, the funds of each former district becoming in its 7814  
entirety a part of the new district shall be paid over in full to 7815  
the new district. Upon the creation of such district, the funds of 7816  
each former district becoming only in part a part of the new 7817

district shall be divided equitably by the state board between the 7818  
new district and that part of the former district not included in 7819  
the new district as such funds existed on the effective date of 7820  
the creation of the new district. 7821

The state board shall, following the election, file with the 7822  
county auditor of each county affected by the creation of a new 7823  
district an accurate map showing the boundaries of such newly 7824  
created district. 7825

When a new local school district is so created, a board of 7826  
education for such newly created district shall be appointed by 7827  
the state board. The members of such appointed board of education 7828  
shall hold their office until their successors are elected and 7829  
qualified. A board of education shall be elected for such newly 7830  
created district at the next general election held in an odd 7831  
numbered year occurring more than ~~thirty~~ eighty-five days after 7832  
the appointment of the board of education of such newly created 7833  
district. At such election two members shall be elected for a term 7834  
of two years and three members shall be elected for a term of four 7835  
years, and, thereafter, their successors shall be elected in the 7836  
same manner and for the same terms as members of the board of 7837  
education of a local school district. 7838

When the new district consists of territory lying in two or 7839  
more counties, the state board shall determine to which 7840  
educational service center the new district shall be assigned. 7841

The legal title of all property of the board of education in 7842  
the territory taken shall become vested in the board of education 7843  
of the newly created school district. 7844

Foundation program moneys accruing to a district created 7845  
under the provisions of this section or previous section 3311.26 7846  
of the Revised Code, shall not be less, in any year during the 7847  
next succeeding three years following the creation, than the sum 7848

of the amounts received by the districts separately in the year in 7849  
which the creation of the district became effective. 7850

If, prior to ~~the effective date of this amendment~~ September 7851  
26, 2003, a local school district board of education or a group of 7852  
individuals requests the governing board of an educational service 7853  
center to consider proposing the creation of a new local school 7854  
district, the governing board, at any time during the one-year 7855  
period following the date that request is made, may adopt a 7856  
resolution proposing the creation of a new local school district 7857  
in response to that request and in accordance with the first 7858  
paragraph of the version of this section in effect prior to ~~the~~ 7859  
~~effective date of this amendment~~ September 26, 2003. If the 7860  
governing board so proposes within that one-year period, the 7861  
governing board may proceed to create the new local school 7862  
district as it proposed, in accordance with the version of this 7863  
section in effect prior to ~~the effective date of this amendment~~ 7864  
September 26, 2003, subject to the provisions of that version 7865  
authorizing a petition and referendum on the matter. 7866

Consolidations of school districts which include all of the 7867  
schools of a county and which become effective on or after July 1, 7868  
1959, shall be governed and included under this section. 7869

**Sec. 3311.37.** The state board of education may conduct 7870  
studies where there is evidence of need for consolidation of 7871  
contiguous local, exempted village, or city school districts or 7872  
parts of such districts. The possibility of making improvements in 7873  
school district organization as well as the desires of the 7874  
residents of the affected districts shall be given consideration 7875  
in such studies and in any recommendations growing out of such 7876  
studies. 7877

After the adoption of recommendations growing out of any such 7878  
study, the state board may proceed as follows: 7879

Propose by resolution the creation of a new school district 7880  
which may consist of all or a part of the territory of two or more 7881  
contiguous local, exempted village, or city school districts, or 7882  
any combination of such districts. 7883

The state board shall thereupon file a copy of such proposal 7884  
with the board of education of each school district whose 7885  
boundaries would be altered by the proposal and with the governing 7886  
board of any educational service center in which such school 7887  
district is located. 7888

The state board may, not less than thirty days following the 7889  
adoption of the resolution proposing the creation of a new school 7890  
district certify the proposal to the board of elections of the 7891  
county or counties in which any of the territory of the proposed 7892  
district is located, for the purpose of having the proposal placed 7893  
on the ballot at the next general or primary election occurring 7894  
not less than ~~seventy-five~~ eighty-five days after the 7895  
certification of such resolution. 7896

If any proposal has been previously initiated pursuant to 7897  
section 3311.22, 3311.231, or 3311.26 of the Revised Code which 7898  
affects any of the territory affected by the proposal of the state 7899  
board, the proposal of the state board shall not be placed on the 7900  
ballot while the previously initiated proposal is subject to an 7901  
election. 7902

Upon certification of a proposal to the board of elections of 7903  
any county pursuant to this section, the board of elections of 7904  
such county shall make the necessary arrangements for the 7905  
submission of such question to the electors of the county 7906  
qualified to vote thereon, and the election shall be counted and 7907  
canvassed and the results shall be certified in the same manner as 7908  
in regular elections for the election of members of a board of 7909  
education. 7910

The electors qualified to vote upon a proposal are the 7911  
electors residing in the local, exempted village, or city school 7912  
districts, or parts thereof included in the proposed new school 7913  
district. If a majority of those voting on the proposal vote in 7914  
favor thereof, the state board shall create the proposed school 7915  
district prior to the next succeeding July 1. 7916

Upon the creation of such district, the indebtedness of each 7917  
former district becoming in its entirety a part of the new 7918  
district shall be assumed in full by the new district. Upon the 7919  
creation of such district, the net indebtedness of each original 7920  
district of which only a part is taken by the new district shall 7921  
be apportioned between the new district and the original district 7922  
in the ratio which the assessed valuation of the part taken by the 7923  
new district bears to the assessed valuation of the original 7924  
district as of the effective date of the creation of the new 7925  
district. As used in this section "net indebtedness" means the 7926  
difference between the par value of the outstanding and unpaid 7927  
bonds and notes of the school district and the amount held in the 7928  
sinking fund and other indebtedness retirement funds for their 7929  
redemption. 7930

Upon the creation of such district, the funds of each former 7931  
district becoming in its entirety a part of the new district shall 7932  
be paid over in full to the new district. Upon the creation of 7933  
such district the funds of each former district of which only a 7934  
part is taken by the new district shall be apportioned equitably 7935  
by the state board between the new district and that part of the 7936  
original district not included in the new district as such funds 7937  
existed on the effective date of the creation of the new district. 7938

When the new district consists of territory lying in two or 7939  
more counties, the state board shall determine to which 7940  
educational service center the new district shall be assigned. 7941

When a new local school district is so created, the state 7942

board shall appoint five electors residing in the district to be 7943  
the members of the board of education of such district, and such 7944  
members shall hold office until their successors are elected and 7945  
qualified. A board of education of such district shall be elected 7946  
by the electors of the district at the next general election held 7947  
in an odd numbered year which occurs not less than ~~ninety~~ one 7948  
hundred days after the appointment of the initial members of the 7949  
board. At such election two members shall be elected for a term of 7950  
two years and three members shall be elected for a term of four 7951  
years, and thereafter their successors shall be elected in the 7952  
same manner and for the same terms as members of the board of 7953  
education of a local school district. 7954

When a new city school district is created, the state board 7955  
shall determine the number of members which will comprise the 7956  
board of education of the school district, which number shall not 7957  
conflict with the number set forth in section 3313.02 of the 7958  
Revised Code. The state board shall then appoint a like number of 7959  
persons to be members of the board of education of such district, 7960  
and said members shall hold office until their successors are 7961  
elected and qualified. A board of education of such district shall 7962  
be elected by the electors of the district at the next general 7963  
election held in an odd numbered year which occurs not less than 7964  
~~ninety~~ one hundred days after the appointment of the initial 7965  
members of the board. At such election if the number of members of 7966  
the board is even, one-half of the number shall be elected for two 7967  
years and one-half for four years. If the number of members of the 7968  
board is odd, one-half the number less one-half shall be elected 7969  
for two years and the remaining number shall be elected for four 7970  
years, and thereafter their successors shall be elected in the 7971  
manner provided in section 3313.08 of the Revised Code. 7972

Foundation program moneys accruing to a district created 7973  
under this section shall not be less, in any year during the next 7974

succeeding three years following the creation, than the sum of the 7975  
amounts received by the districts separately in the year in which 7976  
the creation of the district became effective. 7977

**Sec. 3311.38.** The state board of education may conduct, or 7978  
may direct the superintendent of public instruction to conduct, 7979  
studies where there is evidence of need for transfer of local, 7980  
exempted village, or city school districts, or parts of any such 7981  
districts, to contiguous or noncontiguous local, exempted village, 7982  
or city school districts. Such studies shall include a study of 7983  
the effect of any proposal upon any portion of a school district 7984  
remaining after such proposed transfer. The state board, in 7985  
conducting such studies and in making recommendations as a result 7986  
thereof, shall consider the possibility of improving school 7987  
district organization as well as the desires of the residents of 7988  
the school districts which would be affected. 7989

(A) After the adoption of recommendations growing out of any 7990  
such study, or upon receipt of a resolution adopted by majority 7991  
vote of the full membership of the board of any city, local, or 7992  
exempted village school district requesting that the entire 7993  
district be transferred to another city, local, or exempted 7994  
village school district, the state board may propose by resolution 7995  
the transfer of territory, which may consist of part or all of the 7996  
territory of a local, exempted village, or city school district to 7997  
a contiguous local, exempted village, or city school district. 7998

The state board shall thereupon file a copy of such proposal 7999  
with the board of education of each school district whose 8000  
boundaries would be altered by the proposal and with the governing 8001  
board of any educational service center in which such school 8002  
district is located. 8003

The state board may, not less than thirty days following the 8004  
adoption of the resolution proposing the transfer of territory, 8005

certify the proposal to the board of elections of the county or 8006  
counties in which any of the territory of the proposed district is 8007  
located, for the purpose of having the proposal placed on the 8008  
ballot at the next general election or at a primary election 8009  
occurring not less than ~~seventy-five~~ eighty-five days after the 8010  
adoption of such resolution. 8011

If any proposal has been previously initiated pursuant to 8012  
section 3311.22, 3311.231, or 3311.26 of the Revised Code which 8013  
affects any of the territory affected by the proposal of the state 8014  
board, the proposal of the state board shall not be placed on the 8015  
ballot while the previously initiated proposal is subject to an 8016  
election. 8017

Upon certification of a proposal to the board of elections of 8018  
any county pursuant to this section, the board of elections of 8019  
such county shall make the necessary arrangements for the 8020  
submission of such question to the electors of the county 8021  
qualified to vote thereon, and the election shall be counted and 8022  
canvassed and the results shall be certified in the same manner as 8023  
in regular elections for the election of members of a board of 8024  
education. 8025

The electors qualified to vote upon a proposal are the 8026  
electors residing in the local, exempted village, or city school 8027  
districts, containing territory proposed to be transferred. 8028

If the proposed transfer be approved by a majority of the 8029  
electors voting on the proposal, the state board, subject to the 8030  
approval of the board of education of the district to which the 8031  
territory would be transferred, shall make such transfer prior to 8032  
the next succeeding July 1. 8033

(B) If a study conducted in accordance with this section 8034  
involves a school district with less than four thousand dollars of 8035  
assessed value for each pupil in the total student count 8036



determined under section 3317.03 of the Revised Code, the state 8037  
board of education, with the approval of the educational service 8038  
center governing board, and upon recommendation by the state 8039  
superintendent of public instruction, may by resolution transfer 8040  
all or any part of such a school district to any city, exempted 8041  
village, or local school district which has more than twenty-five 8042  
thousand pupils in average daily membership. Such resolution of 8043  
transfer shall be adopted only after the board of education of the 8044  
receiving school district has adopted a resolution approving the 8045  
proposed transfer. For the purposes of this division, the assessed 8046  
value shall be as certified in accordance with section 3317.021 of 8047  
the Revised Code. 8048

(C) Upon the making of a transfer of an entire school 8049  
district pursuant to this section, the indebtedness of the 8050  
district transferred shall be assumed in full by the acquiring 8051  
district and the funds of the district transferred shall be paid 8052  
over in full to the acquiring district, except that any 8053  
indebtedness of the transferred district incurred as a result of a 8054  
loan made under section 3317.64 of the Revised Code is hereby 8055  
canceled and shall not be assumed by the acquiring district. 8056

(D) Upon the making of a transfer pursuant to this section, 8057  
when only part of a district is transferred, the net indebtedness 8058  
of each original district of which only a part is taken by the 8059  
acquiring district shall be apportioned between the acquiring 8060  
district and the original district in the ratio which the assessed 8061  
valuation of the part taken by the acquiring district bears to the 8062  
assessed valuation of the original district as of the effective 8063  
date of the transfer. As used in this section "net indebtedness" 8064  
means the difference between the par value of the outstanding and 8065  
unpaid bonds and notes of the school district and the amount held 8066  
in the sinking fund and other indebtedness retirement funds for 8067  
their redemption. 8068

(E) Upon the making of a transfer pursuant to this section, 8069  
when only part of a district is transferred, the funds of the 8070  
district from which territory was transferred shall be divided 8071  
equitably by the state board between the acquiring district and 8072  
that part of the former district remaining after the transfer. 8073

(F) If an entire school district is transferred, the board of 8074  
education of such district is thereby abolished. If part of a 8075  
school district is transferred, any member of the board of 8076  
education who is a legal resident of that part which is 8077  
transferred shall thereby cease to be a member of that board. 8078

If an entire school district is transferred, foundation 8079  
program moneys accruing to a district accepting school territory 8080  
under the provisions of this section shall not be less, in any 8081  
year during the next succeeding three years following the 8082  
transfer, than the sum of the amounts received by the districts 8083  
separately in the year in which the transfer became effective. 8084

**Sec. 3311.50.** (A) As used in this section, "county school 8085  
financing district" means a taxing district consisting of the 8086  
following territory: 8087

(1) The territory that constitutes the educational service 8088  
center on the date that the governing board of that educational 8089  
service center adopts a resolution under division (B) of this 8090  
section declaring that the territory of the educational service 8091  
center is a county school financing district, exclusive of any 8092  
territory subsequently withdrawn from the district under division 8093  
(D) of this section; 8094

(2) Any territory that has been added to the county school 8095  
financing district under this section. 8096

A county school financing district may include the territory 8097  
of a city, local, or exempted village school district whose 8098

territory also is included in the territory of one or more other 8099  
county school financing districts. 8100

(B) The governing board of any educational service center 8101  
may, by resolution, declare that the territory of the educational 8102  
service center is a county school financing district. The 8103  
resolution shall state the purpose for which the county school 8104  
financing district is created which may be for any one or more of 8105  
the following purposes: 8106

(1) To levy taxes for the provision of special education by 8107  
the school districts that are a part of the district, including 8108  
taxes for permanent improvements for special education; 8109

(2) To levy taxes for the provision of specified educational 8110  
programs and services by the school districts that are a part of 8111  
the district, as identified in the resolution creating the 8112  
district, including the levying of taxes for permanent 8113  
improvements for those programs and services; 8114

(3) To levy taxes for permanent improvements of school 8115  
districts that are a part of the district. 8116

The governing board of the educational service center that 8117  
creates a county school financing district shall serve as the 8118  
taxing authority of the district and may use educational service 8119  
center governing board employees to perform any of the functions 8120  
necessary in the performance of its duties as a taxing authority. 8121  
A county school financing district shall not employ any personnel. 8122

With the approval of a majority of the members of the board 8123  
of education of each school district within the territory of the 8124  
county school financing district, the taxing authority of the 8125  
financing district may amend the resolution creating the district 8126  
to broaden or narrow the purposes for which it was created. 8127

A governing board of an educational service center may create 8128  
more than one county school financing district. If a governing 8129

board of an educational service center creates more than one such 8130  
district, it shall clearly distinguish among the districts it 8131  
creates by including a designation of each district's purpose in 8132  
the district's name. 8133

(C) A majority of the members of a board of education of a 8134  
city, local, or exempted village school district may adopt a 8135  
resolution requesting that its territory be joined with the 8136  
territory of any county school financing district. Copies of the 8137  
resolution shall be filed with the state board of education and 8138  
the taxing authority of the county school financing district. 8139  
Within sixty days of its receipt of such a resolution, the county 8140  
school financing district's taxing authority shall vote on the 8141  
question of whether to accept the school district's territory as 8142  
part of the county school financing district. If a majority of the 8143  
members of the taxing authority vote to accept the territory, the 8144  
school district's territory shall thereupon become a part of the 8145  
county school financing district unless the county school 8146  
financing district has in effect a tax imposed under section 8147  
5705.211 of the Revised Code. If the county school financing 8148  
district has such a tax in effect, the taxing authority shall 8149  
certify a copy of its resolution accepting the school district's 8150  
territory to the school district's board of education, which may 8151  
then adopt a resolution, with the affirmative vote of a majority 8152  
of its members, proposing the submission to the electors of the 8153  
question of whether the district's territory shall become a part 8154  
of the county school financing district and subject to the taxes 8155  
imposed by the financing district. The resolution shall set forth 8156  
the date on which the question shall be submitted to the electors, 8157  
which shall be at a special election held on a date specified in 8158  
the resolution, which shall not be earlier than ~~seventy-five~~ 8159  
eighty-five days after the adoption and certification of the 8160  
resolution. A copy of the resolution shall immediately be 8161  
certified to the board of elections of the proper county, which 8162

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 two consecutive weeks prior to the election. Additionally, if the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The 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 8195  
expires or is renewed. No board may adopt a resolution withdrawing 8196  
from a county school financing district that would take effect 8197  
during the forty-five days preceding the date of an election at 8198  
which a levy proposed under section 5705.215 of the Revised Code 8199  
is to be voted upon. 8200

(E) A city, local, or exempted village school district does 8201  
not lose its separate identity or legal existence by reason of 8202  
joining its territory to a county school financing district under 8203  
this section and an educational service center does not lose its 8204  
separate identity or legal existence by reason of creating a 8205  
county school financing district that accepts or loses territory 8206  
under this section. 8207

**Sec. 3311.73.** (A) No later than ~~seventy-five~~ eighty-five days 8208  
before the general election held in the first even-numbered year 8209  
occurring at least four years after the date it assumed control of 8210  
the municipal school district pursuant to division (B) of section 8211  
3311.71 of the Revised Code, the board of education appointed 8212  
under that division shall notify the board of elections of each 8213  
county containing territory of the municipal school district of 8214  
the referendum election required by division (B) of this section. 8215  
8216

(B) At the general election held in the first even-numbered 8217  
year occurring at least four years after the date the new board 8218  
assumed control of a municipal school district pursuant to 8219  
division (B) of section 3311.71 of the Revised Code, the following 8220  
question shall be submitted to the electors residing in the school 8221  
district: 8222

"Shall the mayor of ..... (here insert the name of the 8223  
applicable municipal corporation) continue to appoint the members 8224  
of the board of education of the ..... (here insert the name of 8225

the municipal school district)?" 8226

The board of elections of the county in which the majority of 8227  
the school district's territory is located shall make all 8228  
necessary arrangements for the submission of the question to the 8229  
electors, and the election shall be conducted, canvassed, and 8230  
certified in the same manner as regular elections in the district 8231  
for the election of county officers, provided that in any such 8232  
election in which only part of the electors of a precinct are 8233  
qualified to vote, the board of elections may assign voters in 8234  
such part to an adjoining precinct. Such an assignment may be made 8235  
to an adjoining precinct in another county with the consent and 8236  
approval of the board of elections of such other county. Notice of 8237  
the election shall be published in a newspaper of general 8238  
circulation in the school district once a week for two consecutive 8239  
weeks prior to the election, and, if the board of elections 8240  
operates and maintains a web site, the board of elections shall 8241  
post notice of the election on its web site for thirty days prior 8242  
to the election. The notice shall state the question on which the 8243  
election is being held. The ballot shall be in the form prescribed 8244  
by the secretary of state. Costs of submitting the question to the 8245  
electors shall be charged to the municipal school district in 8246  
accordance with section 3501.17 of the Revised Code. 8247

(C) If a majority of electors voting on the issue proposed in 8248  
division (B) of this section approve the question, the mayor shall 8249  
appoint a new board on the immediately following first day of July 8250  
pursuant to division (F) of section 3311.71 of the Revised Code. 8251

(D) If a majority of electors voting on the issue proposed in 8252  
division (B) of this section disapprove the question, a new 8253  
seven-member board of education shall be elected at the next 8254  
regular election occurring in November of an odd-numbered year. At 8255  
such election, four members shall be elected for terms of four 8256  
years and three members shall be elected for terms of two years. 8257

Thereafter, their successors shall be elected in the same manner 8258  
and for the same terms as members of boards of education of a city 8259  
school district. All members of the board of education of a 8260  
municipal school district appointed pursuant to division (B) of 8261  
section 3311.71 of the Revised Code shall continue to serve after 8262  
the end of the terms to which they were appointed until their 8263  
successors are qualified and assume office in accordance with 8264  
section 3313.09 of the Revised Code. 8265

**Sec. 3316.08.** During a school district's fiscal emergency 8266  
period, the auditor of state shall determine annually, or at any 8267  
other time upon request of the financial planning and supervision 8268  
commission, whether the school district will incur an operating 8269  
deficit. If the auditor of state determines that a school district 8270  
will incur an operating deficit, the auditor of state shall 8271  
certify that determination to the superintendent of public 8272  
instruction, the financial planning and supervision commission, 8273  
and the board of education of the school district. Upon receiving 8274  
the auditor of state's certification, the commission shall adopt a 8275  
resolution requesting that the board of education work with the 8276  
county auditor or tax commissioner to estimate the amount and rate 8277  
of a tax levy that is needed under section 5705.194, 5709.199, or 8278  
5705.21 or Chapter 5748. of the Revised Code to produce a positive 8279  
fund balance not later than the fifth year of the five-year 8280  
forecast submitted under section 5705.391 of the Revised Code. 8281

The board of education shall recommend to the commission 8282  
whether the board supports or opposes a tax levy under section 8283  
5705.194, 5709.199, or 5705.21 or Chapter 5748. of the Revised 8284  
Code and shall provide supporting documentation to the commission 8285  
of its recommendation. 8286

After considering the board of education's recommendation and 8287  
supporting documentation, the commission shall adopt a resolution 8288



to either submit a ballot question proposing a tax levy or not to 8289  
submit such a question. 8290

Except as otherwise provided in this division, the tax shall 8291  
be levied in the manner prescribed for a tax levied under section 8292  
5705.194, 5709.199, or 5705.21 or under Chapter 5748. of the 8293  
Revised Code. If the commission decides that a tax should be 8294  
levied, the tax shall be levied for the purpose of paying current 8295  
operating expenses of the school district. The rate of a tax 8296  
levied under section 5705.194, 5709.199, or 5705.21 of the Revised 8297  
Code shall be determined by the county auditor, and the rate of a 8298  
tax levied under section 5748.02 or 5748.08 of the Revised Code 8299  
shall be determined by the tax commissioner, upon the request of 8300  
the commission. The commission, in consultation with the board of 8301  
education, shall determine the election at which the question of 8302  
the tax shall appear on the ballot, and the commission shall 8303  
submit a copy of its resolution to the board of elections not 8304  
later than ~~seventy-five~~ eighty-five days prior to the day of that 8305  
election. The board of elections conducting the election shall 8306  
certify the results of the election to the board of education and 8307  
to the financial planning and supervision commission. 8308

**Sec. 3318.06.** (A) After receipt of the conditional approval 8309  
of the Ohio school facilities commission, the school district 8310  
board by a majority of all of its members shall, if it desires to 8311  
proceed with the project, declare all of the following by 8312  
resolution: 8313

(1) That by issuing bonds in an amount equal to the school 8314  
district's portion of the basic project cost the district is 8315  
unable to provide adequate classroom facilities without assistance 8316  
from the state; 8317

(2) Unless the school district board has resolved to transfer 8318  
money in accordance with section 3318.051 of the Revised Code or 8319

to apply the proceeds of a property tax or the proceeds of an 8320  
income tax, or a combination of proceeds from such taxes, as 8321  
authorized under section 3318.052 of the Revised Code, that to 8322  
qualify for such state assistance it is necessary to do either of 8323  
the following: 8324

(a) Levy a tax outside the ten-mill limitation the proceeds 8325  
of which shall be used to pay the cost of maintaining the 8326  
classroom facilities included in the project; 8327

(b) Earmark for maintenance of classroom facilities from the 8328  
proceeds of an existing permanent improvement tax levied under 8329  
section 5705.21 of the Revised Code, if such tax can be used for 8330  
maintenance, an amount equivalent to the amount of the additional 8331  
tax otherwise required under this section and sections 3318.05 and 8332  
3318.08 of the Revised Code. 8333

(3) That the question of any tax levy specified in a 8334  
resolution described in division (A)(2)(a) of this section, if 8335  
required, shall be submitted to the electors of the school 8336  
district at the next general or primary election, if there be a 8337  
general or primary election not less than ~~seventy-five~~ eighty-five 8338  
and not more than ~~ninety-five~~ one hundred five days after the day 8339  
of the adoption of such resolution or, if not, at a special 8340  
election to be held at a time specified in the resolution which 8341  
shall be not less than ~~seventy-five~~ eighty-five days after the day 8342  
of the adoption of the resolution and which shall be in accordance 8343  
with the requirements of section 3501.01 of the Revised Code. 8344

Such resolution shall also state that the question of issuing 8345  
bonds of the board shall be combined in a single proposal with the 8346  
question of such tax levy. More than one election under this 8347  
section may be held in any one calendar year. Such resolution 8348  
shall specify both of the following: 8349

(a) That the rate which it is necessary to levy shall be at 8350

the rate of not less than one-half mill for each one dollar of 8351  
valuation, and that such tax shall be levied for a period of 8352  
twenty-three years; 8353

(b) That the proceeds of the tax shall be used to pay the 8354  
cost of maintaining the classroom facilities included in the 8355  
project. 8356

(B) A copy of a resolution adopted under division (A) of this 8357  
section shall after its passage and not less than ~~seventy-five~~ 8358  
eighty-five days prior to the date set therein for the election be 8359  
certified to the county board of elections. 8360

The resolution of the school district board, in addition to 8361  
meeting other applicable requirements of section 133.18 of the 8362  
Revised Code, shall state that the amount of bonds to be issued 8363  
will be an amount equal to the school district's portion of the 8364  
basic project cost, and state the maximum maturity of the bonds 8365  
which may be any number of years not exceeding the term calculated 8366  
under section 133.20 of the Revised Code as determined by the 8367  
board. In estimating the amount of bonds to be issued, the board 8368  
shall take into consideration the amount of moneys then in the 8369  
bond retirement fund and the amount of moneys to be collected for 8370  
and disbursed from the bond retirement fund during the remainder 8371  
of the year in which the resolution of necessity is adopted. 8372

If the bonds are to be issued in more than one series, the 8373  
resolution may state, in addition to the information required to 8374  
be stated under division (B)(3) of section 133.18 of the Revised 8375  
Code, the number of series, which shall not exceed five, the 8376  
principal amount of each series, and the approximate date each 8377  
series will be issued, and may provide that no series, or any 8378  
portion thereof, may be issued before such date. Upon such a 8379  
resolution being certified to the county auditor as required by 8380  
division (C) of section 133.18 of the Revised Code, the county 8381  
auditor, in calculating, advising, and confirming the estimated 8382

average annual property tax levy under that division, shall also 8383  
calculate, advise, and confirm by certification the estimated 8384  
average property tax levy for each series of bonds to be issued. 8385

Notice of the election shall include the fact that the tax 8386  
levy shall be at the rate of not less than one-half mill for each 8387  
one dollar of valuation for a period of twenty-three years, and 8388  
that the proceeds of the tax shall be used to pay the cost of 8389  
maintaining the classroom facilities included in the project. 8390

If the bonds are to be issued in more than one series, the 8391  
board of education, when filing copies of the resolution with the 8392  
board of elections as required by division (D) of section 133.18 8393  
of the Revised Code, may direct the board of elections to include 8394  
in the notice of election the principal amount and approximate 8395  
date of each series, the maximum number of years over which the 8396  
principal of each series may be paid, the estimated additional 8397  
average property tax levy for each series, and the first calendar 8398  
year in which the tax is expected to be due for each series, in 8399  
addition to the information required to be stated in the notice 8400  
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised 8401  
Code. 8402

(C)(1) Except as otherwise provided in division (C)(2) of 8403  
this section, the form of the ballot to be used at such election 8404  
shall be: 8405

"A majority affirmative vote is necessary for passage. 8406

Shall bonds be issued by the ..... (here insert name 8407  
of school district) school district to pay the local share of 8408  
school construction under the State of Ohio Classroom Facilities 8409  
Assistance Program in the principal amount of ..... (here 8410  
insert principal amount of the bond issue), to be repaid annually 8411  
over a maximum period of ..... (here insert the maximum 8412  
number of years over which the principal of the bonds may be paid) 8413

years, and an annual levy of property taxes be made outside the 8414  
ten-mill limitation, estimated by the county auditor to average 8415  
over the repayment period of the bond issue ..... (here 8416  
insert the number of mills estimated) mills for each one dollar of 8417  
tax valuation, which amounts to ..... (rate expressed in 8418  
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 8419  
for each one hundred dollars of tax valuation to pay the annual 8420  
debt charges on the bonds and to pay debt charges on any notes 8421  
issued in anticipation of the bonds?" 8422

and, unless the additional levy 8423  
of taxes is not required pursuant 8424  
to division (C) of section 8425  
3318.05 of the Revised Code, 8426

"Shall an additional levy of taxes be made for a period of 8427  
twenty-three years to benefit the ..... (here insert name 8428  
of school district) school district, the proceeds of which shall 8429  
be used to pay the cost of maintaining the classroom facilities 8430  
included in the project at the rate of ..... (here insert the 8431  
number of mills, which shall not be less than one-half mill) mills 8432  
for each one dollar of valuation? 8433

	FOR THE BOND ISSUE AND TAX LEVY	
	AGAINST THE BOND ISSUE AND TAX LEVY	"

8434  
8435  
8436

8437  
(2) If authority is sought to issue bonds in more than one 8438  
series and the board of education so elects, the form of the 8439  
ballot shall be as prescribed in section 3318.062 of the Revised 8440  
Code. If the board of education elects the form of the ballot 8441  
prescribed in that section, it shall so state in the resolution 8442  
adopted under this section. 8443

(D) If it is necessary for the school district to acquire a 8444

site for the classroom facilities to be acquired pursuant to 8445  
sections 3318.01 to 3318.20 of the Revised Code, the district 8446  
board may propose either to issue bonds of the board or to levy a 8447  
tax to pay for the acquisition of such site, and may combine the 8448  
question of doing so with the questions specified in division (B) 8449  
of this section. Bonds issued under this division for the purpose 8450  
of acquiring a site are a general obligation of the school 8451  
district and are Chapter 133. securities. 8452

The form of that portion of the ballot to include the 8453  
question of either issuing bonds or levying a tax for site 8454  
acquisition purposes shall be one of the following: 8455

(1) "Shall bonds be issued by the ..... (here insert 8456  
name of the school district) school district to pay costs of 8457  
acquiring a site for classroom facilities under the State of Ohio 8458  
Classroom Facilities Assistance Program in the principal amount of 8459  
..... (here insert principal amount of the bond issue), to be 8460  
repaid annually over a maximum period of ..... (here insert 8461  
maximum number of years over which the principal of the bonds may 8462  
be paid) years, and an annual levy of property taxes be made 8463  
outside the ten-mill limitation, estimated by the county auditor 8464  
to average over the repayment period of the bond issue ..... 8465  
(here insert number of mills) mills for each one dollar of tax 8466  
valuation, which amount to ..... (here insert rate expressed 8467  
in cents or dollars and cents, such as "thirty-six cents" or 8468  
"\$0.36") for each one hundred dollars of valuation to pay the 8469  
annual debt charges on the bonds and to pay debt charges on any 8470  
notes issued in anticipation of the bonds?" 8471

(2) "Shall an additional levy of taxes outside the ten-mill 8472  
limitation be made for the benefit of the ..... (here insert 8473  
name of the school district) school district for the purpose of 8474  
acquiring a site for classroom facilities in the sum of ..... 8475  
(here insert annual amount the levy is to produce) estimated by 8476

the county auditor to average ..... (here insert number of 8477  
mills) mills for each one hundred dollars of valuation, for a 8478  
period of ..... (here insert number of years the millage is to 8479  
be imposed) years?" 8480

Where it is necessary to combine the question of issuing 8481  
bonds of the school district and levying a tax as described in 8482  
division (B) of this section with the question of issuing bonds of 8483  
the school district for acquisition of a site, the question 8484  
specified in that division to be voted on shall be "For the Bond 8485  
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 8486  
Levy." 8487

Where it is necessary to combine the question of issuing 8488  
bonds of the school district and levying a tax as described in 8489  
division (B) of this section with the question of levying a tax 8490  
for the acquisition of a site, the question specified in that 8491  
division to be voted on shall be "For the Bond Issue and the Tax 8492  
Levies" and "Against the Bond Issue and the Tax Levies." 8493

Where the school district board chooses to combine the 8494  
question in division (B) of this section with any of the 8495  
additional questions described in divisions (A) to (D) of section 8496  
3318.056 of the Revised Code, the question specified in division 8497  
(B) of this section to be voted on shall be "For the Bond Issues 8498  
and the Tax Levies" and "Against the Bond Issues and the Tax 8499  
Levies." 8500

If a majority of those voting upon a proposition hereunder 8501  
which includes the question of issuing bonds vote in favor 8502  
thereof, and if the agreement provided for by section 3318.08 of 8503  
the Revised Code has been entered into, the school district board 8504  
may proceed under Chapter 133. of the Revised Code, with the 8505  
issuance of bonds or bond anticipation notes in accordance with 8506  
the terms of the agreement. 8507

**Sec. 3318.061.** This section applies only to school districts 8508  
eligible to receive additional assistance under division (B)(2) of 8509  
section 3318.04 of the Revised Code. 8510

The board of education of a school district in which a tax 8511  
described by division (B) of section 3318.05 and levied under 8512  
section 3318.06 of the Revised Code is in effect, may adopt a 8513  
resolution by vote of a majority of its members to extend the term 8514  
of that tax beyond the expiration of that tax as originally 8515  
approved under that section. The school district board may include 8516  
in the resolution a proposal to extend the term of that tax at the 8517  
rate of not less than one-half mill for each dollar of valuation 8518  
for a period of twenty-three years from the year in which the 8519  
school district board and the Ohio school facilities commission 8520  
enter into an agreement under division (B)(2) of section 3318.04 8521  
of the Revised Code or in the following year, as specified in the 8522  
resolution. Such a resolution may be adopted at any time before 8523  
such an agreement is entered into and before the tax levied 8524  
pursuant to section 3318.06 of the Revised Code expires. If the 8525  
resolution is combined with a resolution to issue bonds to pay the 8526  
school district's portion of the basic project cost, it shall 8527  
conform with the requirements of divisions (A)(1), (2), and (3) of 8528  
section 3318.06 of the Revised Code, except that the resolution 8529  
also shall state that the tax levy proposed in the resolution is 8530  
an extension of an existing tax levied under that section. A 8531  
resolution proposing an extension adopted under this section does 8532  
not take effect until it is approved by a majority of electors 8533  
voting in favor of the resolution at a general, primary, or 8534  
special election as provided in this section. 8535

A tax levy extended under this section is subject to the same 8536  
terms and limitations to which the original tax levied under 8537  
section 3318.06 of the Revised Code is subject under that section, 8538  
except the term of the extension shall be as specified in this 8539



section. 8540

The school district board shall certify a copy of the 8541  
resolution adopted under this section to the proper county board 8542  
of elections not later than ~~seventy-five~~ eighty-five days before 8543  
the date set in the resolution as the date of the election at 8544  
which the question will be submitted to electors. The notice of 8545  
the election shall conform with the requirements of division 8546  
(A)(3) of section 3318.06 of the Revised Code, except that the 8547  
notice also shall state that the maintenance tax levy is an 8548  
extension of an existing tax levy. 8549

The form of the ballot shall be as follows: 8550

"Shall the existing tax levied to pay the cost of maintaining 8551  
classroom facilities constructed with the proceeds of the 8552  
previously issued bonds at the rate of ..... (here insert the 8553  
number of mills, which shall not be less than one-half mill) mills 8554  
per dollar of tax valuation, be extended until ..... (here 8555  
insert the year that is twenty-three years after the year in which 8556  
the district and commission will enter into an agreement under 8557  
division (B)(2) of section 3318.04 of the Revised Code or the 8558  
following year)? 8559

	FOR EXTENDING THE EXISTING TAX LEVY	
	AGAINST EXTENDING THE EXISTING TAX LEVY	"

8560  
8561  
8562  
8563  
Section 3318.07 of the Revised Code applies to ballot 8564  
questions under this section. 8565

**Sec. 3318.361.** A school district board opting to qualify for 8566  
state assistance pursuant to section 3318.36 of the Revised Code 8567  
through levying the tax specified in division (D)(2)(a) or (D)(4) 8568  
of that section shall declare by resolution that the question of a 8569

tax levy specified in division (D)(2)(a) or (4), as applicable, of 8570  
section 3318.36 of the Revised Code shall be submitted to the 8571  
electors of the school district at the next general or primary 8572  
election, if there be a general or primary election not less than 8573  
~~seventy-five~~ eighty-five and not more than ~~ninety-five~~ one hundred  
five days after the day of the adoption of such resolution or, if 8574  
not, at a special election to be held at a time specified in the 8575  
resolution which shall be not less than ~~seventy-five~~ eighty-five 8576  
days after the day of the adoption of the resolution and which 8577  
shall be in accordance with the requirements of section 3501.01 of 8578  
the Revised Code. Such resolution shall specify both of the 8579  
following: 8580  
8581

(A) That the rate which it is necessary to levy shall be at 8582  
the rate of not less than one-half mill for each one dollar of 8583  
valuation, and that such tax shall be levied for a period of 8584  
twenty-three years; 8585

(B) That the proceeds of the tax shall be used to pay the 8586  
cost of maintaining the classroom facilities included in the 8587  
project. 8588

A copy of such resolution shall after its passage and not 8589  
less than ~~seventy-five~~ eighty-five days prior to the date set 8590  
therein for the election be certified to the county board of 8591  
elections. 8592

Notice of the election shall include the fact that the tax 8593  
levy shall be at the rate of not less than one-half mill for each 8594  
one dollar of valuation for a period of twenty-three years, and 8595  
that the proceeds of the tax shall be used to pay the cost of 8596  
maintaining the classroom facilities included in the project. 8597

The form of the ballot to be used at such election shall be: 8598

"Shall a levy of taxes be made for a period of twenty-three 8599  
years to benefit the ..... (here insert name of school 8600

district) school district, the proceeds of which shall be used to 8601  
pay the cost of maintaining the classroom facilities included in 8602  
the project at the rate of ..... (here insert the number of 8603  
mills, which shall not be less than one-half mill) mills for each 8604  
one dollar of valuation? 8605

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

8606  
8607  
8608  
8609  
**Sec. 3354.12.** (A) Upon the request by resolution approved by 8610  
the board of trustees of a community college district, and upon 8611  
certification to the board of elections not less than ~~seventy-five~~ 8612  
eighty-five days prior to the election, the boards of elections of 8613  
the county or counties comprising such district shall place upon 8614  
the ballot in their respective counties the question of levying a 8615  
tax on all the taxable property in the community college district 8616  
outside the ten-mill limitation, for a specified period of years 8617  
or for a continuing period of time, to provide funds for any one 8618  
or more of the following purposes: the acquisition of sites, the 8619  
erection, furnishing, and equipment of buildings, the acquisition, 8620  
construction, or improvement of any property which the board of 8621  
trustees of a community college district is authorized to acquire, 8622  
construct, or improve and which has an estimated life of 8623  
usefulness of five years or more as certified by the fiscal 8624  
officer, and the payment of operating costs. Not more than two 8625  
special elections shall be held in any one calendar year. Levies 8626  
for a continuing period of time adopted under this section may be 8627  
reduced in accordance with section 5705.261 of the Revised Code. 8628

If such proposal is to be or include the renewal of an 8629  
existing levy at the expiration thereof, the ballot for such 8630  
election shall state whether it is a renewal of a tax; a renewal 8631

of a stated number of mills and an increase of a stated number of 8632  
mills, or a renewal of a part of an existing levy with a reduction 8633  
of a stated number of mills; the year of the tax duplicate on 8634  
which such renewal will first be made; and if earlier, the year of 8635  
the tax duplicate on which such additional levy will first be 8636  
made, which may include the tax duplicate for the current year 8637  
unless the election is to be held after the first Tuesday after 8638  
the first Monday in November of the current tax year. The ballot 8639  
shall also state the period of years for such levy or that it is 8640  
for a continuing period of time. If a levy for a continuing period 8641  
of time provides for but is not limited to current expenses, the 8642  
resolution of the board of trustees providing for the election on 8643  
such levy shall apportion the annual rate of the levy between 8644  
current expenses and the other purpose or purposes. Such 8645  
apportionment need not be the same for each year of the levy, but 8646  
the respective portions of the rate actually levied each year for 8647  
current expenses and the other purpose or purposes shall be 8648  
limited by such apportionment. The portion of the rate apportioned 8649  
to the other purpose or purposes shall be reduced as provided in 8650  
division (B) of this section. 8651

If a majority of the electors in such district voting on such 8652  
question approve thereof, the county auditor or auditors of the 8653  
county or counties comprising such district shall annually, for 8654  
the applicable years, place such levy on the tax duplicate in such 8655  
district, in an amount determined by the board of trustees, but 8656  
not to exceed the amount set forth in the proposition approved by 8657  
the electors. 8658

The boards of trustees of a community college district shall 8659  
establish a special fund for all revenue derived from any tax 8660  
levied pursuant to this section. 8661

The boards of elections of the county or counties comprising 8662  
the district shall cause to be published in a newspaper of general 8663

circulation in each such county an advertisement of the proposed 8664  
tax levy question once a week for two consecutive weeks prior to 8665  
the election at which the question is to appear on the ballot, 8666  
and, if a board of elections operates and maintains a web site, 8667  
that board also shall post a similar advertisement on its web site 8668  
for thirty days prior to that election. 8669

After the approval of such levy by vote, the board of 8670  
trustees of a community college district may anticipate a fraction 8671  
of the proceeds of such levy and from time to time issue 8672  
anticipation notes having such maturity or maturities that the 8673  
aggregate principal amount of all such notes maturing in any 8674  
calendar year shall not exceed seventy-five per cent of the 8675  
anticipated proceeds from such levy for such year, and that no 8676  
note shall mature later than the thirty-first day of December of 8677  
the tenth calendar year following the calendar year in which such 8678  
note is issued. Each issue of notes shall be sold as provided in 8679  
Chapter 133. of the Revised Code. 8680

The amount of bonds or anticipatory notes authorized pursuant 8681  
to Chapter 3354. of the Revised Code, may include sums to repay 8682  
moneys previously borrowed, advanced, or granted and expended for 8683  
the purposes of such bond or anticipatory note issues, whether 8684  
such moneys were advanced from the available funds of the 8685  
community college district or by other persons, and the community 8686  
college district may restore and repay to such funds or persons 8687  
from the proceeds of such issues the moneys so borrowed, advanced 8688  
or granted. 8689

All operating costs of such community college may be paid out 8690  
of any gift or grant from the state, pursuant to division (K) of 8691  
section 3354.09 of the Revised Code; out of student fees and 8692  
tuition collected pursuant to division (G) of section 3354.09 of 8693  
the Revised Code; or out of unencumbered funds from any other 8694  
source of the community college income not prohibited by law. 8695

(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. 3355.02.** (A) The legislative authority of any municipal corporation having a population of not less than fifty thousand as determined by the most recent federal decennial census may, by resolution approved by two-thirds of its members, create a university branch district, if a branch of a public university has been in operation in that municipality for at least the full two years immediately preceding that time.

(B) The board of county commissioners of any county having a population of not less than fifty thousand as determined by the most recent federal decennial census may, by resolution approved by two-thirds of its members, create a university branch district if a branch of a public university has been in operation in that county for at least the full two years immediately preceding that time.

(C) The boards of county commissioners of any two or more contiguous counties which together have a combined population of not less than fifty thousand, as determined by the most recent federal decennial census may, by resolution approved by two-thirds of the members of each such board, together and jointly create a university branch district, if a branch of a public university has been in operation in any one of the counties for at least the full two years immediately preceding that time.

(D) A resolution creating a university branch district shall set forth the name of such district, and a description of the

territory to be included in the proposed district. The creation of 8727  
an authority of this nature by a municipality, county, or group of 8728  
counties shall cause this authority to create university branch 8729  
districts, to be unavailable to the other units of local 8730  
government in the affected county or counties. 8731

(E) In any municipal corporation or county or group of two or 8732  
more contiguous counties, having a total population of not less 8733  
than fifty thousand as determined by the most recent federal 8734  
decennial census, where no university branch district has been 8735  
created either by action of the legislative authority of the 8736  
municipal corporation or by action of the board or boards of 8737  
county commissioners, the electors in such municipal corporation 8738  
or county or counties may petition for the creation of a 8739  
university branch district. Such petition shall be presented to 8740  
the board of elections of the county or of the most populous 8741  
county in the proposed university branch district and shall be 8742  
signed by qualified voters of the territory within the proposed 8743  
university branch district, not less in number than five per cent 8744  
of the vote cast in the most recent gubernatorial election. A 8745  
petition calling for the creation of a university branch district 8746  
shall set forth the proposed name of such district, the necessity 8747  
for the district, and a description of the territory to be 8748  
included in the proposed district. 8749

In a petition submitted by qualified voters, pursuant to this 8750  
section, which proposes the creation of a university branch 8751  
district comprised of two or more counties, the number of valid 8752  
signatures from each county shall be not less in number than five 8753  
per cent of the vote cast in the most recent gubernatorial 8754  
election. 8755

Upon receiving a petition calling for creation of a 8756  
university branch district, pursuant to this section, the board of 8757  
elections of the county of the most populous county in such 8758

district shall certify the validity of the signatures and the fact 8759  
of such petition to the election boards of the other counties, if 8760  
any, to be included in such district, and shall certify to such 8761  
other boards that, pursuant to this section, the proposal to 8762  
create such district shall be placed on the ballot at the next 8763  
primary or general election occurring more than ~~seventy-five~~ 8764  
eighty-five days after the filing of such petition. If a majority 8765  
of the electors voting on the proposition in each county of the 8766  
proposed district vote in favor thereof, such district shall be 8767  
established. 8768

No county shall be included in the territory of more than one 8769  
university branch district. 8770

**Sec. 3355.09.** Upon receipt of a request from the university 8771  
branch district managing authority, the boards of elections of the 8772  
county or counties comprising such district shall place upon the 8773  
ballot in the district at the next primary or general election 8774  
occurring not less than ~~seventy-five~~ eighty-five days after 8775  
submission of such request by such managing authority, the 8776  
question of levying a tax outside the ten-mill limitation, for a 8777  
specified period of years, to provide funds for any of the 8778  
following purposes: 8779

(A) Purchasing a site or enlargement thereof; 8780

(B) The erection and equipment of buildings; 8781

(C) Enlarging, improving, or rebuilding buildings; 8782

(D) The acquisition, construction, or improvement of any 8783  
property which the university branch district managing authority 8784  
is authorized to acquire, construct, or improve and which has been 8785  
certified by the fiscal officer to have an estimated useful life 8786  
of five or more years. 8787

If a majority of the electors in such district voting on such 8788



question approve, the county auditor of the county or counties 8789  
comprising such district shall annually place such levy on the tax 8790  
duplicate in such district, in the amount set forth in the 8791  
proposition approved by the electors. 8792

The managing authority of the university branch district 8793  
shall establish a special fund pursuant to section 3355.07 of the 8794  
Revised Code for all revenue derived from any tax levied pursuant 8795  
to provisions of this section. 8796

The boards of election of the county or counties comprising 8797  
the district shall cause to be published in a newspaper of general 8798  
circulation in each such county an advertisement of the proposed 8799  
tax levy question once a week for two consecutive weeks prior to 8800  
the election at which the question is to appear on the ballot, 8801  
and, if a board of elections operates and maintains a web site, 8802  
that board also shall post a similar advertisement on its web site 8803  
for thirty days prior to the election. 8804

After the approval of such levy by vote, the managing 8805  
authority of the university branch district may anticipate a 8806  
fraction of the proceeds of such levy and from time to time, 8807  
during the life of such levy, issue anticipation notes in an 8808  
amount not to exceed seventy-five per cent of the estimated 8809  
proceeds of such levy to be collected in each year over a period 8810  
of five years after the date of the issuance of such notes, less 8811  
an amount equal to the proceeds of such levy previously obligated 8812  
for such year by the issuance of anticipation notes, provided, 8813  
that the total amount maturing in any one year shall not exceed 8814  
seventy-five per cent of the anticipated proceeds of such levy for 8815  
that year. 8816

Each issue of notes shall be sold as provided in Chapter 133. 8817  
of the Revised Code and shall mature serially in substantially 8818  
equal amounts, during each remaining year of the levy, not to 8819  
exceed five, after their issuance. 8820

**Sec. 3357.02.** A technical college district may be created 8821  
with the approval of the Ohio board of regents pursuant to 8822  
standards established by it. Such standards shall take into 8823  
consideration such factors as the population of the proposed 8824  
district, the present and potential pupil enrollment, present and 8825  
potential higher education facilities in the district, and such 8826  
other factors as may pertain to the educational needs of the 8827  
district. The Ohio board of regents may undertake a study or 8828  
contract for a study to be made relative to its establishment or 8829  
application of such standards. 8830

The attorney general shall be the attorney for each technical 8831  
college district and shall provide legal advice in all matters 8832  
relating to its powers and duties. 8833

A proposal to create a technical college district may be 8834  
presented to the Ohio board of regents in any of the following 8835  
ways: 8836

(A) The board of education of a city school district may by 8837  
resolution approved by a majority of its members propose the 8838  
creation of a technical college district consisting of the whole 8839  
territory of such district. 8840

(B) The boards of two or more contiguous city, exempted 8841  
village, or local school districts or educational service centers 8842  
may by resolutions approved by a majority of the members of each 8843  
participating board propose the creation of a technical college 8844  
district consisting of the whole territories of all the 8845  
participating school districts and educational service centers. 8846

(C) The governing board of any educational service center may 8847  
by resolution approved by a majority of its members propose the 8848  
creation of a technical college district consisting of the whole 8849  
territory of such educational service center. 8850

(D) The governing boards of any two or more contiguous 8851  
educational service centers may by resolutions approved by a 8852  
majority of the members of each participating board, propose the 8853  
creation of a technical college district consisting of the whole 8854  
territories of such educational service centers. 8855

(E) Qualified electors residing in a city school district, in 8856  
a county, in two or more contiguous school districts, or in two or 8857  
more contiguous counties may execute a petition proposing the 8858  
creation of a technical college district comprised of the 8859  
territory of the city school district, educational service center, 8860  
two or more contiguous school districts or educational service 8861  
centers, or two or more contiguous counties, respectively. Such 8862  
petition shall be presented to the board of elections of the most 8863  
populous county in which the technical college district is 8864  
situated and shall bear the signatures of at least two per cent of 8865  
the total number of resident electors who voted in the most recent 8866  
election for governor in the territory of such proposed district. 8867  
Such petition shall set forth the necessity for the district, a 8868  
demonstration that it will be conducive to the public convenience 8869  
and welfare, and a description of the territory to be included in 8870  
the proposed district. 8871

Upon receiving a petition duly executed pursuant to division 8872  
(E) of this section, the board of elections of the most populous 8873  
county shall certify the fact of such petition to the boards of 8874  
elections of the other counties, if any, in which any of the 8875  
territory of the proposed district is situated. The proposal to 8876  
create a technical college district shall be placed on the ballot 8877  
by the board of elections and submitted to vote in each affected 8878  
city school district, county, or group of contiguous school 8879  
districts or counties, at the next primary or general election 8880  
occurring more than ~~seventy-five~~ eighty-five days after the filing 8881  
of such petition. If there is no primary or general election 8882

occurring within ~~ninety~~ one hundred days after the filing of such 8883  
petition, the board of elections of the most populous county shall 8884  
fix the date of a special election to be held in each affected 8885  
city school district, county, or group of contiguous school 8886  
districts or counties, such date to be not less than ~~seventy-five~~ 8887  
eighty-five days after the filing of the petition. If a majority 8888  
of electors voting on the proposition in the proposed technical 8889  
college district vote in favor thereof, the board of elections of 8890  
the most populous county in which the proposed district is 8891  
situated shall certify such fact to the Ohio board of regents. 8892

**Sec. 3357.11.** For the purposes of purchasing a site or 8893  
enlargement thereof, and for the erection and equipment of 8894  
buildings, or for the purpose of enlarging, improving, or 8895  
rebuilding existing facilities, the board of trustees of a 8896  
technical college district shall determine the amount of bonds to 8897  
be issued and such other matters as pertain thereto, and may when 8898  
authorized by the vote of the electors of the district, issue and 8899  
sell such bonds as provided in Chapter 133. of the Revised Code. 8900  
Such board of trustees shall have the same authority and be 8901  
subject to the same procedure as provided in such chapter in the 8902  
case where the board of education proposes a bond issue for the 8903  
purposes noted in this section. 8904

At any time the board of trustees of a technical college 8905  
district by a vote of two-thirds of all its members may declare by 8906  
resolution the necessity of a tax outside the ten-mill limitation 8907  
for a period of years not to exceed ten years, to provide funds 8908  
for one or more of the following purposes: for operation and 8909  
maintenance, for purchasing a site or enlargement thereof, for the 8910  
erection and construction or equipment of buildings, or for the 8911  
purpose of enlarging or improving or rebuilding thereon. A copy of 8912  
such resolution shall be certified to the board of elections of 8913  
the county or counties in which such technical college district is 8914

situated, for the purpose of placing the proposal on the ballot at 8915  
an election to be held at a date designated by such board of 8916  
trustees, which date shall be consistent with the requirements of 8917  
section 3501.01 of the Revised Code, but shall not be earlier than 8918  
~~seventy-five~~ eighty-five days after the adoption and certification 8919  
of such resolution. If a majority of the electors in such district 8920  
voting on such question vote in favor of such levy, the resolution 8921  
shall go into immediate effect. The trustees shall certify their 8922  
action to the auditors of the county or counties in which such 8923  
technical college district is situated, who shall annually 8924  
thereafter place such levy on the tax duplicate in such district 8925  
in the amount set forth in the proposition approved by the voters. 8926

After the approval of such levy by vote the board of trustees 8927  
of a technical college district may anticipate a fraction of the 8928  
proceeds of such levy and from time to time, during the life of 8929  
such levy, issue anticipation notes in an amount not to exceed 8930  
seventy-five per cent of the estimated proceeds of such levy to be 8931  
collected in each year over a period of five years after the date 8932  
of the issuance of such notes, less an amount equal to the 8933  
proceeds of such levy previously obligated for each year by the 8934  
issuance of anticipation notes, provided, that the total amount 8935  
maturing in any one year shall not exceed seventy-five per cent of 8936  
the anticipated proceeds of such levy for that year. 8937

Each issue of notes shall be sold as provided in Chapter 133. 8938  
of the Revised Code and shall mature serially in substantially 8939  
equal amounts, during each remaining year of the levy, not to 8940  
exceed five, after their issuance. 8941

All necessary expenses for the operation of such technical 8942  
college may be paid from any gifts, from grants of the state or 8943  
federal government, from student fees and tuition collected 8944  
pursuant to division (G) of section 3357.09 of the Revised Code, 8945  
or from unencumbered funds from any other source of the technical 8946

college income, not prohibited by law. 8947

**Sec. 3375.19.** In each county there may be created a county 8948  
library district composed of all the local, exempted village, and 8949  
city school districts in the county which are not within the 8950  
territorial boundaries of an existing township, school district, 8951  
municipal, county district, or county free public library, by one 8952  
of the following methods: 8953

(A) The board of county commissioners may initiate the 8954  
creation of such a county library district by adopting a 8955  
resolution providing for the submission of the question of 8956  
creating a county library district to the electors of such 8957  
proposed district. Such resolution shall define the territory to 8958  
be included in such district by listing the school districts which 8959  
will compose the proposed county library district. 8960

(B) The board of county commissioners shall, upon receipt of 8961  
a petition signed by no less than ten per cent, or five hundred, 8962  
whichever is the lesser, of the qualified electors of the proposed 8963  
county library district voting at the last general election, adopt 8964  
a resolution providing for the submission of the question of 8965  
creating a county library district to the electors of the proposed 8966  
district. Such resolution shall define the territory to be 8967  
included in such district by listing the school districts which 8968  
will compose the proposed county library district. 8969

Upon adoption of such a resolution authorized in either 8970  
division (A) or (B) of this section the board of county 8971  
commissioners shall cause a certified copy of it to be filed with 8972  
the board of elections of the county prior to the ~~fifteenth day of~~ 8973  
~~September~~ eighty-fifth day before the day of the election at which 8974  
the question will appear on the ballot. The board of elections 8975  
shall submit the question of the creation of such county library 8976  
district to the electors of the territory comprising such proposed 8977

district at the succeeding November election. 8978

If a majority of the electors, voting on the question of 8979  
creating such proposed district, vote in the affirmative such 8980  
district shall be created. 8981

**Sec. 3375.201.** The taxing authority of a subdivision 8982  
maintaining a free public library which is providing approved 8983  
library service and whose board of library trustees therefore is 8984  
qualified under section 3375.20 of the Revised Code to request the 8985  
formation of a county library district shall, upon receipt of a 8986  
petition signed by not less than ten per cent, or five hundred, 8987  
whichever is the lesser, of the qualified electors of the 8988  
subdivision voting at the last general election, adopt a 8989  
resolution providing for the submission of the question, "Shall 8990  
the free public library of the subdivision become a county 8991  
district library?". The taxing authority shall cause a certified 8992  
copy of it to be filed with the board of elections of the county 8993  
prior to the ~~fifteenth day of September~~ eighty-fifth day before 8994  
the day of the election at which the question will appear on the 8995  
ballot. The board of elections shall submit the question of the 8996  
creation of such county district library to the electors of the 8997  
subdivision maintaining said free public library at the succeeding 8998  
November election. 8999

If a majority of the electors, voting on the question of 9000  
creating such county district library, vote in the affirmative, 9001  
the board of trustees of the library and the taxing authority of 9002  
the subdivision shall establish a county library district in the 9003  
manner prescribed in section 3375.20 of the Revised Code, by 9004  
adopting and approving the resolution so authorized. 9005

**Sec. 3375.211.** The taxing authority of any subdivision 9006  
maintaining a free public library for the inhabitants thereof and 9007

whose board of library trustees is qualified under section 3375.21 9008  
of the Revised Code to request inclusion of the subdivision in a 9009  
county library district shall, upon receipt of a petition signed 9010  
by qualified electors equal in number to at least ten per cent of 9011  
the qualified electors of the subdivision voting at the last 9012  
general election, adopt a resolution providing for the submission 9013  
of the question of the inclusion of the subdivision in such county 9014  
library district to the electors of the subdivision. 9015

The taxing authority shall cause a certified copy of the 9016  
resolution to be filed with the board of elections of the county 9017  
prior to the ~~fifteenth day of September~~ eighty-fifth day before 9018  
the day of the election at which the question will appear on the 9019  
ballot. The board of elections shall submit the question of the 9020  
inclusion of the subdivision in such county library district to 9021  
the electors of the subdivision at the succeeding November 9022  
election. 9023

If a majority of the electors, voting on the question of 9024  
including the subdivision in such county library district, vote in 9025  
the affirmative, the taxing authority of the subdivision and the 9026  
board of trustees of the free public library shall include the 9027  
subdivision in the county library district in the manner 9028  
prescribed in section 3375.20 of the Revised Code by adopting and 9029  
approving the resolutions so authorized. 9030

Unless more than thirty per cent of the votes cast on the 9031  
question of including the subdivision in the county library 9032  
district are in the affirmative, the same issue shall not be 9033  
submitted to the electors of the subdivision for three years 9034  
following an election in which the question was defeated. 9035

**Sec. 3375.212.** The board of public library trustees of a 9036  
county library district, appointed under section 3375.22 of the 9037  
Revised Code, may consolidate with another subdivision in the 9038



county maintaining a free public library. Such consolidation may 9039  
be accomplished by one of the following procedures: 9040

(A) The board of public library trustees of the county 9041  
library district may submit a resolution to the board of library 9042  
trustees of such subdivision requesting such consolidation. The 9043  
library trustees of the subdivision within thirty days of receipt 9044  
of the resolution shall approve or reject such resolution; and, if 9045  
approved shall forward the resolution together with a 9046  
certification of its action to the taxing authority of said 9047  
subdivision. Said taxing authority within thirty days of receipt 9048  
of such resolution and certification shall approve or reject it 9049  
and so notify the board of library trustees of the county district 9050  
library and the board of county commissioners. 9051

(B) Upon receipt of such resolution, under division (A) of 9052  
this section the board of library trustees of the subdivision may 9053  
request the taxing authority of the subdivision to adopt a 9054  
resolution providing for the submission of the question of 9055  
consolidation to the electors of the subdivision. 9056

The taxing authority in turn shall adopt such a resolution 9057  
and shall cause a certified copy of the resolution to be filed 9058  
with the board of elections of the county prior to the ~~fifteenth~~ 9059  
~~day of September~~ eighty-fifth day before the day of the election 9060  
at which the question will appear on the ballot. The board of 9061  
elections shall submit the question to the electors of the 9062  
subdivision at the succeeding November election. 9063

(C) The board of county commissioners and the taxing 9064  
authority of the subdivision, upon receipt of petitions signed by 9065  
not less than ten per cent, or five hundred, whichever is the 9066  
lesser, of the qualified electors in the county library district 9067  
and not less than ten per cent, or five hundred, whichever is the 9068  
lesser, of the qualified electors of the subdivision, voting at 9069  
the last general election, shall adopt resolutions providing for 9070

the submission of the question of consolidation to the electors of 9071  
the county library district and of the subdivision. 9072

Each taxing authority in turn shall cause a certified copy of 9073  
its resolution to be filed with the board of elections of the 9074  
county prior to the ~~fifteenth day of September~~ eighty-fifth day 9075  
before the day of the election at which the question will appear 9076  
on the ballot. The board of elections shall submit the question of 9077  
the consolidation of the county library district and the 9078  
subdivision to the electors of the county library district and of 9079  
the subdivision at the succeeding November election. 9080

If under division (A) of this section the board of library 9081  
trustees and the taxing authority of said subdivision approve the 9082  
request for consolidation, or if under division (B) of this 9083  
section a majority of the electors of the subdivision vote in 9084  
favor of the consolidation, or if under division (C) of this 9085  
section a majority of the electors of the county library district 9086  
and a majority of the electors of the subdivision vote in favor of 9087  
the consolidation, such consolidation shall take place. The taxing 9088  
authority of the subdivision or the board of elections, whichever 9089  
the case may be, shall notify the county commissioners and the 9090  
respective library boards. 9091

The board of library trustees of the county library district, 9092  
the board of library trustees of the subdivision and their 9093  
respective taxing authorities shall take appropriate action during 9094  
the succeeding December, transferring all title and interest in 9095  
all property, both real and personal, held in the names of said 9096  
library boards to the board of trustees of the consolidated county 9097  
library district, effective the second Monday of the succeeding 9098  
January. 9099

The board of library trustees of the county library district 9100  
and the board of library trustees of the subdivision shall meet 9101  
jointly on the second Monday of the succeeding January. 9102

Acting as a board of the whole, the two boards shall become 9103  
the interim board of library trustees of the consolidated county 9104  
library district whose terms shall expire the second Monday of the 9105  
second January succeeding the election at which the consolidation 9106  
was approved. The board shall organize itself under section 9107  
3375.32 of the Revised Code and shall have the same powers, 9108  
rights, and limitations in law as does a board of library trustees 9109  
appointed under section 3375.22 of the Revised Code. In the event 9110  
of a vacancy on the interim board the appointment shall be made by 9111  
the same taxing authority which appointed the trustee whose place 9112  
had become vacant and shall be only for the period in which the 9113  
interim board is in existence. 9114

At least thirty days prior to the second Monday of the second 9115  
January succeeding the election at which the consolidation was 9116  
approved, the board shall request the county commissioners and the 9117  
judges of the court of common pleas to appoint a regular board of 9118  
library trustees of seven members under the provisions of section 9119  
3375.22 of the Revised Code. The terms of said trustees shall 9120  
commence on the second Monday of the January last referred to 9121  
above. The control and management of such consolidated county 9122  
library district shall continue to be under section 3375.22 of the 9123  
Revised Code. 9124

For the purposes of this section, whenever a county library 9125  
district is consolidated with a subdivision other than a school 9126  
district, the area comprising the school district in which the 9127  
main library of said subdivision is located shall become a part of 9128  
the county library district. 9129

**Sec. 3501.01.** As used in the sections of the Revised Code 9130  
relating to elections and political communications: 9131

(A) "General election" means the election held on the first 9132  
Tuesday after the first Monday in each November. 9133

(B) "Regular municipal election" means the election held on 9134  
the first Tuesday after the first Monday in November in each 9135  
odd-numbered year. 9136

(C) "Regular state election" means the election held on the 9137  
first Tuesday after the first Monday in November in each 9138  
even-numbered year. 9139

(D) "Special election" means any election other than those 9140  
elections defined in other divisions of this section. A special 9141  
election may be held only on the first Tuesday after the first 9142  
Monday in February, May, August, or November, or on the day 9143  
authorized by a particular municipal or county charter for the 9144  
holding of a primary election, except that in any year in which a 9145  
presidential primary election is held, no special election shall 9146  
be held in February or May, except as authorized by a municipal or 9147  
county charter, but may be held on the first Tuesday after the 9148  
first Monday in March. 9149

(E)(1) "Primary" or "primary election" means an election held 9150  
for the purpose of nominating persons as candidates of political 9151  
parties for election to offices, and for the purpose of electing 9152  
persons as members of the controlling committees of political 9153  
parties and as delegates and alternates to the conventions of 9154  
political parties. Primary elections shall be held on the first 9155  
Tuesday after the first Monday in May of each year except in years 9156  
in which a presidential primary election is held. 9157

(2) "Presidential primary election" means a primary election 9158  
as defined by division (E)(1) of this section at which an election 9159  
is held for the purpose of choosing delegates and alternates to 9160  
the national conventions of the major political parties pursuant 9161  
to section 3513.12 of the Revised Code. Unless otherwise 9162  
specified, presidential primary elections are included in 9163  
references to primary elections. In years in which a presidential 9164  
primary election is held, all primary elections shall be held on 9165

the first Tuesday after the first Monday in March except as 9166  
otherwise authorized by a municipal or county charter. 9167

(F) "Political party" means any group of voters meeting the 9168  
requirements set forth in section 3517.01 of the Revised Code for 9169  
the formation and existence of a political party. 9170

(1) "Major political party" means any political party 9171  
organized under the laws of this state whose candidate for any of 9172  
the offices of governor, secretary of state, auditor of state, 9173  
treasurer of state, attorney general, or United States senator or 9174  
nominees for presidential electors received no less than twenty 9175  
per cent of the total vote cast for ~~such office~~ any of those 9176  
offices at either of the two most recent regular state ~~election~~ 9177  
elections. 9178

(2) ~~"Intermediate political party" means any political party~~ 9179  
~~organized under the laws of this state whose candidate for~~ 9180  
~~governor or nominees for presidential electors received less than~~ 9181  
~~twenty per cent but not less than ten per cent of the total vote~~ 9182  
~~cast for such office at the most recent regular state election.~~ 9183

~~(3)~~ "Minor political party" means any political party 9184  
organized under the laws of this state whose candidate for any of 9185  
the offices of governor, secretary of state, auditor of state, 9186  
treasurer of state, attorney general, or United States senator or 9187  
nominees for presidential electors received less than ~~ten~~ twenty 9188  
per cent but not less than ~~five~~ one per cent of the total vote 9189  
cast for ~~such office~~ any of those offices at either of the two 9190  
most recent regular state ~~election~~ elections or which has filed 9191  
with the secretary of state, subsequent to any ~~election~~ two 9192  
successive regular state elections in which it received less than 9193  
~~five~~ one per cent of ~~such the~~ the vote for any of those offices, a 9194  
petition signed by qualified electors equal in number to at least 9195  
one-quarter of one per cent of the total vote cast for ~~such the~~ 9196  
office of governor in the last preceding regular state election, 9197

except that a newly formed political party shall be known as a 9198  
minor political party until the time of the first regular state 9199  
election ~~for governor or president which~~ that occurs not less than 9200  
twelve months subsequent to the formation of such party, after 9201  
which election the status of such party as either a major or minor 9202  
political party shall be determined by the vote ~~for the office~~ 9203  
percentage received by the party's candidate for any of the 9204  
offices of governor or president, secretary of state, auditor of 9205  
state, treasurer of state, attorney general, or United States 9206  
senator, or nominees for presidential electors. 9207

(G) "Dominant party in a precinct" or "dominant political 9208  
party in a precinct" means that political party whose candidate 9209  
for election to the office of governor at the most recent regular 9210  
state election at which a governor was elected received more votes 9211  
than any other person received for election to that office in such 9212  
precinct at such election. 9213

(H) "Candidate" means any qualified person certified in 9214  
accordance with the provisions of the Revised Code for placement 9215  
on the official ballot of a primary, general, or special election 9216  
to be held in this state, or any qualified person who claims to be 9217  
a write-in candidate, or who knowingly assents to being 9218  
represented as a write-in candidate by another at either a 9219  
primary, general, or special election to be held in this state. 9220

(I) "Independent candidate" means any candidate who claims 9221  
not to be affiliated with a political party, and whose name has 9222  
been certified on the office-type ballot at a general or special 9223  
election through the filing of a statement of candidacy and 9224  
nominating petition, as prescribed in section 3513.257 of the 9225  
Revised Code. 9226

(J) "Nonpartisan candidate" means any candidate whose name is 9227  
required, pursuant to section 3505.04 of the Revised Code, to be 9228  
listed on the nonpartisan ballot, including all candidates for 9229

judicial office, for member of any board of education, for 9230  
municipal or township offices in which primary elections are not 9231  
held for nominating candidates by political parties, and for 9232  
offices of municipal corporations having charters that provide for 9233  
separate ballots for elections for these offices. 9234

(K) "Party candidate" means any candidate who claims to be a 9235  
member of a political party, whose name has been certified on the 9236  
office-type ballot at a general or special election through the 9237  
filing of a declaration of candidacy and petition of candidate, 9238  
and who has won the primary election of the candidate's party for 9239  
the public office the candidate seeks, is nominated pursuant to 9240  
section 3513.02 of the Revised Code, or is selected by party 9241  
committee in accordance with section 3513.31 of the Revised Code. 9242

(L) "Officer of a political party" includes, but is not 9243  
limited to, any member, elected or appointed, of a controlling 9244  
committee, whether representing the territory of the state, a 9245  
district therein, a county, township, a city, a ward, a precinct, 9246  
or other territory, of a major, ~~intermediate~~, or minor political 9247  
party. 9248

(M) "Question or issue" means any question or issue certified 9249  
in accordance with the Revised Code for placement on an official 9250  
ballot at a general or special election to be held in this state. 9251

(N) "Elector" or "qualified elector" means a person having 9252  
the qualifications provided by law to be entitled to vote. 9253

(O) "Voter" means an elector who votes at an election. 9254

(P) "Voting residence" means that place of residence of an 9255  
elector which shall determine the precinct in which the elector 9256  
may vote. 9257

(Q) "Precinct" means a district within a county established 9258  
by the board of elections of such county within which all 9259  
qualified electors having a voting residence therein may vote at 9260

the same polling place. 9261

(R) "Polling place" means that place provided for each 9262  
precinct at which the electors having a voting residence in such 9263  
precinct may vote. 9264

(S) "Board" or "board of elections" means the board of 9265  
elections appointed in a county pursuant to section 3501.06 of the 9266  
Revised Code. 9267

(T) "Political subdivision" means a county, township, city, 9268  
village, or school district. 9269

(U) "Election officer" or "election official" means any of 9270  
the following: 9271

(1) Secretary of state; 9272

(2) Employees of the secretary of state serving the division 9273  
of elections in the capacity of attorney, administrative officer, 9274  
administrative assistant, elections administrator, office manager, 9275  
or clerical supervisor; 9276

(3) Director of a board of elections; 9277

(4) Deputy director of a board of elections; 9278

(5) Member of a board of elections; 9279

(6) Employees of a board of elections; 9280

(7) Precinct polling place judges; 9281

(8) Employees appointed by the boards of elections on a 9282  
temporary or part-time basis. 9283

(V) "Acknowledgment notice" means a notice sent by a board of 9284  
elections, on a form prescribed by the secretary of state, 9285  
informing a voter registration applicant or an applicant who 9286  
wishes to change the applicant's residence or name of the status 9287  
of the application; the information necessary to complete or 9288  
update the application, if any; and if the application is 9289



complete, the precinct in which the applicant is to vote. 9290

(W) "Confirmation notice" means a notice sent by a board of 9291  
elections, on a form prescribed by the secretary of state, to a 9292  
registered elector to confirm the registered elector's current 9293  
address. 9294

(X) "Designated agency" means an office or agency in the 9295  
state that provides public assistance or that provides 9296  
state-funded programs primarily engaged in providing services to 9297  
persons with disabilities and that is required by the National 9298  
Voter Registration Act of 1993 to implement a program designed and 9299  
administered by the secretary of state for registering voters, or 9300  
any other public or government office or agency that implements a 9301  
program designed and administered by the secretary of state for 9302  
registering voters, including the department of job and family 9303  
services, the program administered under section 3701.132 of the 9304  
Revised Code by the department of health, the department of mental 9305  
health, the department of developmental disabilities, the 9306  
rehabilitation services commission, and any other agency the 9307  
secretary of state designates. "Designated agency" does not 9308  
include public high schools and vocational schools, public 9309  
libraries, or the office of a county treasurer. 9310

(Y) "National Voter Registration Act of 1993" means the 9311  
"National Voter Registration Act of 1993," 107 Stat. 77, 42 9312  
U.S.C.A. 1973gg. 9313

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 9314  
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 9315

~~(AA) "Photo identification" means a document that meets each 9316  
of the following requirements: 9317~~

~~(1) It shows the name of the individual to whom it was 9318  
issued, which shall conform to the name in the poll list or 9319  
signature pollbook. 9320~~

~~(2) It shows the current address of the individual to whom it was issued, which shall conform to the address in the poll list or signature pollbook, except for a driver's license or a state identification card issued under section 4507.50 of the Revised Code, which may show either the current or former address of the individual to whom it was issued, regardless of whether that address conforms to the address in the poll list or signature pollbook.~~

~~(3) It shows a photograph of the individual to whom it was issued.~~

~~(4) It includes an expiration date that has not passed.~~

~~(5) It was issued by the government of the United States or this state. "Identification" means either of the following:~~

(1) A photographic identification that meets all of the following requirements:

(a) It lists the elector's name in a manner that substantially conforms to the elector's name in the elector's voter registration records;

(b) It was issued by one of the following:

(i) The state or any of its agencies or subdivisions;

(ii) A public, private, or proprietary institution of higher education; or

(iii) The government of the United States.

(c) It is current and valid.

(2) An affirmation as to the voter's identification, made under penalty of election falsification, that meets all of the following requirements:

(a) The elector has signed the affirmation, which signature substantially conforms to the elector's signature in the elector's

voter registration records; 9350

(b) The elector has placed the elector's name on the 9351  
affirmation, which name substantially conforms to the elector's 9352  
name in the elector's voter registration records; 9353

(c) The elector has placed the elector's date of birth on the 9354  
affirmation, which day of birth substantially conforms to the 9355  
elector's date of birth in the elector's voter registration 9356  
records; and 9357

(d) The elector has placed on the affirmation at least one of 9358  
the following: 9359

(i) The last four digits of the elector's social security 9360  
number; 9361

(ii) The elector's Ohio driver's license number or the 9362  
identification number of the elector's Ohio identification card. 9363

(BB) "First-time mail-in registrant" means an individual who 9364  
submitted a voter registration application by mail, who has not 9365  
previously voted in a federal election in this state, and who did 9366  
not include any of the following with the voter registration 9367  
application: 9368

(1) The applicant's driver's license number; 9369

(2) At least the last four digits of the applicant's social 9370  
security number; 9371

(3) A copy of a current and valid photo identification that 9372  
shows the name and address of the applicant; or 9373

(4) A copy of a current utility bill, bank statement, 9374  
government check, paycheck, or other government document that 9375  
shows the name and address of the applicant. 9376

(CC) "First-time mail-in registrant identification" means a 9377  
current and valid photo identification or a copy of a current 9378  
utility bill, bank statement, government check, paycheck, or other 9379

government document that shows the name and address of the 9380  
elector. 9381

Sec. 3501.012. Notwithstanding any provision of the Revised 9382  
Code to the contrary, the secretary of state or a board of 9383  
elections shall not refuse to accept and process an otherwise 9384  
valid voter registration application, absent voter's ballot 9385  
application, uniformed services and overseas absent voter's ballot 9386  
application, returned absent voter's ballot, returned uniformed 9387  
services and overseas absent voter's ballot, or federal write-in 9388  
absentee ballot due to any requirements regarding notarization, 9389  
paper type, paper weight and size, envelope type, or envelope 9390  
weight and size. 9391

**Sec. 3501.02.** General elections in the state and its 9392  
political subdivisions shall be held as follows: 9393

(A) For the election of electors of president and 9394  
vice-president of the United States, in the year of 1932 and every 9395  
four years thereafter; 9396

(B) For the election of a member of the senate of the United 9397  
States, in the years 1932 and 1934, and every six years after each 9398  
of such years; except as otherwise provided for filling vacancies; 9399

(C) For the election of representatives in the congress of 9400  
the United States and of elective state and county officers 9401  
including elected members of the state board of education, in the 9402  
even-numbered years; except as otherwise provided for filling 9403  
vacancies; 9404

(D) For municipal and township officers, members of boards of 9405  
education, judges and clerks of municipal courts, in the 9406  
odd-numbered years; 9407

(E) Proposed constitutional amendments or proposed measures 9408  
submitted by the general assembly or by initiative or referendum 9409

petitions to the voters of the state at large may be submitted ~~to~~ 9410  
at the general election in any year occurring at least ~~sixty one~~ 9411  
hundred twenty-five days, in case of a referendum, and ~~ninety one~~ 9412  
hundred twenty-five days, in the case of an initiated measure, 9413  
subsequent to the filing of the petitions therefor. Proposed 9414  
constitutional amendments submitted by the general assembly to the 9415  
voters of the state at large may be submitted at a special 9416  
election occurring on the day ~~in any year specified by division~~ 9417  
~~(E) of section 3501.01 of the Revised Code for the holding of a~~ 9418  
primary election, when a special election on that date is 9419  
designated by the general assembly in the resolution adopting the 9420  
proposed constitutional amendment. 9421

No special election shall be held on a day other than the day 9422  
of a general election, unless a law or charter provides otherwise, 9423  
regarding the submission of a question or issue to the voters of a 9424  
county, township, city, village, or school district. 9425

(F) ~~Any~~ Notwithstanding any provision of the Revised Code to 9427  
the contrary, any question or issue, except a candidacy, to be 9428  
voted upon at an election shall be certified, for placement upon 9429  
the ballot, to the board of elections not later than four p.m. of 9430  
the ~~seventy-fifth~~ eighty-fifth day before the day of the election. 9431

**Sec. 3501.03.** (A) At least ten days before the time for 9433  
holding an election the board of elections shall give public 9434  
notice by a proclamation, posted in a conspicuous place in the 9435  
courthouse and city hall, or by one insertion in a newspaper 9436  
published in the county, but if no newspaper is published in such 9437  
county, then in a newspaper of general circulation therein. 9438

(B) In the case of an election by mail held under Chapter 9439  
3507. of the Revised Code, the board shall give the notice 9440

required by division (A) of this section at least ten days before 9441  
the date on which the board mails the absent voter's ballots 9442  
pursuant to section 3507.02 of the Revised Code. The notice shall 9443  
indicate that a person who is a qualified elector may vote at the 9444  
office of the board if the person moves from one precinct to 9445  
another or changes the person's name on or prior to the day before 9446  
the election and has not filed with the board a notice of change 9447  
of residence or change of name, respectively. 9448

(C) The board shall have authority to publicize information 9449  
relative to registration or elections. 9450

**Sec. 3501.05.** The secretary of state shall do all of the 9451  
following: 9452

(A) Appoint all members of boards of elections; 9453

(B) Issue instructions by directives and advisories in 9454  
accordance with section 3501.053 of the Revised Code to members of 9455  
the boards as to the proper methods of conducting elections; 9456

(C) Prepare rules and instructions for the conduct of 9457  
elections; 9458

(D) ~~Publish and furnish~~ Provide to the boards ~~from time to~~ 9459  
~~time a sufficient number of indexed copies of an electronic link~~ 9460  
to all election laws then in force; 9461

(E) Edit and issue all pamphlets concerning proposed laws or 9462  
amendments required by law to be submitted to the voters; 9463

(F) Prescribe the form of registration cards, blanks, and 9464  
records; 9465

(G) Determine and prescribe the forms of ballots and the 9466  
forms of all blanks, cards of instructions, pollbooks, tally 9467  
sheets, certificates of election, and forms and blanks required by 9468  
law for use by candidates, committees, and boards; 9469

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

(I) Except as otherwise provided in section 3519.08 of the Revised Code, certify to the several boards the forms of ballots and names of candidates for state offices, and the form and wording of state referendum questions and issues, as they shall appear on the ballot;

(J) Except as otherwise provided in division (I)(2)(b) of section 3501.38 of the Revised Code, give final approval to ballot language for any local question or issue approved and transmitted by boards of elections under section 3501.11 of the Revised Code;

(K) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of those petitions;

(L) Require such reports from the several boards as are provided by law, or as the secretary of state considers necessary;

(M) Compel the observance by election officers in the several counties of the requirements of the election laws;

(N)(1) Except as otherwise provided in division (N)(2) of this section, investigate the administration of election laws, frauds, and irregularities in elections in any county, and report violations of election laws to the attorney general or prosecuting attorney, or both, for prosecution;

(2) On and after August 24, 1995, report a failure to comply with or a violation of a provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code, whenever the secretary of state has or should have knowledge of a failure to comply with or a violation of a provision in one of those sections, by filing a complaint with the Ohio elections commission under section 3517.153 of the Revised

Code; 9501

(O) Make an annual report to the governor containing the 9502  
results of elections, the cost of elections in the various 9503  
counties, a tabulation of the votes in the several political 9504  
subdivisions, and other information and recommendations relative 9505  
to elections the secretary of state considers desirable; 9506

(P) Prescribe and distribute to boards of elections a list of 9507  
instructions indicating all legal steps necessary to petition 9508  
successfully for local option elections under sections 4301.32 to 9509  
4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 9510

(Q) Adopt rules pursuant to Chapter 119. of the Revised Code 9511  
for the removal by boards of elections of ineligible voters from 9512  
the statewide voter registration database and, if applicable, from 9513  
the poll list or signature pollbook used in each precinct, which 9514  
rules shall provide for all of the following: 9515

(1) A process for the removal of voters who have changed 9516  
residence, which shall be uniform, nondiscriminatory, and in 9517  
compliance with the Voting Rights Act of 1965 and the National 9518  
Voter Registration Act of 1993, including a program that uses the 9519  
national change of address service provided by the United States 9520  
postal system through its licensees; 9521

(2) A process for the removal of ineligible voters under 9522  
section 3503.21 of the Revised Code; 9523

(3) A uniform system for marking or removing the name of a 9524  
voter who is ineligible to vote from the statewide voter 9525  
registration database and, if applicable, from the poll list or 9526  
signature pollbook used in each precinct and noting the reason for 9527  
that mark or removal. 9528

(R) Prescribe a general program for registering voters or 9529  
updating voter registration information, such as name and 9530  
residence changes, by boards of elections, designated agencies, 9531



offices of deputy registrars of motor vehicles, public high 9532  
schools and vocational schools, public libraries, and offices of 9533  
county treasurers consistent with the requirements of ~~section~~ 9534  
sections 3503.09 to 3503.11 of the Revised Code; 9535

(S) Prescribe a program of distribution of voter registration 9536  
forms through boards of elections, designated agencies, offices of 9537  
the registrar and deputy registrars of motor vehicles, public high 9538  
schools and vocational schools, public libraries, and offices of 9539  
county treasurers; 9540

(T) To the extent feasible, provide copies, at no cost and 9541  
upon request, of the voter registration form in post offices in 9542  
this state; 9543

(U) Adopt rules pursuant to section 111.15 of the Revised 9544  
Code for the purpose of implementing the program for registering 9545  
voters through boards of elections, designated agencies, and the 9546  
offices of the registrar and deputy registrars of motor vehicles 9547  
consistent with this chapter and the requirements of sections 9548  
3503.09 to 3503.11 of the Revised Code; 9549

(V) Establish the full-time position of Americans with 9550  
Disabilities Act coordinator within the office of the secretary of 9551  
state to do all of the following: 9552

(1) Assist the secretary of state with ensuring that there is 9553  
equal access to polling places for persons with disabilities; 9554

(2) Assist the secretary of state with ensuring that each 9555  
voter may cast the voter's ballot in a manner that provides the 9556  
same opportunity for access and participation, including privacy 9557  
and independence, as for other voters; 9558

(3) Advise the secretary of state in the development of 9559  
standards for the certification of voting machines, marking 9560  
devices, and automatic tabulating equipment. 9561

(W) Establish and maintain a computerized statewide database 9562  
of all legally registered voters under section 3503.15 of the 9563  
Revised Code that complies with the requirements of the "Help 9564  
America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666, 9565  
and provide training in the operation of that system; 9566

(X) Ensure that all directives, advisories, other 9567  
instructions, or decisions issued or made during or as a result of 9568  
any conference or teleconference call with a board of elections to 9569  
discuss the proper methods and procedures for conducting 9570  
elections, to answer questions regarding elections, or to discuss 9571  
the interpretation of directives, advisories, or other 9572  
instructions issued by the secretary of state are posted on a web 9573  
site of the office of the secretary of state as soon as is 9574  
practicable after the completion of the conference or 9575  
teleconference call, but not later than the close of business on 9576  
the same day as the conference or teleconference call takes 9577  
place; 9578

(Y) Publish a report on a web site of the office of the 9579  
secretary of state not later than one month after the completion 9580  
of the canvass of the election returns for each primary and 9581  
general election, identifying, by county, the number of absent 9582  
voter's ballots cast and the number of those ballots that were 9583  
counted, and the number of provisional ballots cast and the number 9584  
of those ballots that were counted, for that election. The 9585  
secretary of state shall maintain the information on the web site 9586  
in an archive format for each subsequent election. 9587

(Z) Conduct voter education outlining voter identification, 9588  
absent voters ballot, provisional ballot, and other voting 9589  
requirements; 9590

(AA) Establish a procedure by which a registered elector may 9591  
make available to a board of elections a more recent signature to 9592  
be used in the poll list or signature pollbook produced by the 9593

board of elections of the county in which the elector resides; 9594  
9595

(BB) Disseminate information, which may include all or part 9596  
of the official explanations and arguments, by means of direct 9597  
mail or other written publication, broadcast, or other means or 9598  
combination of means, as directed by the Ohio ballot board under 9599  
division (F) of section 3505.062 of the Revised Code, in order to 9600  
inform the voters as fully as possible concerning each proposed 9601  
constitutional amendment, proposed law, or referendum; 9602

(CC) Perform other duties required by law. 9603

Whenever a primary election is held under section 3513.32 of 9604  
the Revised Code or a special election is held under section 9605  
3521.03 of the Revised Code to fill a vacancy in the office of 9606  
representative to congress, the secretary of state shall establish 9607  
a deadline, notwithstanding any other deadline required under the 9608  
Revised Code, by which any or all of the following shall occur: 9609  
the filing of a declaration of candidacy and petitions or a 9610  
statement of candidacy and nominating petition together with the 9611  
applicable filing fee; the filing of protests against the 9612  
candidacy of any person filing a declaration of candidacy or 9613  
nominating petition; the filing of a declaration of intent to be a 9614  
write-in candidate; the filing of campaign finance reports; the 9615  
preparation of, and the making of corrections or challenges to, 9616  
precinct voter registration lists; the receipt of applications for 9617  
absent voter's ballots or armed service absent voter's ballots; 9618  
the supplying of election materials to precincts by boards of 9619  
elections; the holding of hearings by boards of elections to 9620  
consider challenges to the right of a person to appear on a voter 9621  
registration list; and the scheduling of programs to instruct or 9622  
reinstruct election officers. 9623

In the performance of the secretary of state's duties as the 9624  
chief election officer, the secretary of state may administer 9625

oaths, issue subpoenas, summon witnesses, compel the production of 9626  
books, papers, records, and other evidence, and fix the time and 9627  
place for hearing any matters relating to the administration and 9628  
enforcement of the election laws. 9629

In any controversy involving or arising out of the adoption 9630  
of registration or the appropriation of funds for registration, 9631  
the secretary of state may, through the attorney general, bring an 9632  
action in the name of the state in the court of common pleas of 9633  
the county where the cause of action arose or in an adjoining 9634  
county, to adjudicate the question. 9635

In any action involving the laws in Title XXXV of the Revised 9636  
Code wherein the interpretation of those laws is in issue in such 9637  
a manner that the result of the action will affect the lawful 9638  
duties of the secretary of state or of any board of elections, the 9639  
secretary of state may, on the secretary of state's motion, be 9640  
made a party. 9641

The secretary of state may apply to any court that is hearing 9642  
a case in which the secretary of state is a party, for a change of 9643  
venue as a substantive right, and the change of venue shall be 9644  
allowed, and the case removed to the court of common pleas of an 9645  
adjoining county named in the application or, if there are cases 9646  
pending in more than one jurisdiction that involve the same or 9647  
similar issues, the court of common pleas of Franklin county. 9648

Public high schools and vocational schools, public libraries, 9649  
and the office of a county treasurer shall implement voter 9650  
registration programs as directed by the secretary of state 9651  
pursuant to this section. 9652

**Sec. 3501.07.** At a meeting held not more than sixty nor less 9653  
than fifteen days before the expiration date of the term of office 9654  
of a member of the board of elections, or within fifteen days 9655  
after a vacancy occurs in the board, the county executive 9656

committee of the major political party entitled to the appointment 9657  
may make and file a recommendation with the secretary of state for 9658  
the appointment of a qualified elector. The secretary of state 9659  
shall appoint such elector, unless ~~he~~ the secretary of state has 9660  
reason to believe that the elector would not be a competent member 9661  
of such board. In such cases the secretary of state shall so state 9662  
in writing to the ~~chairman~~ chairperson of such county executive 9663  
committee, with the reasons therefor, and such committee may 9664  
either recommend another elector or may apply for a writ of 9665  
mandamus to the supreme court to compel the secretary of state to 9666  
appoint the elector so recommended. In such action the burden of 9667  
proof to show the qualifications of the person so recommended 9668  
shall be on the committee making the recommendation. If no such 9669  
recommendation is made or if a writ of mandamus has not been 9670  
granted, the secretary of state shall make the appointment, and 9671  
that decision shall be final. If a recommendation is made, the 9672  
secretary shall appoint that elector unless the secretary of state 9673  
has reason to believe that the elector would not be a competent 9674  
member of the board. In that case, the secretary of state shall so 9675  
state in writing to the chairperson of the county executive 9676  
committee and shall make the appointment. That decision shall be 9677  
final. 9678

If a vacancy on the board of elections is to be filled by a 9679  
minor ~~or an intermediate~~ political party, authorized officials of 9680  
that party may within fifteen days after the vacancy occurs 9681  
~~recommend a qualified person to the secretary of state for~~ 9682  
~~appointment to such vacancy~~ make and file with the secretary of 9683  
state a recommendation for the appointment of a qualified elector. 9684  
The secretary of state shall appoint that elector unless the 9685  
secretary of state has reason to believe that the elector would 9686  
not be a competent member of the board. In that case, the 9687  
secretary of state shall so state in writing to the authorized 9688  
party officials, with the reasons therefor, and the party 9689

officials may either recommend another elector or may apply for a writ of mandamus to the supreme court to compel the secretary of state to appoint the elector so recommended. In such action the burden of proof to show the qualifications of the person so recommended shall be on the party officials making the recommendation. If no such recommendation is made or such writ of mandamus has not been granted, the secretary of state shall make the appointment. If a recommendation is made, the secretary shall appoint such elector, unless the secretary of state has reason to believe that the elector would not be a competent member of such board. In such cases the secretary of state shall so state in writing to the authorized party officials, and shall make the appointment. That decision shall be final.

**Sec. 3501.10.** (A) The board of elections shall, as an expense of the board, provide suitable rooms for its offices and records and the necessary and proper furniture and supplies for those rooms. The board may lease such offices and rooms, necessary to its operation, for the length of time and upon the terms the board deems in the best interests of the public, provided that the term of any such lease shall not exceed fifteen years.

Thirty days prior to entering into such a lease, the board shall notify the board of county commissioners in writing of its intent to enter into the lease. The notice shall specify the terms and conditions of the lease. Prior to the thirtieth day after receiving that notice and before any lease is entered into, the board of county commissioners may reject the proposed lease by a majority vote. After receiving written notification of the rejection by the board of county commissioners, the board of elections shall not enter into the lease that was rejected, but may immediately enter into additional lease negotiations, subject to the requirements of this section.

The board of elections in any county may, by resolution, 9721  
request that the board of county commissioners submit to the 9722  
electors of the county, in accordance with section 133.18 of the 9723  
Revised Code, the question of issuing bonds for the acquisition of 9724  
real estate and the construction on it of a suitable building with 9725  
necessary furniture and equipment for the proper administration of 9726  
the duties of the board of elections. The resolution declaring the 9727  
necessity for issuing such bonds shall relate only to the 9728  
acquisition of real estate and to the construction, furnishing, 9729  
and equipping of a building as provided in this division. 9730

(B) The board of elections in each county shall keep its 9731  
offices, or one or more of its branch registration offices, open 9732  
for the performance of its duties until nine p.m. on the last day 9733  
of registration before a general or primary election. At all other 9734  
times during each week, the board shall keep its offices and rooms 9735  
open for a period of time that the board considers necessary for 9736  
the performance of its duties. 9737

(C) The board of elections may maintain permanent or 9738  
temporary branch offices at any place within the county, ~~provided~~ 9739  
~~that, if the board of elections permits electors to vote at a~~ 9740  
~~branch office, electors shall not be permitted to vote at any~~ 9741  
~~other branch office or any other office of the board of elections.~~ 9742  
The board shall not employ more than four such locations for the 9743  
purpose of allowing voters to cast absent voter's ballots in 9744  
person at an election. 9745

The board may employ such locations for all or part of the 9746  
period established under section 3509.01 of the Revised Code 9747  
during which voters may cast absent voter's ballots in person at 9748  
an election. The board shall determine the time period during 9749  
which those locations shall be employed at the time the board 9750  
votes to establish those locations. 9751

A majority vote of the board is required to establish more 9752

than one location at which voters may cast absent voter's ballots 9753  
in person at an election. That vote shall take place not later 9754  
than sixty days prior to the day of any election other than a 9755  
special election. In the case of a tie vote or disagreement in the 9756  
board, the board shall submit the matter to the secretary of state 9757  
in accordance with division (X) of section 3501.11 of the Revised 9758  
Code. 9759

Prior to establishing more than one location at which voters 9760  
may cast absent voter's ballots in person at an election, the 9761  
board of elections shall send a notice to the board of county 9762  
commissioners expressing its intent to establish more than one 9763  
such location. The notice shall include information on the number 9764  
of additional locations that the board of elections plans to 9765  
establish, the name and location of each of the proposed sites, 9766  
the duration for which such locations will be used, and an 9767  
estimate of the cost to operate each of the additional locations. 9768

The board of elections shall file with the secretary of state 9769  
and the board of county commissioners the final determination of 9770  
the board of elections regarding the establishment of those voting 9771  
locations. 9772

(D) The secretary of state shall adopt rules under Chapter 9773  
119. of the Revised Code regarding the siting of additional 9774  
locations for the purpose of allowing voters to cast absent 9775  
voter's ballots in person at an election. The rules shall ensure 9776  
the equitable distribution of such locations, including 9777  
distribution with respect to a county's unique geography, 9778  
population distribution, minority voter access, and ease of voter 9779  
access to the locations. The rules shall ensure, to the extent 9780  
practical, that the distribution will not unduly favor any 9781  
political party. 9782

**Sec. 3501.11.** Each board of elections shall exercise by a 9783



majority vote all powers granted to the board by Title XXXV of the Revised Code, shall perform all the duties imposed by law, and shall do all of the following:

(A) Establish, define, provide, rearrange, and combine election precincts in accordance with section 3501.18 of the Revised Code and any rules adopted by the secretary of state;

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

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

(D) Appoint and remove its director, deputy director, and 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;

(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;

(F) Advertise and contract for the printing of all ballots and other supplies used in registrations and elections, or provide for the acquisition of those supplies through the department of administrative services;

(G) Provide for the issuance of all notices, advertisements, and publications concerning elections, except as otherwise provided in division (G) of section 3501.17 and divisions (F) and (G) of section 3505.062 of the Revised Code;

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

(I) Cause the polling places to be suitably provided with 9814  
voting machines, marking devices, automatic tabulating equipment, 9815  
stalls, and other required supplies. In fulfilling this duty, each 9816  
board of a county that uses voting machines, marking devices, or 9817  
automatic tabulating equipment shall ~~conduct a full vote of the~~ 9818  
~~board during a public session of the board on~~ provide for the 9819  
allocation and distribution of voting machines, marking devices, 9820  
and automatic tabulating equipment ~~for each precinct in the county~~ 9821  
in accordance with section 3506.12 of the Revised Code. 9822

(J) Investigate irregularities, nonperformance of duties, or 9823  
violations of Title XXXV of the Revised Code by election officers 9824  
and other persons; administer oaths, issue subpoenas, summon 9825  
witnesses, and compel the production of books, papers, records, 9826  
and other evidence in connection with any such investigation; and 9827  
report the facts to the prosecuting attorney or the secretary of 9828  
state; 9829

(K) Review, examine, and certify the sufficiency and validity 9830  
of petitions and nomination papers, and, after certification, 9831  
return to the secretary of state all petitions and nomination 9832  
papers that the secretary of state forwarded to the board; 9833

(L) Receive the returns of elections, canvass the returns, 9834  
make abstracts of them, and transmit those abstracts to the proper 9835  
authorities; 9836

(M) Issue certificates of election on forms to be prescribed 9837  
by the secretary of state; 9838

(N) Make an annual report to the secretary of state, on the 9839  
form prescribed by the secretary of state, containing a statement 9840  
of the number of voters registered, elections held, votes cast, 9841  
appropriations received, expenditures made, and other data 9842  
required by the secretary of state; 9843

(O) Prepare and submit to the proper appropriating officer a 9844

budget estimating the cost of elections for the ensuing fiscal	9845
year;	9846
(P) Perform other duties as prescribed by law or the rules,	9847
directives, or advisories of the secretary of state;	9848
(Q) Investigate and determine the residence qualifications of	9849
electors;	9850
(R) Administer oaths in matters pertaining to the	9851
administration of the election laws;	9852
(S) Prepare and submit to the secretary of state, whenever	9853
the secretary of state requires, a report containing the names and	9854
residence addresses of all incumbent county, municipal, township,	9855
and board of education officials serving in their respective	9856
counties;	9857
(T) Establish and maintain a voter registration database of	9858
all qualified electors in the county who offer to register;	9859
(U) Maintain voter registration records, make reports	9860
concerning voter registration as required by the secretary of	9861
state, and remove ineligible electors from voter registration	9862
lists in accordance with law and directives of the secretary of	9863
state;	9864
(V) Give approval to ballot language for any local question	9865
or issue and transmit the language to the secretary of state for	9866
the secretary of state's final approval;	9867
(W) Prepare and cause the following notice to be displayed in	9868
a prominent location in every polling place:	9869
"NOTICE	9870
Ohio law prohibits any person from voting or attempting to	9871
vote more than once at the same election.	9872
Violators are guilty of a felony of the fourth degree and	9873
shall be imprisoned and additionally may be fined in accordance	9874

with law." 9875

(X) In all cases of a tie vote or a disagreement in the 9876  
board, if no decision can be arrived at, the director or 9877  
chairperson shall submit the matter in controversy, not later than 9878  
fourteen days after the tie vote or the disagreement, to the 9879  
secretary of state, who shall summarily decide the question, and 9880  
the secretary of state's decision shall be final-; 9881

(Y) Assist each designated agency, deputy registrar of motor 9882  
vehicles, public high school and vocational school, public 9883  
library, and office of a county treasurer in the implementation of 9884  
a program for registering voters at all voter registration 9885  
locations as prescribed by the secretary of state. Under this 9886  
program, each board of elections shall direct to the appropriate 9887  
board of elections any voter registration applications for persons 9888  
residing outside the county where the board is located within five 9889  
days after receiving the applications. 9890

(Z) On any day on which an elector may vote in person at the 9891  
office of the board or at another site designated by the board, 9892  
consider the board or other designated site a polling place for 9893  
that day. All requirements or prohibitions of law that apply to a 9894  
polling place shall apply to the office of the board or other 9895  
designated site on that day. 9896

**Sec. 3501.17.** (A) The expenses of the board of elections 9897  
shall be paid from the county treasury, in pursuance of 9898  
appropriations by the board of county commissioners, in the same 9899  
manner as other county expenses are paid. If the board of county 9900  
commissioners fails to appropriate an amount sufficient to provide 9901  
for the necessary and proper expenses of the board of elections 9902  
pertaining to the conduct of elections, the board of elections may 9903  
apply to the court of common pleas within the county, which shall 9904  
fix the amount necessary to be appropriated and the amount shall 9905

be appropriated. Payments shall be made upon vouchers of the board 9906  
of elections certified to by its chairperson or acting chairperson 9907  
and the director or deputy director, upon warrants of the county 9908  
auditor. 9909

The board of elections shall not incur any obligation 9910  
involving the expenditure of money unless there are moneys 9911  
sufficient in the funds appropriated therefor to meet the 9912  
obligation. If the board of elections requests a transfer of funds 9913  
from one of its appropriation items to another, the board of 9914  
county commissioners shall adopt a resolution providing for the 9915  
transfer except as otherwise provided in section 5705.40 of the 9916  
Revised Code. The expenses of the board of elections shall be 9917  
apportioned among the county and the various subdivisions as 9918  
provided in this section, and the amount chargeable to each 9919  
subdivision shall be paid as provided in division (L) of this 9920  
section or withheld by the auditor from the moneys payable thereto 9921  
at the time of the next tax settlement. At the time of submitting 9922  
budget estimates in each year, the board of elections shall submit 9923  
to the taxing authority of each subdivision, upon the request of 9924  
the subdivision, an estimate of the amount to be paid or withheld 9925  
from the subdivision during the current or next fiscal year. 9926

(B) Except as otherwise provided in ~~division~~ divisions (C) 9928  
and (F) of this section, the compensation of the members of the 9929  
board of elections and of the director, deputy director, and 9930  
regular employees in the board's offices, other than compensation 9931  
for overtime worked; the expenditures for the rental, furnishing, 9932  
and equipping of the office of the board and for the necessary 9933  
office supplies for the use of the board; the expenditures for the 9934  
acquisition, repair, care, and custody of the polling places, 9935  
booths, guardrails, and other equipment for polling places; the 9936  
cost of tally sheets, maps, flags, ballot boxes, and all other 9937

permanent records and equipment; the cost of all elections held in 9938  
and for the state and county; and all other expenses of the board 9939  
which are not chargeable to a political subdivision in accordance 9940  
with this section shall be paid in the same manner as other county 9941  
expenses are paid. 9942

(C) The compensation for overtime worked by the director, 9943  
deputy director, and regular employees in the office of a board of 9944  
elections to prepare for and conduct the primary or election; the 9945  
compensation of judges of elections and intermittent employees in 9946  
the board's offices; the cost of renting, moving, heating, and 9947  
lighting polling places and of placing and removing ballot boxes 9948  
and other fixtures and equipment thereof, including voting 9949  
machines, marking devices, and automatic tabulating equipment; the 9950  
cost of printing and delivering ballots, cards of instructions, 9951  
registration lists required under section 3503.23 of the Revised 9952  
Code, and other election supplies, including the supplies required 9953  
to comply with division (H) of section 3506.01 of the Revised 9954  
Code; the cost of contractors engaged by the board to prepare, 9955  
program, test, and operate voting machines, marking devices, and 9956  
automatic tabulating equipment; and all other expenses of 9957  
conducting primaries and elections in the odd-numbered years shall 9958  
be charged to the subdivisions in and for which such primaries or 9959  
elections are held. The charge for each primary or general 9960  
election in odd-numbered years for each subdivision shall be 9961  
determined in the following manner: first, the total cost of all 9962  
chargeable items used in conducting such elections shall be 9963  
ascertained; second, the total charge shall be divided by the 9964  
number of precincts participating in such election, in order to 9965  
fix the cost per precinct; third, the cost per precinct shall be 9966  
prorated by the board of elections to the subdivisions conducting 9967  
elections ~~for the nomination or election of offices~~ in such 9968  
precinct; fourth, the total cost for each subdivision shall be 9969  
determined by adding the charges prorated to it in each precinct 9970

within the subdivision. 9971

(D) The entire cost of preparing for and conducting special 9972  
elections held on a day other than the day of a primary or general 9973  
election, both in odd-numbered or in even-numbered years, shall be 9974  
charged to the subdivision. Where a special election is held on 9975  
the same day as a primary or general election in an even-numbered 9976  
year, the subdivision submitting the special election shall be 9977  
charged only for the cost of ballots and advertising. Where a 9978  
special election is held on the same day as a primary or general 9979  
election in an odd-numbered year, the subdivision submitting the 9980  
special election shall be charged for the cost of ballots and 9981  
advertising for such special election, in addition to the charges 9982  
prorated to such subdivision for ~~the election or nomination of~~ 9983  
~~candidates in~~ each precinct within the subdivision, as set forth 9984  
in the preceding paragraph. 9985

(E) Where a special election is held on the day specified by 9986  
division (E) of section 3501.01 of the Revised Code for the 9987  
holding of a primary election, for the purpose of submitting to 9988  
the voters of the state constitutional amendments proposed by the 9989  
general assembly, and a subdivision conducts a special election on 9990  
the same day, the entire cost of preparing for and conducting the 9991  
special election shall be divided proportionally between the state 9992  
and the subdivision based upon a ratio determined by the number of 9993  
issues placed on the ballot by each, except as otherwise provided 9994  
in division (G) of this section. Such proportional division of 9995  
cost shall be made only to the extent funds are available for such 9996  
purpose from amounts appropriated by the general assembly to the 9997  
secretary of state. If a primary election is also being conducted 9998  
in the subdivision, the costs shall be apportioned as otherwise 9999  
provided in this section. 10000

(F) When a precinct is open during a general, primary, or 10001  
special election solely for the purpose of submitting to the 10002

voters a statewide ballot issue, the state shall bear the entire 10003  
cost of the election in that precinct and shall reimburse the 10004  
county for all expenses incurred in opening the precinct. 10005

(G)(1) The state shall bear the entire cost of advertising in 10006  
newspapers statewide ballot issues, explanations of those issues, 10007  
and arguments for or against those issues, as required by Section 10008  
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 10009  
and any other section of law. Appropriations made to the 10010  
controlling board shall be used to reimburse the secretary of 10011  
state for all expenses the secretary of state incurs for such 10012  
advertising under division (G) of section 3505.062 of the Revised 10013  
Code. 10014

(2) There is hereby created in the state treasury the 10015  
statewide ballot advertising fund. The fund shall receive 10016  
transfers approved by the controlling board, and shall be used by 10017  
the secretary of state to pay the costs of advertising state 10018  
ballot issues as required under division (G)(1) of this section. 10019  
Any such transfers may be requested from and approved by the 10020  
controlling board prior to placing the advertising, in order to 10021  
facilitate timely provision of the required advertising. 10022

(H) The cost of renting, heating, and lighting registration 10023  
places; the cost of the necessary books, forms, and supplies for 10024  
the conduct of registration; and the cost of printing and posting 10025  
precinct registration lists shall be charged to the subdivision in 10026  
which such registration is held. 10027

(I) ~~At the request of a majority of the members of the board~~ 10028  
~~of elections, the~~ The secretary of state shall adopt rules under 10029  
Chapter 119. of the Revised Code to establish a depreciation 10030  
schedule and an associated flat depreciation fee to be charged for 10031  
all special elections held in this state. Before adopting such 10032  
rules, the secretary of state shall consult with representatives 10033  
from educational organizations, boards of elections, boards of 10034



county commissioners, county auditors, and any other person the 10035  
secretary determines appropriate. A board of elections shall 10036  
charge the state or a political subdivision placing an issue on 10037  
the ballot at a special election the flat depreciation fee for 10038  
that year established by rule of the secretary of state by 10039  
including that flat depreciation fee in the costs of the election 10040  
charged to the state or political subdivision under division (D), 10041  
(E), or (F) of this section. 10042

(J)(1) The board of county commissioners may, by resolution, 10043  
shall establish an a single elections revenue fund. Except as 10044  
otherwise provided in this division, the purpose of the fund shall 10045  
be to accumulate revenue withheld by or paid to the county under 10046  
this section for the payment of any expense related to the duties 10047  
of the board of elections specified in section 3501.11 of the 10048  
Revised Code, upon approval of a majority of the members of the 10049  
board of elections. The fund shall not accumulate any revenue 10050  
withheld by or paid to the county under this section for the 10051  
compensation of the members of the board of elections or of the 10052  
director, deputy director, or other regular employees in the 10053  
board's offices, other than compensation for overtime worked. 10054

~~Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the~~ 10055  
~~Revised Code, the~~ The board of county commissioners may, by 10056  
resolution, ~~transfer~~ appropriate money to the elections revenue 10057  
fund from any other fund of the ~~political subdivision~~ county from 10058  
which such ~~payments~~ appropriation lawfully may be made. ~~Following~~ 10059  
~~an affirmative vote of a majority of the members of the board of~~ 10060  
~~elections, the board of county commissioners may, by resolution,~~ 10061  
~~rescind an elections revenue fund established under this division.~~ 10062  
~~If an elections revenue fund is rescinded, money that has~~ 10063  
~~accumulated in the fund shall be transferred to the county general~~ 10064  
~~fund.~~ 10065

~~(J)(2)~~ The board of county commissioners may, by resolution, 10066

establish an elections capital improvement fund. The board of 10067  
county commissioners may, by resolution, appropriate money to the 10068  
fund from any other fund of the county from which such 10069  
appropriations lawfully may be made. Except as otherwise provided 10070  
in this division, the purpose of the fund shall be to accumulate 10071  
revenue withheld by or paid to the county under this section for 10072  
payment of a flat depreciation fee, which funds shall be 10073  
accumulated for the purchase of new equipment necessary to prepare 10074  
for or administer an election, upon approval of a majority of the 10075  
members of the board of elections and subsequent appropriation by 10076  
the board of county commissioners. If the board of county 10077  
commissioners establishes an elections capital improvement fund, 10078  
the board of county commissioners may transfer from the elections 10079  
revenue fund to the elections capital improvement fund any amount 10080  
deposited into the elections revenue fund as a result of the state 10081  
or a political subdivision paying a flat depreciation fee in 10082  
accordance with division (I) of this section. 10083

Following an affirmative vote of a majority of the members of 10084  
the board of elections, the board of county commissioners may, by 10085  
resolution, rescind an elections capital improvement fund 10086  
established under this division. If an elections capital 10087  
improvement fund is rescinded, money that has accumulated in the 10088  
fund shall be transferred to the county general fund. 10089

(3) At the end of each fiscal year, the board of county 10090  
commissioners shall do one of the following with any remaining 10091  
unencumbered moneys in the elections revenue fund: 10092

(a) Transfer those moneys to the county general revenue fund; 10093  
or 10094

(b) Transfer those moneys to the elections capital 10095  
improvement fund, if one has been established under division 10096  
(J)(2) of this section. 10097

(4) Transfers made pursuant to division (J) of this section 10098  
are not subject to section 5705.14, 5705.15, or 5705.16 of the 10099  
Revised Code. 10100

(K)(1) Not less than fifteen business days before the 10101  
deadline for submitting a question or issue for placement on the 10102  
ballot at a special election, the board of elections shall prepare 10103  
and file with the board of county commissioners and the office of 10104  
the secretary of state the estimated cost, based on the factors 10105  
enumerated in this section, for preparing for and conducting an 10106  
election on one question or issue, one nomination for office, or 10107  
one election to office in each precinct in the county at that 10108  
special election and shall divide that cost by the number of 10109  
registered voters in the county. 10110

(2) The board of elections shall provide to a political 10111  
subdivision seeking to submit a question or issue, a nomination 10112  
for office, or an election to office for placement on the ballot 10113  
at a special election with the estimated cost for preparing for 10114  
and conducting that election, which shall be calculated by 10115  
multiplying the number of registered voters in the political 10116  
subdivision with the cost calculated under division (K)(1) of this 10117  
section. A political subdivision submitting a question or issue, a 10118  
nomination for office, or an election to office for placement on 10119  
the ballot at that special election shall pay to the county 10120  
elections revenue fund sixty-five per cent of the estimated cost 10121  
of the election not less than ten business days after the deadline 10122  
for submitting a question or issue for placement on the ballot for 10123  
that special election. 10124

(3) Not later than sixty days after the date of a special 10125  
election, the board of elections shall provide to each political 10126  
subdivision the true and accurate cost for the question or issue, 10127  
nomination for office, or election to office that the subdivision 10128  
submitted to the voters on the special election ballots. If the 10129

board of elections determines that a subdivision paid less for the 10130  
cost of preparing and conducting a special election under division 10131  
(K)(2) of this section than the actual cost calculated under this 10132  
division, the subdivision shall remit to the county elections 10133  
revenue fund the difference between the payment made under 10134  
division (K)(2) of this section and the final cost calculated 10135  
under this division within thirty days after being notified of the 10136  
final cost. If the board of elections determines that a 10137  
subdivision paid more for the cost of preparing and conducting a 10138  
special election under division (K)(2) of this section than the 10139  
actual cost calculated under this division, the board of elections 10140  
promptly shall notify the board of county commissioners of that 10141  
difference. The board of county commissioners shall remit from the 10142  
county elections revenue fund to the political subdivision the 10143  
difference between the payment made under division (K)(2) of this 10144  
section and the final cost calculated under this division within 10145  
thirty days after receiving that notification. 10146

(L) As used in this section: 10147

(1) "Political subdivision" and "subdivision" mean any board 10148  
of county commissioners, board of township trustees, legislative 10149  
authority of a municipal corporation, board of education, or any 10150  
other board, commission, district, or authority that is empowered 10151  
to levy taxes or permitted to receive the proceeds of a tax levy, 10152  
regardless of whether the entity receives tax settlement moneys as 10153  
described in division (A) of this section; 10154

(2) "Statewide ballot issue" means any ballot issue, whether 10155  
proposed by the general assembly or by initiative or referendum, 10156  
that is submitted to the voters throughout the state. 10157

**Sec. 3501.18.** (A) The board of elections may divide a 10158  
political subdivision within its jurisdiction into precincts, 10159  
establish, define, divide, rearrange, and combine the several 10160

election precincts within its jurisdiction, ~~and~~ or change the 10161  
location of the polling place for each precinct when it is 10162  
necessary to maintain the requirements as to the number of voters 10163  
in a precinct and to provide for the convenience of the voters and 10164  
the proper conduct of elections. Any change in the number of 10165  
precincts or in precinct boundaries shall be made in accordance 10166  
with any rules the secretary of state may adopt under Chapter 119. 10167  
of the Revised Code and, if applicable, division (C) of this 10168  
section. No change in the number of precincts or in precinct 10169  
boundaries shall be made during the twenty-five days immediately 10170  
preceding a primary or general election or between the first day 10171  
of January and the day on which the members of county central 10172  
committees are elected in the years in which those committees are 10173  
elected. Except as otherwise provided in division (C) of this 10174  
section, each precinct shall contain a number of electors, not to 10175  
exceed one thousand four hundred, that the board of elections 10176  
determines to be a reasonable number after taking into 10177  
consideration the type and amount of available equipment, prior 10178  
voter turnout, the size and location of each selected polling 10179  
place, available parking, availability of an adequate number of 10180  
poll workers, and handicap accessibility and other accessibility 10181  
to the polling place. 10182

If the board changes the boundaries of a precinct after the 10183  
filing of a local option election petition pursuant to sections 10184  
4301.32 to 4301.41, 4303.29, or 4305.14 of the Revised Code that 10185  
calls for a local option election to be held in that precinct, the 10186  
local option election shall be held in the area that constituted 10187  
the precinct at the time the local option petition was filed, 10188  
regardless of the change in the boundaries. 10189

If the board changes the boundaries of a precinct in order to 10190  
meet the requirements of division (B)(1) of this section in a 10191  
manner that causes a member of a county central committee to no 10192

longer qualify as a representative of an election precinct in the 10193  
county, of a ward of a city in the county, or of a township in the 10194  
county, the member shall continue to represent the precinct, ward, 10195  
or township for the remainder of the member's term, regardless of 10196  
the change in boundaries. 10197

In an emergency, the board may provide more than one polling 10198  
place in a precinct. In order to provide for the convenience of 10199  
the voters, the board may locate polling places for voting or 10200  
registration outside the boundaries of precincts, provided that 10201  
the nearest public school or public building shall be used if the 10202  
board determines it to be available and suitable for use as a 10203  
polling place. Except in an emergency, no change in the number or 10204  
location of the polling places in a precinct shall be made during 10205  
the twenty-five days immediately preceding a primary or general 10206  
election. 10207

Electors who have failed to respond within thirty days to any 10208  
confirmation notice shall not be counted in determining the size 10209  
of any precinct under this section. 10210

(B)(1) Except as otherwise provided in division (B)(2) of 10211  
this section, a board of elections shall ~~determine~~ set all 10212  
precinct boundaries using geographical units used by the United 10213  
States department of commerce, bureau of the census, in reporting 10214  
the decennial census of Ohio. 10215

(2) The board of elections may apply to the secretary of 10216  
state for a waiver from the requirement of division (B)(1) of this 10217  
section ~~when~~ if it is not feasible to comply with that requirement 10218  
because of unusual physical boundaries or residential development 10219  
practices that would cause unusual hardship for voters. The board 10220  
shall identify the affected precincts and census units, explain 10221  
the reason for the waiver request, and include a map illustrating 10222  
where the census units will be split because of the requested 10223  
waiver. If the secretary of state approves the waiver and so 10224

notifies the board of elections in writing, the board may change a 10225  
precinct boundary as necessary under this section, notwithstanding 10226  
the requirement in division (B)(1) of this section. 10227

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(C) The board of elections may apply to the secretary of 10229  
state for a waiver from the requirement of division (A) of this 10230  
section regarding the number of electors in a precinct when the 10231  
use of geographical units used by the United States department of 10232  
commerce, bureau of the census, will cause a precinct to contain 10233  
more than one thousand four hundred electors. The board shall 10234  
identify the affected precincts and census units, explain the 10235  
reason for the waiver request, and include a map illustrating 10236  
where census units will be split because of the requested waiver. 10237  
If the secretary of state approves the waiver and so notifies the 10238  
board of elections in writing, the board may change a precinct 10239  
boundary as necessary to meet the requirements of division (B)(1) 10240  
of this section. 10241

**Sec. 3501.21.** When the board of elections ~~considers it~~ 10242  
~~necessary to change, divide, or combine~~ changes, divides, or 10243  
combines any precinct or ~~to relocate~~ relocates a polling place in 10244  
accordance with section 3501.18 of the Revised Code, it shall 10245  
notify, prior to the next election, each of the registrants in the 10246  
precinct of the change by mail. ~~On and after August 1, 2000, when~~ 10247  
Within five days after the board approves changes to the 10248  
boundaries of any precinct or relocation of a polling place, it 10249  
shall notify the secretary of state of the change ~~not later than~~ 10250  
~~forty five days after making the change.~~ 10251

**Sec. 3501.22.** (A) On or before the fifteenth day of September 10252  
in each year, the board of elections by a majority vote shall, 10253  
after careful examination and investigation as to their 10254  
qualifications, appoint for each election precinct four residents 10255

of the county in which the precinct is located, as judges. Except 10256  
as otherwise provided in division (C) of this section, all judges 10257  
of election shall be qualified electors. The judges shall 10258  
constitute the election officers of the precinct. Not more than 10259  
one-half of the total number of judges shall be members of the 10260  
same political party. The term of such precinct officers shall be 10261  
for one year. The board may, at any time, designate any number of 10262  
election officers, not more than one-half of whom shall be members 10263  
of the same political party, to perform their duties at any 10264  
precinct in any election. The board may appoint additional 10265  
~~officials, equally divided between the two major political~~ 10266  
~~parties, judges~~ when necessary to expedite voting, but such 10267  
appointments shall not, when taken together with regular judges, 10268  
allow more than one-half of the total number of judges to be 10269  
members of the same political party. 10270

Vacancies for unexpired terms shall be filled by the board. 10271  
When new precincts have been created, the board shall appoint 10272  
judges for those precincts for the unexpired term. Any judge may 10273  
be summarily removed from office at any time by the board for 10274  
neglect of duty, malfeasance, or misconduct in office or for any 10275  
other good and sufficient reason. 10276

Precinct election officials shall perform all of the duties 10277  
provided by law for receiving the ballots and supplies, opening 10278  
and closing the polls, and overseeing the casting of ballots 10279  
during the time the polls are open, and any other duties required 10280  
by section 3501.26 of the Revised Code. 10281

A board of elections may designate two precinct election 10282  
officials as counting officials to count and tally the votes cast 10283  
and certify the results of the election at each precinct, and 10284  
perform other duties as provided by law. To expedite the counting 10285  
of votes at each precinct, the board may appoint additional 10286  
officials, not more than one-half of whom shall be members of the 10287



same political party. 10288

The board shall designate one of the precinct election 10289  
officials who is a member of the dominant political party to serve 10290  
as a presiding judge, whose duty it is to deliver the returns of 10291  
the election and all supplies to the office of the board. For 10292  
these services, the presiding judge shall receive additional 10293  
compensation in an amount, consistent with section 3501.28 of the 10294  
Revised Code, determined by the board of elections. 10295

The board shall issue to each precinct election official a 10296  
certificate of appointment, which the official shall present to 10297  
the presiding judge at the time the polls are opened. 10298

(B) If the board of elections determines that not enough 10299  
qualified electors in a precinct are available to serve as 10300  
precinct officers, it may appoint persons to serve as precinct 10301  
officers at a primary, special, or general election who are at 10302  
least seventeen years of age and are registered to vote in 10303  
accordance with section 3503.07 of the Revised Code. 10304

(C)(1) A board of elections, in conjunction with the board of 10305  
education of a city, local, or exempted village school district, 10306  
the governing authority of a community school established under 10307  
Chapter 3314. of the Revised Code, or the chief administrator of a 10308  
nonpublic school may establish a program permitting certain high 10309  
school students to apply and, if appointed by the board of 10310  
elections, to serve as precinct officers at a primary, special, or 10311  
general election. 10312

In addition to the requirements established by division 10313  
(C)(2) of this section, a board of education, governing authority, 10314  
or chief administrator that establishes a program under this 10315  
division in conjunction with a board of elections may establish 10316  
additional criteria that students shall meet to be eligible to 10317  
participate in that program. 10318

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

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

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

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

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(D) In any precinct with six or more precinct officers, up to two students participating in a program established under division (C)(1) of this section who are under eighteen years of age may serve as precinct officers. Not more than one precinct officer in any given precinct with fewer than six precinct officers shall be under eighteen years of age.

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(E)(1) Each board of elections shall adopt a policy to either allow or disallow split shift schedules for any person, other than the presiding judge, who is compensated for working at a precinct polling location or a location for the casting of absent voter's ballots in person. If the board of elections allows split shifts, the board shall adopt a policy to do both of the following:

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(a) Ensure that an adequate number of precinct officers are in each precinct;

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(b) Address inadequate numbers of precinct officers in any

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precinct due to the failure of split-shift precinct officers to 10350  
arrive for their scheduled shifts. 10351

(2) Each portion of a split shift shall consist of not less 10352  
than one-third nor more than two-thirds of the hours of work 10353  
required for a precinct officer's full shift and such hours shall 10354  
be worked consecutively. A precinct officer completing a split 10355  
shift shall be paid a percentage, based on the number of hours 10356  
worked in relation to a precinct officer's full shift, of the 10357  
per-day compensation provided for in section 3501.28 of the 10358  
Revised Code. 10359

**Sec. 3501.38.** All declarations of candidacy, nominating 10360  
petitions, or other petitions presented to or filed with the 10361  
secretary of state or a board of elections or with any other 10362  
public office for the purpose of becoming a candidate for any 10363  
nomination or office or for the holding of an election on any 10364  
issue shall, in addition to meeting the other specific 10365  
requirements prescribed in the sections of the Revised Code 10366  
relating to them, be governed by the following rules: 10367

(A) Only electors qualified to vote a regular ballot on the 10368  
candidacy or issue which is the subject of the petition shall sign 10369  
a petition. Each signer shall be a registered elector pursuant to 10370  
section 3503.11 of the Revised Code. The facts of qualification 10371  
shall be determined as of the date when the petition is filed. 10372

(B) Signatures shall be affixed in ink. Each signer may also 10374  
print the signer's name, so as to clearly identify the signer's 10375  
signature. 10376

(C) Each signer shall place on the petition after the 10377  
signer's name the date of signing and the location of the signer's 10378  
voting residence, including the street and number if in a 10379  
municipal corporation or the rural route number, post office 10380

address, or township if outside a municipal corporation. The 10381  
voting address given on the petition shall be the address 10382  
appearing in the registration records at the board of elections. 10383

(D) Except as otherwise provided in section 3501.382 of the 10384  
Revised Code, no person shall write any name other than the 10385  
person's own on any petition. Except as otherwise provided in 10386  
section 3501.382 of the Revised Code, no person may authorize 10387  
another to sign for the person. If a petition contains the 10388  
signature of an elector two or more times, only the first 10389  
signature shall be counted. 10390

(E)~~(1)~~ On each petition paper, the circulator shall indicate 10391  
the number of signatures contained on it, and shall sign a 10392  
statement made under penalty of election falsification that the 10393  
circulator witnessed the affixing of every signature, that all 10394  
signers were to the best of the circulator's knowledge and belief 10395  
qualified to sign, and that every signature is to the best of the 10396  
circulator's knowledge and belief the signature of the person 10397  
whose signature it purports to be or of an attorney in fact acting 10398  
pursuant to section 3501.382 of the Revised Code. On the 10399  
circulator's statement for a ~~declaration of candidacy or~~ 10400  
~~nominating petition for a person seeking to become a statewide~~ 10401  
~~candidate or for a statewide initiative or a statewide referendum~~ 10402  
petition paper, the circulator shall identify the circulator's 10403  
name, the address of the circulator's permanent residence, and the 10404  
name and address of the person employing the circulator to 10405  
circulate the petition, if any. 10406

~~(2) As used in division (E) of this section, "statewide~~ 10407  
~~candidate" means the joint candidates for the offices of governor~~ 10408  
~~and lieutenant governor or a candidate for the office of secretary~~ 10409  
~~of state, auditor of state, treasurer of state, or attorney~~ 10410  
~~general.~~ 10411

(F) Except as otherwise provided in section 3501.382 of the 10412

Revised Code, if a circulator knowingly permits an unqualified 10413  
person to sign a petition paper or permits a person to write a 10414  
name other than the person's own on a petition paper, that 10415  
petition paper is invalid; otherwise, the signature of a person 10416  
not qualified to sign shall be rejected but shall not invalidate 10417  
the other valid signatures on the paper. 10418

(G) The circulator of a petition may, before filing it in a 10419  
public office, strike from it any signature the circulator does 10420  
not wish to present as a part of the petition. 10421

(H) Any signer of a petition or an attorney in fact acting 10422  
pursuant to section 3501.382 of the Revised Code on behalf of a 10423  
signer may remove the signer's signature from that petition at any 10424  
time before the petition is filed in a public office by striking 10425  
the signer's name from the petition; no signature may be removed 10426  
after the petition is filed in any public office. 10427

(I)(1) No alterations, corrections, or additions may be made 10428  
to a petition after it is filed in a public office. 10429

(2)(a) No declaration of candidacy, nominating petition, or 10430  
other petition for the purpose of becoming a candidate may be 10431  
withdrawn after it is filed in a public office. Nothing in this 10432  
division prohibits a person from withdrawing as a candidate as 10433  
otherwise provided by law. 10434

(b) No petition presented to or filed with the secretary of 10435  
state, a board of elections, or any other public office for the 10436  
purpose of the holding of an election on any question or issue may 10437  
be resubmitted after it is withdrawn from a public office. Nothing 10438  
in this division prevents a question or issue petition from being 10439  
withdrawn by the filing of a written notice of the withdrawal by a 10440  
majority of the members of the petitioning committee with the same 10441  
public office with which the petition was filed prior to the 10442  
sixtieth day before the election at which the question or issue is 10443

scheduled to appear on the ballot. 10444

(J) All declarations of candidacy, nominating petitions, or 10445  
other petitions under this section shall be accompanied by the 10446  
following statement in boldface capital letters: WHOEVER COMMITS 10447  
ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE. 10448

(K) All separate petition papers shall be filed at the same 10449  
time, as one instrument. 10450

(L) If a board of elections distributes for use a petition 10451  
form for a declaration of candidacy, nominating petition, or any 10452  
type of question or issue petition that does not satisfy the 10453  
requirements of law as of the date of that distribution, the board 10454  
shall not invalidate the petition on the basis that the petition 10455  
form does not satisfy the requirements of law, if the petition 10456  
otherwise is valid. Division (L) of this section applies only if 10457  
the candidate received the petition from the board within ninety 10458  
days of when the petition is required to be filed. 10459

**Sec. 3501.39.** (A) The secretary of state or a board of 10460  
elections shall accept any petition described in section 3501.38 10461  
of the Revised Code unless one of the following occurs: 10462

(1) A written protest against the petition or candidacy, 10463  
naming specific objections, is filed, a hearing is held, and a 10464  
determination is made by the election officials with whom the 10465  
protest is filed that the petition is invalid, in accordance with 10466  
any section of the Revised Code providing a protest procedure. 10467

(2) A written protest against the petition or candidacy, 10468  
naming specific objections, is filed, a hearing is held, and a 10469  
determination is made by the election officials with whom the 10470  
protest is filed that the petition violates any requirement 10471  
established by law. 10472

(3) The candidate's candidacy or the petition violates the 10473

requirements of this chapter, Chapter 3513. of the Revised Code, 10474  
or any other requirements established by law. 10475

(B) Except as otherwise provided in division (C) of this 10476  
section or section 3513.052 of the Revised Code, a board of 10477  
elections shall not invalidate any declaration of candidacy or 10478  
nominating petition under division (A)(3) of this section after 10479  
the ~~fiftieth~~ sixtieth day prior to the election at which the 10480  
candidate seeks nomination to office, if the candidate filed a 10481  
declaration of candidacy, or election to office, if the candidate 10482  
filed a nominating petition. 10483

(C)(1) If a petition is filed for the nomination or election 10484  
of a candidate in a charter municipal corporation with a filing 10485  
deadline that occurs after the ~~seventy-fifth~~ eighty-fifth day 10486  
before the day of the election, a board of elections may 10487  
invalidate the petition within fifteen days after the date of that 10488  
filing deadline. 10489

(2) If a petition for the nomination or election of a 10490  
candidate is invalidated under division (C)(1) of this section, 10491  
that person's name shall not appear on the ballots for any office 10492  
for which the person's petition has been invalidated. If the 10493  
ballots have already been prepared, the board of elections shall 10494  
remove the name of that person from the ballots to the extent 10495  
practicable in the time remaining before the election. If the name 10496  
is not removed from the ballots before the day of the election, 10497  
the votes for that person are void and shall not be counted. 10498

Sec. 3501.40. (A) The secretary of state shall adopt rules 10499  
specifying the manner in which elections shall be conducted in 10500  
this state in the event of an emergency. 10501

(B)(1) Not later than December 31, 2011, each board of 10502  
elections shall establish and submit to the secretary of state an 10503  
emergency preparedness plan for the conduct of elections in the 10504

applicable county. A board of elections shall review its plan and 10505  
submit an updated plan to the secretary of state at the 10506  
commencement of each new term of office of the secretary of state. 10507

(2) The secretary of state shall establish, by rule, the form 10508  
and content of emergency preparedness plans required to be 10509  
submitted by a board of elections under division (B)(1) of this 10510  
section. 10511

(C) As used in this section, "emergency" means any period 10512  
during which the governor has declared or proclaimed that an 10513  
emergency exists. 10514

**Sec. 3501.90.** (A) As used in this section: 10515

(1) "Harassment in violation of the election law" means 10516  
either of the following: 10517

(a) Any of the following types of conduct in or about a 10518  
polling place ~~or~~, a place of registration or election, or a place 10519  
where an elector is casting an absent voter's ballot: obstructing 10520  
access of an elector to a polling place; another improper practice 10521  
or attempt tending to obstruct, intimidate, or interfere with an 10522  
elector in registering or voting at a place of registration or 10523  
election; molesting or otherwise engaging in violence against 10524  
observers in the performance of their duties at a place of 10525  
registration or election; or participating in a riot, violence, 10526  
tumult, or disorder in and about a place of registration or 10527  
election; 10528

(b) A violation of division (A)(1), (2), (3), or (5) or 10529  
division (B) of section 3501.35 of the Revised Code. 10530

(2) "Person" has the same meaning as in division (C) of 10531  
section 1.59 of the Revised Code and also includes any 10532  
organization that is not otherwise covered by that division. 10533

(3) "Trier of fact" means the jury or, in a nonjury action, 10534



the court. 10535

(B) An elector who has experienced harassment in violation of 10536  
the election law has a cause of action against each person that 10537  
committed the harassment in violation of the election law. In any 10538  
civil action based on this cause of action, the elector may seek a 10539  
declaratory judgment, an injunction, or other appropriate 10540  
equitable relief. The civil action may be commenced by an elector 10541  
who has experienced harassment in violation of the election law 10542  
either alone or as a party to a class action under Civil Rule 23. 10543

(C)(1) In addition to the equitable relief authorized by 10544  
division (B) of this section, an elector who has experienced 10545  
harassment in violation of the election law may be entitled to 10546  
relief under division (C)(2) or (3) of this section. 10547

(2) If the harassment in violation of the election law 10548  
involved intentional or reckless threatening or causing of bodily 10549  
harm to the elector while the elector was attempting to register 10550  
to vote, to obtain an absent voter's ballot, or to vote, the 10551  
elector may seek, in a civil action based on the cause of action 10552  
created by division (B) of this section, monetary damages as 10553  
prescribed in this division. The civil action may be commenced by 10554  
the elector who has experienced harassment in violation of the 10555  
election law either alone or as a party to a class action under 10556  
Civil Rule 23. Upon proof by a preponderance of the evidence in 10557  
the civil action that the harassment in violation of the election 10558  
law involved intentional or reckless threatening or causing of 10559  
bodily harm to the elector, the trier of fact shall award the 10560  
elector the greater of three times of the amount of the elector's 10561  
actual damages or one thousand dollars. The court also shall award 10562  
a prevailing elector reasonable attorney's fees and court costs. 10563

(3) Whether a civil action on the cause of action created by 10564  
division (B) of this section is commenced by an elector who has 10565  
experienced harassment in violation of the election law alone or 10566

as a party to a class action under Civil Rule 23, if the defendant 10567  
in the action is an organization that has previously been 10568  
determined in a court of this state to have engaged in harassment 10569  
in violation of the election law, the elector may seek an order of 10570  
the court granting any of the following forms of relief upon proof 10571  
by a preponderance of the evidence: 10572

(a) Divestiture of the organization's interest in any 10573  
enterprise or in any real property; 10574

(b) Reasonable restrictions upon the future activities or 10575  
investments of the organization, including, but not limited to, 10576  
prohibiting the organization from engaging in any harassment in 10577  
violation of the election law; 10578

(c) The dissolution or reorganization of the organization; 10579

(d) The suspension or revocation of any license, permit, or 10580  
prior approval granted to the organization by any state agency; 10581

(e) The revocation of the organization's authorization to do 10582  
business in this state if the organization is a foreign 10583  
corporation or other form of foreign entity. 10584

(D) It shall not be a defense in a civil action based on the 10585  
cause of action created by division (B) of this section, whether 10586  
commenced by an elector who has experienced harassment in 10587  
violation of the election law alone or as a party to a class 10588  
action under Civil Rule 23, that no criminal prosecution was 10589  
commenced or conviction obtained in connection with the conduct 10590  
alleged to be the basis of the civil action. 10591

(E) In a civil action based on the cause of action created by 10592  
division (B) of this section, whether commenced by an elector who 10593  
has experienced harassment in violation of the election law alone 10594  
or as a party to a class action under Civil Rule 23, the elector 10595  
may name as defendants each individual who engaged in conduct 10596  
constituting harassment in violation of the election law as well 10597

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

(F) A board of elections shall place on all absent voter's materials a telephone number through which a voter may report alleged harassment in violation of the election law.

**Sec. 3503.01.** (A) Every citizen of the United States who is of the age of eighteen years or over ~~and,~~ who ~~has~~ will have been a resident of the state for thirty days immediately preceding the day of an election ~~at which the citizen offers to vote,~~ who is a resident of the county ~~and precinct~~ in which the citizen offers to vote, and ~~has~~ who will have been registered to vote for thirty days by the day of an election, has the qualifications of an elector and may vote at all elections in the precinct in which the citizen resides.

(B) When only a portion of a precinct is included within the boundaries of an election district, the board of elections may assign the electors residing in such portion of a precinct to the nearest precinct or portion of a precinct within the boundaries of such election district for the purpose of voting at any special election held in such district. In any election in which only a part of the electors in a precinct is qualified to vote, the board may assign voters in such part to an adjoining precinct. Such assignment may be made to an adjoining precinct in another county with the consent and approval of the board of elections of such other county if the number of voters assigned to vote in a precinct in another county is two hundred or less.

The board shall notify all such electors so assigned, at least ten days prior to the holding of any such election, of the location of the polling place where they are entitled to vote at such election.

As used in division (B) of this section, "election district" 10629  
means a school district, municipal corporation, township, or other 10630  
political subdivision that includes territory in more than one 10631  
precinct or any other district or authority that includes 10632  
territory in more than one precinct and that is authorized by law 10633  
to place an issue on the ballot at a special election. 10634

**Sec. 3503.04.** Persons who are inmates of a public or private 10635  
institution who are citizens of the United States and have resided 10636  
in this state thirty days immediately preceding the election, and 10637  
who are otherwise qualified as to age ~~and residence within the~~ 10638  
~~county shall have their lawful residence in the county, city,~~ 10639  
~~village and township in which said~~ be permitted to register to 10640  
vote at the address of that institution ~~is located~~ provided, that 10641  
the lawful residence of a qualified elector who is an inmate in 10642  
such an institution for a temporary treatment purpose only, shall 10643  
be the residence from which ~~he~~ the elector entered such 10644  
institution. 10645

For the purpose of this section, "a temporary purpose" means 10646  
remaining an inmate of a public or private institution for less 10647  
than ninety days. 10648

**Sec. 3503.06.** (A) No person shall be entitled to vote at any 10649  
election, ~~or to sign or circulate any declaration of candidacy or~~ 10650  
~~any nominating, or recall petition,~~ unless the person is 10651  
registered as an elector and will have resided in the county ~~and~~ 10652  
~~precinct~~ where the person is registered for at least thirty days 10653  
at the time of the next election. 10654

(B)~~(1)~~ No person shall be entitled to sign any petition, 10655  
unless the person is registered as an elector and resides in a 10656  
precinct in which the candidacy or issue that is the subject of 10657  
the petition will appear on the ballot. 10658

~~(C) No person shall be entitled to circulate any initiative or referendum petition unless the person is a resident of this state at least eighteen years of age.~~ 10659  
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~~(2) All election officials, in determining the residence of a person circulating a petition under division (B)(1) of this section, shall be governed by the following rules:~~ 10662  
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~~(a) That place shall be considered the residence of a person in which the person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning.~~ 10665  
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~~(b) A person shall not be considered to have lost the person's residence who leaves the person's home and goes into another state for temporary purposes only, with the intention of returning.~~ 10668  
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~~(c) A person shall not be considered to have gained a residence in any county of this state into which the person comes for temporary purposes only, without the intention of making that county the permanent place of abode.~~ 10672  
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~~(d) If a person removes to another state with the intention of making that state the person's residence, the person shall be considered to have lost the person's residence in this state.~~ 10676  
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~~(e) Except as otherwise provided in division (B)(2)(f) of this section, if a person removes from this state and continuously resides outside this state for a period of four years or more, the person shall be considered to have lost the person's residence in this state, notwithstanding the fact that the person may entertain an intention to return at some future period.~~ 10679  
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~~(f) If a person removes from this state to engage in the services of the United States government, the person shall not be considered to have lost the person's residence in this state during the period of that service, and likewise should the person enter the employment of the state, the place where that person~~ 10685  
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~~resided at the time of the person's removal shall be considered to be the person's place of residence.~~ 10690  
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~~(g) If a person goes into another state and, while there, exercises the right of a citizen by voting, the person shall be considered to have lost the person's residence in this state.~~ 10692  
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~~(C) No person shall be entitled to sign any initiative or referendum petition unless the person is registered as an elector and will have resided in the county and precinct where the person is registered for at least thirty days at the time of the next election.~~ 10695  
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**Sec. 3503.10.** (A) ~~Each designated agency shall designate The secretary of state shall be the chief elections official who coordinates Ohio's responsibilities under section 7 of the National Voter Registration Act of 1993. To fulfill that responsibility, not later than one hundred twenty days after the effective date of this amendment or not later than one hundred twenty days after an agency is determined to be a designated agency in accordance with division (X) of section 3501.01 of the Revised Code, the secretary of state shall enter into a memorandum of understanding with the head of the state agency with supervisory authority over each designated agency for the purpose of prescribing a general program for registering voters or updating voter registration information, such as name and residence changes, consistent with the National Voter Registration Act of 1993. The secretary of state and the head of each applicable state agency shall enter into a new memorandum of understanding for the purpose of complying with section 7 of the National Voter Registration Act of 1993 every four years thereafter beginning on December 1, 2011.~~ 10700  
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~~The head of the agency with supervisory authority over each designated agency shall agree that the state agency and any agency~~ 10719  
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under its authority shall do all of the following, at a minimum, 10721  
in the memorandum of understanding that it enters into with the 10722  
secretary of state under this section: 10723

(1) Affirm its agreement to comply with the requirements of 10724  
the National Voter Registration Act of 1993; 10725

(2) Create and submit, within ninety days after the agency 10726  
and the secretary of state enter into the memorandum of 10727  
understanding, an agency plan for implementing the general program 10728  
for registering voters or updating voter registration information 10729  
prescribed by the secretary of state; transmit that plan and any 10730  
subsequent amendments to the secretary of state within five 10731  
business days after the plan is approved by the head of the 10732  
agency; post the plan on the agency's web site, if available, and 10733  
at the agency's office; and update the plan within ninety days 10734  
after entering into any future memorandum of understanding or 10735  
whenever the agency considers such an update to be necessary; 10736

(3) Implement the general program for registering voters or 10737  
updating voter registration information prescribed by the 10738  
secretary of state and agree that the secretary of state may 10739  
administer oaths, issue subpoenas, summon witnesses, compel the 10740  
production of books, papers, records, and other evidence, and fix 10741  
the time and place for hearing any matters relating to the 10742  
administration and enforcement of this chapter and the memorandum 10743  
of understanding; 10744

(4) Designate one person within that agency to serve as 10745  
coordinator for the voter registration program within the agency 10746  
and its departments, divisions, and programs. The designated 10747  
person shall be trained under a program designed by the secretary 10748  
of state and shall be responsible for administering all aspects of 10749  
the voter registration program for that agency as prescribed by 10750  
the secretary of state. The designated person shall receive no 10751  
additional compensation for performing such duties. 10752

(5) Prominently place signs, prescribed by the secretary of state, in all designated agency offices alerting clients that they must be offered the opportunity to register to vote or to update their voter registration; 10753  
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(6) Beginning within one hundred eighty days after the effective date of the initial memorandum of understanding, report quarterly to the secretary of state all of the following: 10757  
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(a) The number of new registrations received by the agency during the previous quarter; 10760  
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(b) The number of updated registrations received by the agency during the previous quarter; and 10762  
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(c) The total number of clients served by the agency during the previous quarter. 10764  
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(7) Allow an individual to register a complaint to either the designated agency or, if available, to a central complaint hotline about an agency's failure to offer to clients the opportunity to register to vote or update their voter registrations; 10766  
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(8) Agree that the secretary of state has the authority to initiate a mandamus action before the supreme court if the agency does not correct any deficiency in compliance with this chapter or the memorandum of understanding within forty-five days after receiving written notice of the deficiency from the secretary of state; 10770  
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(9) Provide electronic registration updates to the secretary of state, if applicable, upon request. 10776  
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Not later than sixty days after the effective date of this amendment, the secretary of state shall provide to each designated agency such information as may be necessary for the agency to comply with the provisions required to be included in the memorandum of understanding entered into under this section, 10778  
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including, but not limited to, prescribed forms and signs, 10783  
guidance for submitting required reports, and guidance for 10784  
processing complaints. 10785

(B) Every designated agency, public high school and 10786  
vocational school, public library, and office of a county 10787  
treasurer shall provide in each of its offices or locations voter 10788  
registration applications and assistance in the registration of 10789  
persons qualified to register to vote, in accordance with this 10790  
chapter. 10791

(C) Every designated agency shall distribute to its 10792  
applicants, prior to or in conjunction with distributing a voter 10793  
registration application, a form prescribed by the secretary of 10794  
state that includes all of the following: 10795

(1) The question, "~~Do you want~~ If you are not registered to 10796  
vote where you live now, would you like to apply to register to 10797  
vote or update your current voter registration here 10798  
today?"--followed by boxes for the applicant to indicate whether 10799  
the applicant would like to register or decline to register to 10800  
vote, and the statement, highlighted in bold print, "If you do not 10801  
check either box, you will be considered to have decided not to 10802  
register to vote at this time."; 10803

(2) If the agency provides public assistance, the statement, 10804  
"Applying to register or declining to register to vote will not 10805  
affect the amount of assistance that you will be provided by this 10806  
agency."; 10807

(3) The statement, "If you would like help in filling out the 10808  
voter registration application form, we will help you. The 10809  
decision whether to seek or accept help is yours. You may fill out 10810  
the application form in private."; 10811

(4) The statement, "If you believe that someone has 10812  
interfered with your right to register or to decline to register 10813

to vote, your right to privacy in deciding whether to register or 10814  
in applying to register to vote, or your right to choose your own 10815  
political party or other political preference, you may file a 10816  
complaint with the prosecuting attorney of your county or with the 10817  
secretary of state," with the address and telephone number for 10818  
each such official's office. 10819

(D) Each designated agency shall distribute a voter 10820  
registration form prescribed by the secretary of state to each 10821  
applicant with each application for service or assistance, and 10822  
with each written application or form for recertification, 10823  
renewal, or change of address. 10824

(E) Each designated agency shall do all of the following: 10825

(1) Have employees trained to administer the voter 10826  
registration program in order to provide to each applicant who 10827  
wishes to register to vote and who accepts assistance, the same 10828  
degree of assistance with regard to completion of the voter 10829  
registration application as is provided by the agency with regard 10830  
to the completion of its own form; 10831

(2) Accept completed voter registration applications, voter 10832  
registration change of residence forms, and voter registration 10833  
change of name forms, regardless of whether the application or 10834  
form was distributed by the designated agency, for transmittal to 10835  
the office of the board of elections in the county in which the 10836  
agency is located. Each designated agency and the appropriate 10837  
board of elections shall establish a method by which the voter 10838  
registration applications and other voter registration forms are 10839  
transmitted to that board of elections within five business days 10840  
after being accepted by the agency. 10841

(3) If the designated agency is one that is primarily engaged 10842  
in providing services to persons with disabilities under a 10843  
state-funded program, and that agency provides services to a 10844

person with disabilities at a person's home, provide the services 10845  
described in divisions (E)(1) and (2) of this section at the 10846  
person's home; 10847

(4) Keep as confidential, except as required by the secretary 10848  
of state for record-keeping purposes, the identity of an agency 10849  
through which a person registered to vote or updated the person's 10850  
voter registration records, and information relating to a 10851  
declination to register to vote made in connection with a voter 10852  
registration application issued by a designated agency. 10853

(F) The secretary of state shall prepare and transmit written 10854  
instructions on the implementation of the voter registration 10855  
program within each designated agency, public high school and 10856  
vocational school, public library, and office of a county 10857  
treasurer. The instructions shall include directions as follows: 10858

(1) That each person designated to assist with voter 10859  
registration maintain strict neutrality with respect to a person's 10860  
political philosophies, a person's right to register or decline to 10861  
register, and any other matter that may influence a person's 10862  
decision to register or not register to vote; 10863

(2) That each person designated to assist with voter 10864  
registration not seek to influence a person's decision to register 10865  
or not register to vote, not display or demonstrate any political 10866  
preference or party allegiance, and not make any statement to a 10867  
person or take any action the purpose or effect of which is to 10868  
lead a person to believe that a decision to register or not 10869  
register has any bearing on the availability of services or 10870  
benefits offered, on the grade in a particular class in school, or 10871  
on credit for a particular class in school; 10872

(3) Regarding when and how to assist a person in completing 10873  
the voter registration application, what to do with the completed 10874  
voter registration application or voter registration update form, 10875

and when the application must be transmitted to the appropriate board of elections; 10876  
10877

(4) Regarding what records must be kept by the agency and where and when those records should be transmitted to satisfy reporting requirements imposed on the secretary of state under the National Voter Registration Act of 1993; 10878  
10879  
10880  
10881

(5) Regarding whom to contact to obtain answers to questions about voter registration forms and procedures. 10882  
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(G) If the voter registration activity is part of an in-class voter registration program in a public high school or vocational school, whether prescribed by the secretary of state or independent of the secretary of state, the board of education shall do all of the following: 10884  
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10887  
10888

(1) Establish a schedule of school days and hours during these days when the person designated to assist with voter registration shall provide voter registration assistance; 10889  
10890  
10891

(2) Designate a person to assist with voter registration from the public high school's or vocational school's staff; 10892  
10893

(3) Make voter registration applications and materials available, as outlined in the voter registration program established by the secretary of state pursuant to section 3501.05 of the Revised Code; 10894  
10895  
10896  
10897

(4) Distribute the statement, "applying to register or declining to register to vote will not affect or be a condition of your receiving a particular grade in or credit for a school course or class, participating in a curricular or extracurricular activity, receiving a benefit or privilege, or participating in a program or activity otherwise available to pupils enrolled in this school district's schools."; 10898  
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(5) Establish a method by which the voter registration 10905

application and other voter registration forms are transmitted to 10906  
the board of elections within five days after being accepted by 10907  
the public high school or vocational school. 10908

(H) Any person employed by the designated agency, public high 10909  
school or vocational school, public library, or office of a county 10910  
treasurer may be designated to assist with voter registration 10911  
pursuant to this section. The designated agency, public high 10912  
school or vocational school, public library, or office of a county 10913  
treasurer shall provide the designated person, and make available 10914  
such space as may be necessary, without charge to the county or 10915  
state. 10916

(I) The secretary of state shall prepare and ~~cause to be~~ 10917  
~~displayed~~ designated agencies shall display in a prominent 10918  
location in each designated agency a notice that identifies the 10919  
person designated to assist with voter registration, the nature of 10920  
that person's duties, and where and when that person is available 10921  
for assisting in the registration of voters. 10922

A designated agency may furnish additional supplies and 10923  
services to disseminate information to increase public awareness 10924  
of the existence of a person designated to assist with voter 10925  
registration in every designated agency. 10926

(J) This section does not limit any authority a board of 10927  
education, superintendent, or principal has to allow, sponsor, or 10928  
promote voluntary election registration programs within a high 10929  
school or vocational school, including programs in which pupils 10930  
serve as persons designated to assist with voter registration, 10931  
provided that no pupil is required to participate. 10932

(K) Each public library and office of the county treasurer 10933  
shall establish a method by which voter registration forms are 10934  
transmitted to the board of elections within five days after being 10935  
accepted by the public library or office of the county treasurer. 10936

~~(L) The department of job and family services and its departments, divisions, and programs shall limit administration of the aspects of the voter registration program for the department to the requirements prescribed by the secretary of state and the requirements of this section and the National Voter Registration Act of 1993. (1) The secretary of state may do any of the following to effect compliance with this chapter:~~ 10937  
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10939  
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(a) Administer oaths, issue subpoenas, summon witnesses, compel the production of books, papers, records, and other evidence, and fix the time and place for hearing any matters relating to the administration and enforcement of this chapter and the memorandum of understanding required under this section; 10944  
10945  
10946  
10947  
10948

(b) Initiate a mandamus action before the supreme court if the state office of a designated agency fails, by the applicable deadline, to enter into the memorandum of understanding required by this section; 10949  
10950  
10951  
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(c) Initiate a mandamus action against the state office of a designated agency before the supreme court if a designated agency does not correct any deficiency in compliance with this chapter or the memorandum of understanding within forty-five days after receiving written notice of the deficiency from the secretary of state. 10953  
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(2) The head of a state agency with supervisory authority over a designated agency may do any of the following to effect compliance with this chapter: 10959  
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10961

(a) Initiate a mandamus action before the supreme court if the secretary of state fails, by the applicable deadline, to enter into the memorandum of understanding required by this section; 10962  
10963  
10964

(b) Initiate a mandamus action before the supreme court if the secretary of state does not correct any deficiency in the proper exercise of the duties of the secretary of state under this 10965  
10966  
10967

chapter or the memorandum of understanding within forty-five days 10968  
after receiving written notice of the deficiency from the state 10969  
office of the designated agency; 10970

(c) Initiate a mandamus action before the supreme court if 10971  
the county office of that designated agency does not correct any 10972  
deficiency in compliance with this chapter or the memorandum of 10973  
understanding within forty-five days after receiving written 10974  
notice of the deficiency from the state office of that designated 10975  
agency. 10976

**Sec. 3503.11.** ~~When any person applies for (A)(1) The~~ 10977  
~~secretary of state, in consultation with the Ohio bureau of motor~~ 10978  
~~vehicles, shall adopt rules that require any change of address~~ 10979  
~~form submitted to change a person's address for a driver's~~ 10980  
license, commercial driver's license, a state of Ohio 10981  
identification card issued under section 4507.50 of the Revised 10982  
Code, or motorcycle operator's license or endorsement, or for the 10983  
renewal or duplicate of any license or endorsement under Chapter 10984  
4506. or 4507. of the Revised Code, ~~the registrar of motor~~ 10985  
~~vehicles or deputy registrar shall offer the applicant the~~ 10986  
~~opportunity to register to vote or to update the applicant's voter~~ 10987  
~~registration to also serve as notification of change of address~~ 10988  
for voter registration purposes unless the person states on the 10989  
form that the change of address is not for voter registration 10990  
purposes or the person is not a registered voter. The registrar of 10991  
motor vehicles or deputy registrar ~~also~~ shall make available to 10992  
all ~~other~~ customers voter registration applications and change of 10993  
residence and change of name, ~~forms, but is not required to offer~~ 10994  
~~assistance to these customers in completing a voter registration~~ 10995  
~~application or other form.~~ 10996

The registrar or deputy registrar shall send any completed 10997  
registration application or any completed change of residence or 10998

change of name form to the board of elections of the county in 10999  
which the office of the registrar or deputy registrar is located, 11000  
within five business days after accepting the application or other 11001  
form. 11002

(2) The registrar shall collect from each deputy registrar 11003  
through the reports filed under division (J) of section 4503.03 of 11004  
the Revised Code and transmit to the secretary of state 11005  
information on the number of voter registration applications and 11006  
change of residence or change of name forms completed or declined, 11007  
and any additional information required by the secretary of state 11008  
to comply with the National Voter Registration Act of 1993. No 11009  
information relating to an applicant's decision to decline to 11010  
register or update the applicant's voter registration at the 11011  
office of the registrar or deputy registrar may be used for any 11012  
purpose other than voter registration record-keeping required by 11013  
the secretary of state, and all such information shall be kept 11014  
confidential. 11015

(3) The secretary of state shall prescribe voter registration 11016  
applications and change of residence and change of name forms for 11017  
use by the bureau of motor vehicles. The bureau of motor vehicles 11018  
shall supply all of its deputy registrars with a sufficient number 11019  
of voter registration applications and change of residence and 11020  
change of name forms. 11021

(B)(1) Not later than December 31, 2010, the secretary of 11022  
state shall establish a secure internet web site to permit 11023  
individuals who meet the qualifications of an elector and who 11024  
possess a current and valid Ohio driver's license or 11025  
identification card issued by the Ohio bureau of motor vehicles to 11026  
do any of the following: 11027

(a) Submit a voter registration application to register; 11028

(b) Change the individual's name, address, or other 11029



information in the individual's current voter registration record; 11030

(c) Determine the status of the individual's previously 11031  
submitted voter registration application and, if applicable, 11032  
correct an error or omission on that application. 11033

(2) The internet-based voter registration application 11034  
established under division (B) of this section shall include the 11035  
same information, warnings, and disclaimers as required for paper 11036  
voter registration applications. The application also shall 11037  
require an applicant to provide the number of the applicant's 11038  
current and valid Ohio driver's license or state identification 11039  
card. 11040

(3) When an individual submits an application under division 11041  
(B) of this section, the information submitted by the applicant 11042  
shall be compared with the information in the database of the 11043  
registrar of motor vehicles. 11044

(a) If the information submitted by the applicant 11045  
substantially matches the information in the database of the 11046  
registrar of motor vehicles, the application shall be provided to 11047  
and processed by the applicable board of elections as a 11048  
registration by mail, in accordance with section 3503.19 of the 11049  
Revised Code. The bureau also shall transmit to the board of 11050  
elections the digitized signature of the applicant on file with 11051  
the bureau. 11052

(b) If the information submitted by the applicant does not 11053  
substantially match the information in the database of the 11054  
registrar of motor vehicles, or if the bureau cannot otherwise 11055  
verify that the individual possesses a current and valid Ohio 11056  
driver's license or state identification card, the bureau shall 11057  
notify the board of elections of that fact when the bureau 11058  
provides the application to the board. The board shall notify the 11059  
individual of the error and provide the individual with the 11060

opportunity to correct the application in accordance with division 11061  
(C)(2) of section 3503.19 of the Revised Code. 11062

(4) Notwithstanding any provision of the Revised Code to the 11063  
contrary, a digitized signature transmitted by the Ohio bureau of 11064  
motor vehicles to a board of elections under division (B) of this 11065  
section shall be considered an original signature on a voter 11066  
registration application. 11067

(5) A person who registers to vote under division (B) of this 11068  
section shall be considered to have registered by mail for the 11069  
purpose of Title XXXV of the Revised Code and federal election 11070  
law. 11071

(6) The secretary of state may adopt rules under Chapter 119. 11072  
of the Revised Code to implement division (B) of this section. 11073

(7) The secretary of state shall establish a task force 11074  
comprised of individuals designated by the Ohio bureau of motor 11075  
vehicles to implement the requirements of division (B) of this 11076  
section. The purpose of the task force shall be to develop a 11077  
memorandum of understanding between the secretary of state and the 11078  
bureau of motor vehicles. The memorandum of understanding shall 11079  
identify the responsibilities of the secretary of state and the 11080  
bureau to provide for the orderly implementation and maintenance 11081  
of the voter registration process established by division (B) of 11082  
this section. 11083

Expenses incurred by the task force are the responsibility of 11084  
the secretary of state. The operation of the task force ceases 11085  
upon the completion of the tasks necessary to provide for the 11086  
implementation of division (B) of this section. The secretary of 11087  
state at any time may form a new task force to address the 11088  
maintenance of or changes to the implementation process for 11089  
division (B) of this section. 11090

Sec. 3503.14. (A) The secretary of state shall prescribe the form and content of the registration, change of residence, and change of name forms used in this state. The forms shall meet the requirements of the National Voter Registration Act of 1993 and shall include spaces for all of the following:

- (1) The voter's name;
- (2) The voter's address;
- (3) The current date;
- (4) The voter's ~~date of birth~~ birthdate;
- (5) The voter to provide one or more of the following:
  - (a) The voter's Ohio driver's license number, if any;
  - (b) The last four digits of the voter's social security number, if any;
  - (c) ~~A copy of a current and valid photo identification, a copy of a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the voter's name and address~~ The voter's identification.

(6) The voter's signature.

The registration form shall include a space on which the person registering an applicant shall sign the person's name and provide the person's address and a space on which the person registering an applicant shall name the employer who is employing that person to register the applicant.

The registration form shall include a space, which shall be

labeled as "Recommended," in which the person submitting the 11120  
application may record a contact phone number, an electronic mail 11121  
address, or both. 11122

Except for forms prescribed by the secretary of state under 11123  
section 3503.11 of the Revised Code, the secretary of state shall 11124  
permit boards of elections to produce forms that have subdivided 11125  
spaces for each individual alphanumeric character of the 11126  
information provided by the voter so as to accommodate the 11127  
electronic reading and conversion of the voter's information to 11128  
data and the subsequent electronic transfer of that data to the 11129  
statewide voter registration database established under section 11130  
3503.15 of the Revised Code. 11131

(B) None of the following persons who are registering an 11132  
applicant in the course of that official's or employee's normal 11133  
duties shall sign the person's name, provide the person's address, 11134  
or name the employer who is employing the person to register an 11135  
applicant on a form prepared under this section: 11136

- (1) An election official; 11137
- (2) A county treasurer; 11138
- (3) A deputy registrar of motor vehicles; 11139
- (4) An employee of a designated agency; 11140
- (5) An employee of a public high school; 11141
- (6) An employee of a public vocational school; 11142
- (7) An employee of a public library; 11143
- (8) An employee of the office of a county treasurer; 11144
- (9) An employee of the bureau of motor vehicles; 11145
- (10) An employee of a deputy registrar of motor vehicles; 11146
- (11) An employee of an election official. 11147

(C) Except as provided in section 3501.382 of the Revised 11148

Code, any applicant who is unable to sign the applicant's own name 11149  
shall make an "X," if possible, which shall be certified by the 11150  
signing of the name of the applicant by the person filling out the 11151  
form, who shall add the person's own signature. If an applicant is 11152  
unable to make an "X," the applicant shall indicate in some manner 11153  
that the applicant desires to register to vote or to change the 11154  
applicant's name or residence. The person registering the 11155  
applicant shall sign the form and attest that the applicant 11156  
indicated that the applicant desired to register to vote or to 11157  
change the applicant's name or residence. 11158

(D) No registration, change of residence, or change of name 11159  
form shall be rejected solely on the basis that a person 11160  
registering an applicant failed to sign the person's name or 11161  
failed to name the employer who is employing that person to 11162  
register the applicant as required under division (A) of this 11163  
section. 11164

(E) As used in this section, "registering an applicant" 11165  
includes any effort, for compensation, to provide voter 11166  
registration forms or to assist persons in completing or returning 11167  
those forms. 11168

Sec. 3503.141. (A) A board of elections that receives a voter 11169  
registration application by mail shall determine whether the 11170  
applicant has previously voted at a federal election in Ohio and 11171  
whether the application includes any of the following information: 11172

(1) The applicant's Ohio driver's license number; 11173

(2) The last four digits of the applicant's social security 11174  
number; or 11175

(3) A copy of a first-time mail-in registrant identification. 11176

(B) The board of elections shall cause the voter's name in 11177  
the county's voter registration records and in the poll list or 11178

signature pollbook for the applicable precinct to be marked to 11179  
indicate that the voter shall be required to provide first-time 11180  
mail-in registrant identification when the voter appears to vote, 11181  
if both of the following apply: 11182

(1) The application does not contain any of the forms of 11183  
identification specified in division (A) of this section. 11184

(2) The applicant has not previously voted at a federal 11185  
election in Ohio. 11186

(C) At the first election at which a voter whose name has 11187  
been marked under division (B) of this section appears to vote, 11188  
the voter shall be required to provide first-time mail-in 11189  
registrant identification. 11190

(1) If the voter does not have or does not provide first-time 11191  
mail-in registrant identification at that election, the voter 11192  
shall be permitted to cast a provisional ballot under section 11193  
3505.181 of the Revised Code. 11194

(2) If the voter provides first-time mail-in registrant 11195  
identification at that election, the board shall remove the 11196  
indication that first-time mail-in registrant identification is 11197  
required from the county's voter registration records and the poll 11198  
list or signature pollbook, and the voter shall be permitted to 11199  
vote a regular ballot. 11200

**Sec. 3503.142.** The secretary of state shall coordinate with 11201  
boards of elections to identify, collect, and distribute best 11202  
practices for processing voter registrations, including, but not 11203  
limited to, best practices for data entry and quality assurance. 11204  
The secretary of state shall issue best practice instructions to 11205  
boards of elections at least once every two years. 11206

**Sec. 3503.15.** (A) The secretary of state shall establish and 11207  
maintain a statewide voter registration database that shall be 11208

continuously available to each board of elections and to other agencies as authorized by law.

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

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

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

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

(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;

(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;

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

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

(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;	11239
(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;	11240 11241 11242 11243
(3) Establishing a uniform method for purging canceled voter registration records from the statewide voter registration database in accordance with section 3503.21 of the Revised Code;	11244 11245 11246
(4) Specifying the persons authorized to add, delete, modify, or print records contained in the statewide voter registration database and to make updates of that database;	11247 11248 11249
(5) Establishing a process for annually auditing the information contained in the statewide voter registration database.	11250 11251 11252
(E) A board of elections promptly shall purge a voter's name and voter registration information from the statewide voter registration database in accordance with the rules adopted by the secretary of state under division (D)(3) of this section after the cancellation of a voter's registration under section 3503.21 of the Revised Code.	11253 11254 11255 11256 11257 11258
(F) The secretary of state shall provide training in the operation of the statewide voter registration database to each board of elections and to any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database.	11259 11260 11261 11262 11263
(G)(1) The statewide voter registration database established under this section shall be made available on a web site of the office of the secretary of state as follows:	11264 11265 11266
(a) Except as otherwise provided in division (G)(1)(b) of this section, only the following information from the statewide	11267 11268



voter registration database regarding a registered voter shall be 11269  
made available on the web site: 11270

- (i) The voter's name; 11271
- (ii) The voter's address; 11272
- (iii) The voter's precinct number; 11273
- (iv) The voter's voting history. 11274

(b) During the thirty days before the day of a primary or 11275  
general election, the web site interface of the statewide voter 11276  
registration database shall permit a voter to search for the 11277  
polling location at which that voter may cast a ballot. 11278

(2) The secretary of state shall establish, by rule adopted 11279  
under Chapter 119. of the Revised Code, a process for boards of 11280  
elections to notify the secretary of state of changes in the 11281  
locations of precinct polling places for the purpose of updating 11282  
the information made available on the secretary of state's web 11283  
site under division (G)(1)(b) of this section. Those rules shall 11284  
require a board of elections, during the thirty days before the 11285  
day of a primary or general election, to notify the secretary of 11286  
state within one business day of any change to the location of a 11287  
precinct polling place within the county. 11288

(3) During the thirty days before the day of a primary or 11289  
general election, not later than one business day after receiving 11290  
a notification from a county pursuant to division (G)(2) of this 11291  
section that the location of a precinct polling place has changed, 11292  
the secretary of state shall update that information on the 11293  
secretary of state's web site for the purpose of division 11294  
(G)(1)(b) of this section. 11295

(H)(1) The secretary of state and the registrar of motor 11296  
vehicles shall enter into an agreement to match information in the 11297  
statewide voter registration database with information in the 11298

database of the registrar of motor vehicles to the extent required 11299  
to enable each such official to verify the accuracy of the 11300  
information provided on applications for voter registration, as 11301  
required under 42 U.S.C. 15483. 11302

(2) The secretary of state shall establish, by rule adopted 11303  
under Chapter 119. of the Revised Code, a process for notifying 11304  
boards of elections of any relevant nonmatch that the secretary of 11305  
state receives under division (H)(1) of this section. 11306

(3) The secretary of state shall establish, by rule adopted 11307  
under Chapter 119. of the Revised Code, procedures for boards of 11308  
elections to process relevant nonmatches. 11309

(4) Notwithstanding any provision of the Revised Code to the 11310  
contrary, a nonmatch shall not be the sole reason for any of the 11311  
following: 11312

(a) Failing to add a voter to the statewide voter 11313  
registration database; 11314

(b) Challenging or upholding a challenge to a person's voter 11315  
registration, a person's right to cast a regular or absent voter's 11316  
ballot, or a person's completed regular, provisional, or absent 11317  
voter's ballot; 11318

(c) Canceling a person's voter registration; 11319

(d) Requiring a person to vote a provisional ballot; or 11320

(e) Failing to provide a regular ballot or absent voter's 11321  
ballot to an otherwise eligible voter. 11322

(5) As used in division (H) of this section, "nonmatch" means 11323  
an individual's voter registration record in which any of the 11324  
following data fields are not substantially the same when the 11325  
secretary of state matches information in the statewide voter 11326  
registration database with information in the database of the 11327  
registrar of motor vehicles to the extent required to enable each 11328

such official to verify the accuracy of the information provided 11329  
on applications for voter registration, as required under 42 11330  
U.S.C. 15483: 11331

(a) Ohio driver's license number, if provided by the 11332  
individual; 11333

(b) Last four digits of social security number if the 11334  
individual did not provide an Ohio driver's license number and did 11335  
provide the last four digits of the individual's social security 11336  
number; 11337

(c) Birthdate; 11338

(d) Name (first name or derivative, and last name). 11339

**Sec. 3503.16.** (A) Whenever a registered elector changes the 11340  
place of residence of that registered elector from one precinct to 11341  
another within a county or from one county to another, or has a 11342  
change of name, that registered elector shall report the change by 11343  
delivering a change of residence or change of name form, whichever 11344  
is appropriate, as prescribed by the secretary of state under 11345  
section 3503.14 of the Revised Code to the state or local office 11346  
of a designated agency, a public high school or vocational school, 11347  
a public library, the office of the county treasurer, the office 11348  
of the secretary of state, any office of the registrar or deputy 11349  
registrar of motor vehicles, or any office of a board of elections 11350  
in person or by a third person. Any voter registration, change of 11351  
address, or change of name application, returned by mail, may be 11352  
sent only to the secretary of state or the office of a board of 11353  
elections. 11354

A registered elector also may update the registration of that 11355  
registered elector by filing a change of residence or change of 11356  
name form on the day of a special, primary, or general election at 11357  
the polling place in the precinct in which that registered elector 11358

resides or at the board of elections or at another site designated 11359  
by the board. 11360

(B)(1)~~(a)~~ Any registered elector who moves within a precinct 11361  
on or prior to the day of a general, primary, or special election 11362  
and has not filed a notice of change of residence with the board 11363  
of elections may vote in that election pursuant to division (G) of 11364  
this section or by going to that registered elector's assigned 11365  
polling place, completing and signing a notice of change of 11366  
residence, ~~showing identification in the form of a current and~~ 11367  
~~valid photo identification, a military identification, or a copy~~ 11368  
~~of a current utility bill, bank statement, government check,~~ 11369  
~~paycheck, or other government document, other than a notice of an~~ 11370  
~~election mailed by a board of elections under section 3501.19 of~~ 11371  
~~the Revised Code or a notice of voter registration mailed by a~~ 11372  
~~board of elections under section 3503.19 of the Revised Code, that~~ 11373  
~~shows the name and current address of the elector, and casting a~~ 11374  
~~ballot. If the elector provides either a driver's license or a~~ 11375  
~~state identification card issued under section 4507.50 of the~~ 11376  
~~Revised Code that does not contain the elector's current residence~~ 11377  
~~address, the elector shall provide the last four digits of the~~ 11378  
~~elector's driver's license number or state identification card~~ 11379  
~~number, and the precinct election official shall mark the poll~~ 11380  
~~list or signature pollbook to indicate that the elector has~~ 11381  
~~provided a driver's license or state identification card number~~ 11382  
~~with a former address and record the last four digits of the~~ 11383  
~~elector's driver's license number or state identification card~~ 11384  
~~number.~~ 11385

~~(b) Any registered elector who changes the name of that~~ 11386  
~~registered elector and remains within a precinct on or prior to~~ 11387  
~~the day of a general, primary, or special election and has not~~ 11388  
~~filed a notice of change of name with the board of elections may~~ 11389  
~~vote in that election by going to that registered elector's~~ 11390

~~assigned polling place, completing and signing a notice of a~~ 11391  
~~change of name, and casting a provisional ballot under section~~ 11392  
~~3505.181 of the Revised Code.~~ 11393

(2) Any registered elector who moves from one precinct to 11394  
another within a county ~~or moves from one precinct to another and~~ 11395  
~~changes the name of that registered elector~~ on or prior to the day 11396  
of a general, primary, or special election and has not filed a 11397  
notice of change of residence ~~or change of name, whichever is~~ 11398  
~~appropriate,~~ with the board of elections may vote in that election 11399  
if that registered elector complies with division (G) of this 11400  
section or does all of the following: 11401

(a) Appears at anytime during regular business hours ~~on or~~ 11402  
~~after the twenty eighth day prior to the election in which that~~ 11403  
~~registered elector wishes to vote or, if the election is held on~~ 11404  
~~the day of a presidential primary election, the twenty fifth day~~ 11405  
~~prior to the election, through noon of the Saturday prior to the~~ 11406  
~~election at the office of the board of elections, appears at any~~ 11407  
~~time during regular business hours on the Monday prior to the~~ 11408  
close of voter registration for that election at the office of the 11409  
board of elections or at another location if pursuant to division 11410  
(C) of section 3501.10 of the Revised Code the board has 11411  
designated one or more other locations in the county at which 11412  
registered electors may vote, or appears on the day of the 11413  
election at either of the following locations: 11414

(i) The polling place in the precinct in which that 11415  
registered elector resides; 11416

(ii) The office of the board of elections or, if pursuant to 11417  
division (C) of section 3501.10 of the Revised Code the board has 11418  
designated ~~another location~~ one or more other locations in the 11419  
county at which registered electors may vote, at ~~that~~ such other 11420  
location instead of the office of the board of elections. 11421

(b) Completes and signs, under penalty of election 11422  
falsification, a notice of change of residence ~~or change of name,~~ 11423  
~~whichever is appropriate,~~ and files it with election officials at 11424  
the polling place, at the office of the board of elections, or, if 11425  
pursuant to division (C) of section 3501.10 of the Revised Code 11426  
the board has designated ~~another location~~ one or more other 11427  
locations in the county at which registered electors may vote, at 11428  
~~that~~ such other location instead of the office of the board of 11429  
elections, whichever is appropriate; 11430

(c) ~~Votes~~ Casts a ~~provisional~~ ballot ~~under section 3505.181~~ 11431  
~~of the Revised Code~~ at the polling place, at the office of the 11432  
board of elections, or, if pursuant to division (C) of section 11433  
3501.10 of the Revised Code the board has designated ~~another~~ 11434  
~~location~~ one or more other locations in the county at which 11435  
registered electors may vote, at ~~that~~ such other location instead 11436  
of the office of the board of elections, whichever is appropriate, 11437  
using the address to which that registered elector has moved ~~or~~ 11438  
~~the name of that registered elector as changed, whichever is~~ 11439  
appropriate; 11440

(d) Completes and signs, under penalty of election 11441  
falsification, a statement attesting that that registered elector 11442  
moved ~~or had a change of name, whichever is appropriate,~~ on or 11443  
prior to the day of the election, has voted a ~~provisional ballot~~ 11444  
at the polling place in the precinct in which that registered 11445  
elector resides, at the office of the board of elections, or, if 11446  
pursuant to division (C) of section 3501.10 of the Revised Code 11447  
the board has designated ~~another location~~ one or more other 11448  
locations in the county at which registered electors may vote, at 11449  
~~that~~ such other location instead of the office of the board of 11450  
elections, whichever is appropriate, and will not vote or attempt 11451  
to vote at any other location for that particular election. The 11452  
statement required under division (B)(2)(d) of this section shall 11453

be included on the notice of change of residence ~~or change of~~ 11454  
~~name, whichever is appropriate,~~ required under division (B)(2)(b) 11455  
of this section. 11456

(C) Any registered elector who moves from one county to 11457  
another county within the state on or prior to the day of a 11458  
general, primary, or special election and has not registered to 11459  
vote in the county to which that registered elector moved may vote 11460  
in that election if that registered elector complies with division 11461  
(G) of this section or does all of the following: 11462

(1) ~~Appears at any time during regular business hours ~~on or~~~~ 11463  
~~after the ~~twenty eighth day prior to the election in which that~~~~ 11464  
~~registered elector wishes to vote or, if the election is held on~~ 11465  
~~the day of a presidential primary election, the ~~twenty fifth day~~~~ 11466  
~~prior to the election, through noon of the Saturday prior to the~~ 11467  
~~election at the office of the board of elections or, if pursuant~~ 11468  
~~to division (C) of section 3501.10 of the Revised Code the board~~ 11469  
~~has designated another location in the county at which registered~~ 11470  
~~electors may vote, at that other location instead of the office of~~ 11471  
~~the board of elections, appears during regular business hours ~~on~~~~ 11472  
~~the Monday prior to the close of voter registration for that~~ 11473  
election at the office of the board of elections or, if pursuant 11474  
to division (C) of section 3501.10 of the Revised Code the board 11475  
has designated ~~another location~~ one or more other locations in the 11476  
county at which registered electors may vote, at ~~that~~ such other 11477  
location instead of the office of the board of elections, or 11478  
appears on the day of the election at the office of the board of 11479  
elections or, if pursuant to division (C) of section 3501.10 of 11480  
the Revised Code the board has designated ~~another location~~ one or 11481  
more other locations in the county at which registered electors 11482  
may vote, at ~~that~~ such other location instead of the office of the 11483  
board of elections; 11484

(2) Completes and signs, under penalty of election 11485

falsification, a notice of change of residence and files it with 11486  
election officials at the board of elections or, if pursuant to 11487  
division (C) of section 3501.10 of the Revised Code the board has 11488  
designated ~~another location~~ one or more other locations in the 11489  
county at which registered electors may vote, at ~~that~~ such other 11490  
location instead of the office of the board of elections; 11491

(3) ~~Votes~~ Casts a provisional ballot under section 3505.181 11492  
of the Revised Code at the office of the board of elections or, if 11493  
pursuant to division (C) of section 3501.10 of the Revised Code 11494  
the board has designated ~~another location~~ one or more other 11495  
locations in the county at which registered electors may vote, at 11496  
~~that~~ such other location instead of the office of the board of 11497  
elections, using the address to which that registered elector has 11498  
moved; 11499

(4) Completes and signs, under penalty of election 11500  
falsification, a statement attesting that that registered elector 11501  
has moved from one county to another county within the state on or 11502  
prior to the day of the election, has voted at the office of the 11503  
board of elections or, if pursuant to division (C) of section 11504  
3501.10 of the Revised Code the board has designated ~~another~~ 11505  
~~location~~ one or more other locations in the county at which 11506  
registered electors may vote, at ~~that~~ such other location instead 11507  
of the office of the board of elections, and will not vote or 11508  
attempt to vote at any other location for that particular 11509  
election. The statement required under division (C)(4) of this 11510  
section shall be included on the notice of change of residence 11511  
required under division (C)(2) of this section. 11512

(D) ~~A person who votes by absent voter's ballots pursuant to~~ 11513  
~~division (C) of this section shall not make written application~~ 11514  
~~for the ballots pursuant to Chapter 3509. of the Revised Code.~~ 11515  
~~Ballots cast pursuant to division (C) of this section shall be set~~ 11516  
~~aside in a special envelope and counted during the official~~ 11517



~~canvass of votes in the manner provided for in sections 3505.32 11518  
and 3509.06 of the Revised Code insofar as that manner is 11519  
applicable. The board shall examine the pollbooks to verify that 11520  
no ballot was cast at the polls or by absent voter's ballots under 11521  
Chapter 3509. or 3511. of the Revised Code by an elector who has 11522  
voted by absent voter's ballots pursuant to division (G) of this 11523  
section. Any ballot determined to be insufficient for any of the 11524  
reasons stated above or stated in section 3509.07 of the Revised 11525  
Code shall not be counted. 11526~~

~~Subject to division (C) of section 3501.10 of the Revised 11527  
Code, a board of elections may lease or otherwise acquire a site 11528  
different from the office of the board at which registered 11529  
electors may vote pursuant to division (B) or (C) of this section. 11530  
(1) Any registered elector who changes the elector's name on or 11531  
prior to the day of a general, primary, or special election and 11532  
has not filed a notice of change of name with the board of 11533  
elections may vote in that election if that registered elector 11534  
complies with division (G) of this section or does all of the 11535  
following: 11536~~

~~(a) Appears at anytime during regular business hours after 11537  
the close of voter registration for that election at the office of 11538  
the board of elections or at another location if pursuant to 11539  
division (C) of section 3501.10 of the Revised Code the board has 11540  
designated one or more other locations in the county at which 11541  
registered electors may vote, or appears on the day of the 11542  
election at either of the following locations: 11543~~

~~(i) The polling place in the precinct in which that 11544  
registered elector resides; 11545~~

~~(ii) The office of the board of elections or, if pursuant to 11546  
division (C) of section 3501.10 of the Revised Code the board has 11547  
designated one or more other locations in the county at which 11548  
registered electors may vote, at such other location instead of 11549~~

the office of the board of elections. 11550

(b) Completes and signs, under penalty of election 11551  
falsification, a notice of change of name and files it with 11552  
election officials at the polling place, at the office of the 11553  
board of elections, or, if pursuant to division (C) of section 11554  
3501.10 of the Revised Code the board has designated one or more 11555  
other locations in the county at which registered electors may 11556  
vote, at such other location instead of the office of the board of 11557  
elections, whichever is appropriate; 11558

(c) Casts a ballot at the polling place, at the office of the 11559  
board of elections, or, if pursuant to division (C) of section 11560  
3501.10 of the Revised Code the board has designated one or more 11561  
other locations in the county at which registered electors may 11562  
vote, at such other location instead of the office of the board of 11563  
elections, whichever is appropriate, using the name of that 11564  
registered elector as changed; 11565

(d) Completes and signs, under penalty of election 11566  
falsification, a statement attesting that the registered elector 11567  
changed the elector's name prior to the day of the election, has 11568  
voted at the polling place in the precinct in which that 11569  
registered elector resides, at the office of the board of 11570  
elections, or, if pursuant to division (C) of section 3501.10 of 11571  
the Revised Code the board has designated one or more other 11572  
locations in the county at which registered electors may vote, at 11573  
such other location instead of the office of the board of 11574  
elections, whichever is appropriate, and will not vote or attempt 11575  
to vote at any other location for that particular election. The 11576  
statement required under division (D)(1)(d) of this section shall 11577  
be included on the notice of change of name required under 11578  
division (D)(1)(b) of this section. 11579

(2) A registered elector who moves from one precinct to 11580  
another within a county and changes the elector's name, on or 11581

prior to the day of a general, primary, or special election and 11582  
has not filed a notice of change of residence and a notice of 11583  
change of name with the board of elections prior to the thirtieth 11584  
day before the day of the election may vote in that election if 11585  
the registered elector complies with division (G) of this section 11586  
or does both of the following: 11587

(a) Complies with the procedures specified in division (B)(2) 11588  
of this section for electors who move from one precinct to another 11589  
within a county before an election; and 11590

(b) Files the notice of change of name specified in division 11591  
(D)(1)(b) of this section in addition to any change of residence 11592  
required under division (B)(2) of this section. 11593

(3) A registered elector who moves from one county to another 11594  
county and changes the elector's name on or prior to the day of a 11595  
general, primary, or special election and has not filed a notice 11596  
of change of residence and a notice of change of name with the 11597  
board of elections prior to the thirtieth day before the day of 11598  
the election may vote in that election if the registered elector 11599  
complies with division (G) of this section or does both of the 11600  
following: 11601

(a) Complies with the procedures specified in division (C) of 11602  
this section for electors who move from one county to another 11603  
before an election; and 11604

(b) Files the notice of change of name specified in division 11605  
(D)(1)(b) of this section in addition to any notice of change of 11606  
residence required under division (C) of this section. 11607

(E) Upon receiving a change of residence or change of name 11608  
form, the board of elections shall ~~immediately~~ promptly send the 11609  
registrant an acknowledgment notice. If the change of residence or 11610  
change of name form is valid, the board shall update the voter's 11611  
registration as appropriate. If that form is incomplete, the board 11612

shall inform the registrant in the acknowledgment notice specified 11613  
in this division of the information necessary to complete or 11614  
update that registrant's registration. 11615

(F) Change of residence and change of name forms shall be 11616  
available at each polling place, and when these forms are 11617  
completed, noting changes of residence or name, as appropriate, 11618  
they shall be filed with election officials at the polling place. 11619  
Election officials shall return completed forms, together with the 11620  
pollbooks and tally sheets, to the board of elections. 11621

The board of elections shall provide change of residence and 11622  
change of name forms to the probate court and court of common 11623  
pleas. The court shall provide the forms to any person eighteen 11624  
years of age or older who has a change of name by order of the 11625  
court or who applies for a marriage license. The court shall 11626  
forward all completed forms to the board of elections within five 11627  
days after receiving them. 11628

(G) A registered elector who otherwise would qualify to vote 11629  
under division (B) ~~or~~, (C), or (D) of this section but is unable 11630  
to appear at the office of the board of elections or, if pursuant 11631  
to division (C) of section 3501.10 of the Revised Code the board 11632  
has designated ~~another location~~ one or more other locations in the 11633  
county at which registered electors may vote, at ~~that~~ such other 11634  
location, ~~on account of personal illness, physical disability, or~~ 11635  
~~infirmity,~~ may vote ~~on the day of the~~ in that election if that 11636  
registered elector does all of the following: 11637

(1) Makes a written application that includes all of the 11638  
information required under section 3509.03 of the Revised Code to 11639  
the appropriate board for an absent voter's ballot on or after the 11640  
~~twenty-seventh~~ twenty-eighth day prior to the election in which 11641  
the registered elector wishes to vote through noon of the Saturday 11642  
prior to that election and requests that the absent voter's ballot 11643  
be sent to the address to which the registered elector has moved 11644

if the registered elector has moved or moved and changed the 11645  
elector's name, or to the address of ~~that a~~ registered elector who 11646  
has not moved but has had a change of name; 11647  
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(2) Declares that the registered elector has moved ~~or~~, had a 11649  
change of name, ~~whichever is appropriate~~ or both, and otherwise is 11650  
qualified to vote under the circumstances described in ~~division~~ 11651  
~~(B) or (C)~~ of this section, ~~whichever is appropriate~~, but that the 11652  
registered elector is unable to appear at the board of elections 11653  
~~because of personal illness, physical disability, or infirmity;~~ 11654  
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(3) Completes and returns along with the completed absent 11656  
voter's ballot a notice of change of residence indicating the 11657  
address to which the registered elector has moved, ~~or~~ a notice of 11658  
change of name, or both, whichever is appropriate; 11659

(4) Completes and signs, under penalty of election 11660  
falsification, a statement attesting that the registered elector 11661  
has moved ~~or~~, had a change of name, or both, on or prior to the 11662  
day before the election, has voted by absent voter's ballot 11663  
~~because of personal illness, physical disability, or infirmity~~ 11664  
~~that prevented the registered elector from appearing at the board~~ 11665  
~~of elections~~, and will not vote or attempt to vote at any other 11666  
location or by absent voter's ballot mailed to any other location 11667  
or address for that particular election. 11668

**Sec. 3503.19.** (A) Persons qualified to register or to change 11669  
their registration because of a change of address or change of 11670  
name may register or change their registration in person at any 11671  
state or local office of a designated agency, at the office of the 11672  
registrar or any deputy registrar of motor vehicles, at a public 11673  
high school or vocational school, at a public library, at the 11674  
office of a county treasurer, or at a branch office established by 11675

the board of elections, or in person, through another person, or 11676  
by mail at the office of the secretary of state or at the office 11677  
of a board of elections. A registered elector may also change the 11678  
elector's registration on election day at any polling place where 11679  
the elector is eligible to vote, in the manner provided under 11680  
section 3503.16 of the Revised Code. 11681

Any state or local office of a designated agency, the office 11682  
of the registrar or any deputy registrar of motor vehicles, a 11683  
public high school or vocational school, a public library, or the 11684  
office of a county treasurer shall transmit any voter registration 11685  
application or change of registration form that it receives to the 11686  
board of elections of the county in which the state or local 11687  
office is located, within five business days after receiving the 11688  
voter registration application or change of registration form. 11689

An otherwise valid voter registration application that is 11690  
returned to the appropriate office other than by mail must be 11691  
received by a state or local office of a designated agency, the 11692  
office of the registrar or any deputy registrar of motor vehicles, 11693  
a public high school or vocational school, a public library, the 11694  
office of a county treasurer, the office of the secretary of 11695  
state, or the office of a board of elections no later than the 11696  
thirtieth day preceding a primary, special, or general election 11697  
for the person to qualify as an elector eligible to vote at that 11698  
election. An otherwise valid registration application received 11699  
after that day entitles the elector to vote at all subsequent 11700  
elections. 11701

Any state or local office of a designated agency, the office 11702  
of the registrar or any deputy registrar of motor vehicles, a 11703  
public high school or vocational school, a public library, or the 11704  
office of a county treasurer shall date stamp a registration 11705  
application or change of name or change of address form it 11706  
receives using a date stamp that does not disclose the identity of 11707

the state or local office that receives the registration. 11708

Voter registration applications, if otherwise valid, that are 11709  
returned by mail to the office of the secretary of state or to the 11710  
office of a board of elections must be postmarked no later than 11711  
the thirtieth day preceding a primary, special, or general 11712  
election in order for the person to qualify as an elector eligible 11713  
to vote at that election. If an otherwise valid voter registration 11714  
application that is returned by mail does not bear a postmark or a 11715  
legible postmark, the registration shall be valid for that 11716  
election if received by the office of the secretary of state or 11717  
the office of a board of elections no later than twenty-five days 11718  
preceding any special, primary, or general election. 11719

(B)(1) Any person may apply in person, by telephone, by mail, 11720  
or through another person for voter registration forms to the 11721  
office of the secretary of state or the office of a board of 11722  
elections or may apply for voter registration forms by electronic 11723  
means to the office of the secretary of state or, if the secretary 11724  
of state has established procedures pursuant to division (B) of 11725  
section 3503.191 of the Revised Code, to the board of elections. 11726  
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(2)(a) An applicant may return the applicant's completed 11728  
registration form in person ~~or by mail~~ to any state or local 11729  
office of a designated agency, to a public high school or 11730  
vocational school, to a public library, or to the office of a 11731  
county treasurer, or in person or by mail to the office of the 11732  
secretary of state, ~~or to~~ the office of a board of elections, or 11733  
electronically to the office of the secretary of state or, if the 11734  
secretary of state has established procedures pursuant to division 11735  
(B) of section 3503.191 of the Revised Code, to the board of 11736  
elections. 11737

(b) Subject to division (B)(2)(c) of this section, an 11738  
applicant may return the applicant's completed registration form 11739

through another person to any board of elections or the office of the secretary of state. 11740  
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(c) A person who receives compensation for registering a voter shall return any registration form entrusted to that person by an applicant to any board of elections or to the office of the secretary of state. 11742  
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(d) If a board of elections or the office of the secretary of state receives a registration form under division (B)(2)(b) or (c) of this section before the thirtieth day before an election, the board or the office of the secretary of state, as applicable, shall forward the registration to the board of elections of the county in which the applicant is seeking to register to vote within ten days after receiving the application. If a board of elections or the office of the secretary of state receives a registration form under division (B)(2)(b) or (c) of this section on or after the thirtieth day before an election, the board or the office of the secretary of state, as applicable, shall forward the registration to the board of elections of the county in which the applicant is seeking to register to vote within thirty days after that election. 11746  
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(e) If the office of the secretary of state receives a voter registration application electronically on or before the thirtieth day before the day of an election, the office of the secretary of state shall forward the application to the board of elections of the county in which the applicant is seeking to register within ten days after receiving the application. If the office of the secretary of state receives a voter registration application electronically after the thirtieth day before the day of an election, the office of the secretary of state shall forward the application to the board of elections of the county in which the applicant is seeking to register within thirty days after that election. 11760  
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(f) A completed registration application that is received electronically shall be processed in the same manner as a registration form that is received in person or by mail.

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

(a) The applicant's registration;

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

(c) In bold type as follows:

"Voters must bring identification to the polls in order to verify identity. Identification may include either a current and valid photo identification issued by the state or an agency or political subdivision of the state, an institution of higher education, or the United States government, or an affirmation of the voter's identity. Identification for a first-time voter who registered to vote by mail, did not include proper identification with the registration application, and has not previously voted in a federal election in Ohio may include a current and valid photo identification, a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, ~~other than this notification or a notification of an election mailed by a board of elections,~~ that shows the voter's name and current address. Voters who do not have

~~or who do not provide one of these documents will still be able to  
vote by providing the last four digits of the voter's social  
security number and by casting a provisional ballot. Voters who do  
not have any of the above forms of identification, including a  
social security number, will still be able to vote by signing an  
affirmation swearing to the voter's identity under penalty of  
election falsification and by casting a provisional ballot."~~

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The notification shall be by nonforwardable mail. If the mail  
is returned to the board, it shall investigate and cause the  
notification to be delivered to the correct address.

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(2) Except as otherwise provided in this division, if the  
board finds that the applicant failed to provide all of the  
required information, but provided enough information on the form  
to enable the board to identify and contact the applicant, the  
board shall immediately notify the applicant of the error and give  
the applicant an opportunity to correct the form. If the  
application was submitted after the end of the voter registration  
period for an election, the board of elections may notify the  
applicant of the error not later than twenty days after completion  
of the official canvass for that election.

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The applicant may provide the required information by mail,  
electronic mail, telephone, or facsimile transmission, through the  
internet, or in person at the office of the board of elections. If  
the application is missing a signature, the applicant may provide  
a signed statement that the applicant submitted the application. A  
signature provided on a signed statement under this division shall  
be considered the applicant's signature on the application for the  
purposes of processing an otherwise valid application for voter  
registration.

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The secretary of state shall prescribe uniform standards for  
processing additional information by mail, electronic mail,

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telephone, facsimile transmission, through the internet, or in 11835  
person at the office of the board of elections under this 11836  
division. 11837

If the applicant corrects the application not less than 11838  
fifteen days before the day of an election and is determined by 11839  
the board of elections to be eligible to vote, the applicant shall 11840  
be considered registered as of the date the application was 11841  
submitted, and the board shall permit such an otherwise eligible 11842  
elector to vote a regular ballot at that election. 11843

If the board of elections finds that an applicant failed to 11844  
correct the application at least fifteen days before the day of an 11845  
election, voted a provisional ballot at that election, and 11846  
provided on the provisional ballot affirmation information 11847  
sufficient to correct the voter registration application, the 11848  
applicant shall be considered registered as of the date the 11849  
application was submitted, and the board shall count the otherwise 11850  
valid provisional ballot. 11851

(3) If, after investigating as required under division (C)(1) 11852  
of this section, the board is unable to verify the voter's correct 11853  
address, it shall cause the voter's name in the official 11854  
registration list and in the poll list or signature pollbook to be 11855  
marked to indicate that the voter's notification was returned to 11856  
the board. 11857

At the first election at which a voter whose name has been so 11858  
marked appears to vote, the voter shall be required to provide 11859  
identification to the election officials ~~and to vote by~~ 11860  
~~provisional ballot under section 3505.181 of the Revised Code. If~~ 11861  
~~the provisional ballot is counted pursuant to division (B)(3) of~~ 11862  
~~section 3505.183 of the Revised Code~~ Based on the provided 11863  
identification, the board shall correct that voter's registration, 11864  
if needed, and shall remove the indication that the voter's 11865  
notification was returned from that voter's name on the official 11866

registration list and on the poll list or signature pollbook. ~~If~~ 11867  
~~the provisional ballot is not counted pursuant to division~~ 11868  
~~(B)(4)(a)(i), (v), or (vi) of section 3505.183 of the Revised~~ 11869  
~~Code, the voter's registration shall be canceled. The board shall~~ 11870  
~~notify the voter by United States mail of the cancellation.~~ 11871  
11872

~~(3)(4)~~ If a notice of the disposition of an otherwise valid 11873  
registration application is sent by nonforwardable mail and is 11874  
returned undelivered, the person shall be registered as provided 11875  
in division (C)~~(2)~~(3) of this section and sent a confirmation 11876  
notice by forwardable mail. If the person fails to respond to the 11877  
confirmation notice, update the person's registration, or vote ~~by~~ 11878  
~~provisional ballot as provided in division (C)(2) of this section~~ 11879  
in any election during the period of two federal elections 11880  
subsequent to the mailing of the confirmation notice, the person's 11881  
registration shall be canceled. 11882

Sec. 3503.191. (A)(1) The secretary of state shall establish, 11883  
not later than August 30, 2010, procedures that allow any person 11884  
to request voter registration forms electronically from the office 11885  
of the secretary of state. 11886

(2) The procedures shall allow any person to express a 11887  
preference for the manner in which the person will receive the 11888  
requested voter registration forms, whether by mail, 11889  
electronically, or in person. The registration forms shall be 11890  
transmitted by the preferred method. If the requestor does not 11891  
express a preferred method, the registration forms shall be 11892  
delivered via standard mail. 11893

(3) The appropriate state or local election official shall 11894  
establish and maintain reasonable procedures necessary to protect 11895  
the security, confidentiality, and integrity of personal 11896  
information collected, stored, or otherwise used in the electronic 11897

voter registration form request process established under this 11898  
section. To the extent practicable, the procedures shall protect 11899  
the security and integrity of the electronic voter registration 11900  
form request process and protect the privacy of the identity and 11901  
personal data of the person when such forms are requested, 11902  
processed, and sent. 11903

(4) In establishing procedures under this section, the 11904  
secretary of state shall designate at least one means of 11905  
electronic communication for use by persons to request voter 11906  
registration forms, for use by the state to send voter 11907  
registration forms to those who have requested electronic 11908  
delivery, and for providing public election and voting 11909  
information. Such designated means of electronic communication 11910  
shall be identified on all information and instructional materials 11911  
that accompany balloting materials. 11912

(B) The secretary of state may establish procedures that 11913  
allow any person to request voter registration forms 11914  
electronically from a board of elections. The procedures must meet 11915  
all the requirements of division (A) of this section. 11916

**Sec. 3503.20.** (A) Not later than August 1, 2012, all Ohioans 11917  
who meet the qualifications of an elector and do any of the 11918  
following shall be automatically registered to vote, provided that 11919  
each individual shall have the ability to opt out of voter 11920  
registration: 11921

(1) Graduates from a public, private, or community high 11922  
school; 11923

(2) Registers for or updates their services with any 11924  
designated agency under the National Voter Registration Act or 11925  
under rules promulgated by the secretary of state; or 11926

(3) Applies for, renews, or updates a driver's license, state 11927

identification, or vehicle registration issued by the Ohio bureau 11928  
of motor vehicles. 11929

(B) A person who registers to vote under this section shall 11930  
be considered to have registered by mail for the purpose of Title 11931  
XXXV of the Revised Code and federal election law. 11932

(C) The secretary of state shall adopt rules under Chapter 11933  
119. of the Revised Code to implement this section. 11934

(D) Notwithstanding any provision of the Revised Code to the 11935  
contrary, a digitized signature on a voter registration 11936  
application that is transmitted by an entity listed under division 11937  
(A)(1), (2), or (3) of this section shall be considered an 11938  
original signature on a voter registration application. 11939

(E) The secretary of state shall establish a task force 11940  
comprised of individuals designated by the designated agencies, 11941  
the Ohio department of education, and the Ohio bureau of motor 11942  
vehicles to implement the requirements of division (A) of this 11943  
section. The purpose of the task force shall be to develop a 11944  
memorandum of understanding between the secretary of state and the 11945  
participating entities. The memorandum of understanding shall 11946  
identify the responsibilities of the secretary of state and the 11947  
responsibilities of each participating entity to provide for the 11948  
orderly implementation and maintenance of the voter registration 11949  
process established by this section. 11950

Expenses incurred by the task force are the responsibility of 11951  
the secretary of state. The operation of the task force ceases 11952  
upon completion of the tasks necessary to provide for 11953  
implementation of this section. The secretary of state at any time 11954  
may form a new task force to address the maintenance of or changes 11955  
to the implementation process for this section. 11956

**Sec. 3503.21.** (A) The registration of a registered elector 11957

shall be canceled upon the occurrence of any of the following: 11958

(1) The filing by a registered elector of a written request 11959  
with a board of elections, ~~on a form prescribed by the secretary~~ 11960  
~~of state and~~ signed by the elector, that the registration be 11961  
canceled. The filing of such a request does not prohibit an 11962  
otherwise qualified elector from reregistering to vote at any 11963  
time. For the purpose of this division, a registered elector shall 11964  
be considered to have made such a request if the elector submits a 11965  
signed voter registration form at any place outside the elector's 11966  
current county of registration, and that form is provided to the 11967  
secretary of state or a board of elections. 11968

(2) The filing of a notice of the death of the registered 11969  
elector as provided in division (F) of this section or the filing 11970  
of an official notice of death of the registered elector with the 11971  
board of elections by the chief health officer of a jurisdiction 11972  
outside of Ohio; 11973

(3) The conviction of the registered elector of a felony 11974  
under the laws of this state, any other state, or the United 11975  
States as provided in section 2961.01 of the Revised Code; 11976

~~(3)~~(4) The adjudication of incompetency of the registered 11977  
elector for the purpose of voting as provided in section 5122.301 11978  
of the Revised Code; 11979

(5) The change of residence of the registered elector to a 11980  
location outside the county of registration in accordance with 11981  
division (B) of this section; 11982

(6) The failure of the registered elector, after having been 11983  
mailed a confirmation notice, to do either of the following: 11984

(a) Respond to such a notice and vote at least once during a 11985  
period of four consecutive years, which period shall include two 11986  
general federal elections; 11987

(b) Update the elector's registration and vote at least once 11988  
during a period of four consecutive years, which period shall 11989  
include two general federal elections. 11990

(B)(1) The secretary of state shall prescribe procedures to 11991  
identify and cancel the registration in a prior county of 11992  
residence of any registrant who changes the registrant's voting 11993  
residence to a location outside the registrant's current county of 11994  
registration. Any procedures prescribed in this division shall be 11995  
uniform and nondiscriminatory, and shall comply with the Voting 11996  
Rights Act of 1965. The secretary of state may prescribe 11997  
procedures under this division that include the use of the 11998  
national change of address service provided by the United States 11999  
postal system through its licensees. Any program so prescribed 12000  
shall be completed not later than ninety days prior to the date of 12001  
any primary or general election for federal office. 12002

(2) The registration of any elector identified as having 12003  
changed the elector's voting residence to a location outside the 12004  
elector's current county of registration shall not be canceled 12005  
unless the registrant is sent a confirmation notice on a form 12006  
prescribed by the secretary of state and the registrant fails to 12007  
respond to the confirmation notice or otherwise update the 12008  
registration and fails to vote in any election during the period 12009  
of two federal elections subsequent to the mailing of the 12010  
confirmation notice. 12011

(C) The registration of a registered elector shall not be 12012  
canceled except as provided in this section, division (Q) of 12013  
section 3501.05 of the Revised Code, ~~division (C)(2) of section~~ 12014  
~~3503.19 of the Revised Code,~~ or division ~~(C)~~(E) of section 3503.24 12015  
of the Revised Code. 12016

(D) Boards of elections shall send their voter registration 12017  
information to the secretary of state as required under section 12018  
3503.15 of the Revised Code. In the first quarter of each 12019



odd-numbered year, the secretary of state shall send the 12020  
information to the national change of address service described in 12021  
division (B) of this section and request that service to provide 12022  
the secretary of state with a list of any voters sent by the 12023  
secretary of state who have moved within the last thirty-six 12024  
months. The secretary of state shall transmit to each appropriate 12025  
board of elections whatever lists the secretary of state receives 12026  
from that service. The board shall send a notice to each person on 12027  
the list transmitted by the secretary of state requesting 12028  
confirmation of the person's change of address, together with a 12029  
postage prepaid, preaddressed return envelope containing a form on 12030  
which the voter may verify or correct the change of address 12031  
information. 12032

(E) The registration of a registered elector described in 12033  
division (A)(6) or (B)(2) of this section shall be canceled not 12034  
later than one hundred twenty days after the date of the second 12035  
general federal election in which the elector fails to vote or not 12036  
later than one hundred twenty days after the expiration of the 12037  
four-year period in which the elector fails to vote or respond to 12038  
a confirmation notice, whichever is later. 12039

(F)(1) The chief health officer of each political subdivision 12040  
and the state director of health shall file with the board of 12041  
elections, at least once each month, the names, dates of birth, 12042  
dates of death, and residence addresses of all Ohio residents, 12043  
over eighteen years of age, who have been reported as deceased 12044  
within such subdivision or within this state or another state, 12045  
respectively, within such month. 12046

(2) At least once each month the probate judge shall file 12047  
with the board of elections the names and residence addresses of 12048  
all persons over eighteen years of age who have been adjudicated 12049  
incompetent for the purpose of voting, as provided in section 12050  
5122.301 of the Revised Code. 12051

(3) At least once each month the clerk of the court of common pleas shall file with the board of elections the names and residence addresses of all persons who, in the previous month, have been convicted of crimes under the laws of this state and thus scheduled for incarceration. The board of elections shall compile from that filing a list of persons who have been convicted and incarcerated for crimes under the laws of this state that disenfranchise an elector under section 2961.01 of the Revised Code. Reports of conviction and incarceration of crimes under the laws of the United States that would disenfranchise an elector and that are provided to the secretary of state by any United States attorney shall be forwarded by the secretary of state to the appropriate board of elections.

(4) Upon receipt of any report described in division (F)(1), (2), or (3) of this section, the board of elections shall promptly cancel the registration of the elector and record the reason for the cancellation. If the report contains a residence address of an elector in a county other than the county in which the board of elections is located, the director shall promptly send a copy of the report to the appropriate board of elections, which shall cancel the registration and record the reason for the cancellation.

**Sec. 3503.22.** (A) Sixty days prior to the day of a general election and sixty days prior to the day of a primary election in an even-numbered year, each board of elections shall send to the secretary of state a list of all individuals in the county who failed to respond to a confirmation notice or whose voter registration was canceled in the previous twelve months. The list shall include, at a minimum, the full name, address, including city, county, state, and zip code, and precinct for each individual voter, along with the reason that the individual is included on the list.

(B) Not less than fifty days before the day of the election, 12084  
the secretary of state shall aggregate the information provided by 12085  
boards of elections under division (A) of this section and make 12086  
the aggregated information available for public inspection on the 12087  
secretary of state's web site. 12088

(C) The secretary of state may establish uniform categories 12089  
for lists prepared under division (A) of this section and uniform 12090  
standards for sending those lists to the secretary of state, which 12091  
boards of elections shall follow in compiling and sending those 12092  
lists. 12093

**Sec. 3503.24.** (A) Application for the correction of any 12094  
precinct registration list or a challenge of the right to vote of 12095  
any registered elector may be made by any qualified elector of the 12096  
county at the office of the board of elections not later than 12097  
twenty days prior to the election. The ~~applications~~ application or 12098  
~~challenges~~ challenge, with the reasons for the application or 12099  
challenge, shall be filed with the board on a form prescribed by 12100  
the secretary of state and shall be signed under penalty of 12101  
election falsification. 12102

(B) A challenge to an elector's right to vote shall be 12103  
considered by the board of elections only if the elector is being 12104  
challenged on any of the following grounds: 12105

(1) That the person is not a resident of the precinct in 12106  
which the person is registered to vote; 12107

(2) That the person is not a citizen of the United States; 12108

(3) That the person is not eighteen years of age or older; 12109

(4) That the person is not a qualified elector for that 12110  
election; 12111

(5) That the person is not the elector that the person 12112  
purports to be. 12113

Challenges shall be made only if the challenger knows or 12114  
reasonably believes that the challenged elector is not qualified 12115  
and entitled to vote. 12116

(C) On receiving an application or challenge filed under this 12117  
section, the board of elections promptly shall review the board's 12118  
records. If the board is able to determine that ~~an application or~~ 12119  
a challenge should be granted or denied solely on the basis of the 12120  
records maintained by the board, the board immediately shall vote 12121  
to ~~grant or deny that application or~~ challenge. 12122

~~If the board is not able to determine whether an application~~ 12123  
~~or challenge should be granted or denied solely on the basis of~~ 12124  
~~the records maintained by the board~~ If the board is able to 12125  
determine that an application for the correction of any precinct 12126  
registration list should be granted solely on the basis of the 12127  
records maintained by the board, the board immediately shall vote 12128  
to grant that application. 12129

Otherwise, the director shall promptly set a time and date 12130  
for a hearing before the board. ~~Except as otherwise provided in~~ 12131  
~~division (D) of this section, the~~ The hearing shall be held, and 12132  
the application or challenge shall be decided, no later than ten 12133  
days after the board receives the application or challenge. The 12134  
director shall send written notice to any elector whose right to 12135  
vote is challenged and to any person whose name is alleged to have 12136  
been omitted from a registration list. The notice shall inform the 12137  
person of ~~the time and date of the hearing, and of the person's~~ 12138  
~~right to appear and testify, call witnesses, and be represented by~~ 12139  
~~counsel. The~~ all of the following: 12140

(1) That an application for the correction of a precinct 12141  
registration list or a challenge of the right to vote of the 12142  
registered elector has been made; 12143

(2) The name of the person submitting the application or 12144

challenge, as applicable, which shall be accompanied by a copy of 12145  
the application or challenge form submitted to the board; 12146

(3) The time, date, and place of the hearing; 12147

(4) That the elector has a right to appear and testify at the 12148  
public hearing and present evidence relevant to the challenge or 12149  
application; 12150

(5) That the elector has a right to call and subpoena 12151  
witnesses to appear at the hearing; 12152

(6) That the elector has a right to be represented by counsel 12153  
at the hearing and may cross-examine witnesses; 12154

(7) That, at the conclusion of the hearing, the cancellation 12155  
of the voter's registration or correction of the precinct 12156  
registration list requires a majority vote of the members of the 12157  
board of elections. 12158

The notice shall be sent by first class mail no later than 12159  
three ~~seven~~ days before the day of any scheduled hearing. The 12160  
director shall also provide the person who filed the application 12161  
or challenge with ~~such the same~~ written notice of the date and 12162  
time of the hearing. 12163

At the request of either party or any member of the board, 12164  
the board shall issue subpoenas to witnesses to appear and testify 12165  
before the board at a hearing held under this section. All 12166  
witnesses shall testify under oath. ~~The~~ 12167

(D) The board shall reach a decision on all applications and 12168  
challenges immediately after hearing. A public vote of three 12169  
members of the board shall be necessary to uphold a challenge on a 12170  
person's right to vote or to correct a precinct registration list 12171  
under this section. In the case of a tie vote or disagreement in 12172  
the board, the board shall submit the matter and all related 12173  
materials to the secretary of state in accordance with division 12174

(X) of section 3501.11 of the Revised Code. 12175

~~(C)~~(E) If the board decides that any such person is not 12176  
entitled to have the person's name on the registration list, the 12177  
person's name shall be removed from the list and the person's 12178  
registration forms canceled. If the board decides that the name of 12179  
any such person should appear on the registration list, it shall 12180  
be added to the list, and the person's registration forms placed 12181  
in the proper registration files. All such corrections and 12182  
additions shall be made on a copy of the precinct lists, which 12183  
shall constitute the poll lists, to be furnished to the respective 12184  
precincts with other election supplies on the day preceding the 12185  
election, to be used by the election officials in receiving the 12186  
signatures of voters and in checking against the registration 12187  
forms. 12188

~~(D)(1) If an application or challenge for which a hearing is 12189  
required to be conducted under division (B) of this section is 12190  
filed after the thirtieth day before the day of an election, the 12191  
board of elections, in its discretion, may postpone that hearing 12192  
and any notifications of that hearing until after the day of the 12193  
election. Any hearing postponed under this division shall be 12194  
conducted not later than ten days after the day of the election.~~ 12195

~~(2) The board of elections shall cause the name of any 12196  
registered elector whose registration is challenged and whose 12197  
challenge hearing is postponed under division (D)(1) of this 12198  
section to be marked in the official registration list and in the 12199  
poll list or signature pollbook for that elector's precinct to 12200  
indicate that the elector's registration is subject to challenge.~~ 12201

~~(3) Any elector who is the subject of an application or 12202  
challenge hearing that is postponed under division (D)(1) of this 12203  
section shall be permitted to vote a provisional ballot under 12204  
section 3505.181 of the Revised Code. The validity of a 12205  
provisional ballot cast pursuant to this section shall be 12206~~

~~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.~~

(F) The person challenging an elector's right to vote bears the burden of proving, by clear and convincing evidence, that the challenged elector's registration should be canceled.

**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;

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

"Voters must bring identification to the polls in order to verify identity. Identification may include a current and valid photo identification issued by the state or an Ohio agency or

political subdivision of the state, an institution of higher education, or the United States government, or an affirmation of the voter's identity. Identification for a first-time voter who registered to vote by mail, did not include proper identification with the registration application, and has not previously voted in a federal election in Ohio may include a current and valid photo identification, a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, ~~other than a notice of an election or a voter registration notification sent by a board of elections,~~ that shows the voter's name and current address. Voters who do not have or who do not provide one of these documents will still be able to vote ~~by providing the last four digits of the voter's social security number and~~ by casting a provisional ballot. ~~Voters who do not have any of the above forms of identification, including a social security number, will still be able to vote by signing an affirmation swearing to the voter's identity under penalty of election falsification and by casting a provisional ballot."~~

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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.

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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.

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(2) If a board of elections operates and maintains a web

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site, the board shall provide the information required to be 12269  
included in the brochure developed under division (A) of this 12270  
section to any person who prints a voter registration form that is 12271  
made available on that web site. 12272

(D) A board of elections shall not be required to distribute 12273  
a copy of a brochure under division (B) of this section to any of 12274  
the following officials or employees who are requesting more than 12275  
two voter registration forms at one time in the course of the 12276  
official's or employee's normal duties: 12277

(1) An election official; 12278

(2) A county treasurer; 12279

(3) A deputy registrar of motor vehicles; 12280

(4) An employee of a designated agency; 12281

(5) An employee of a public high school; 12282

(6) An employee of a public vocational school; 12283

(7) An employee of a public library; 12284

(8) An employee of the office of a county treasurer; 12285

(9) An employee of the bureau of motor vehicles; 12286

(10) An employee of a deputy registrar of motor vehicles; 12287

(11) An employee of an election official. 12288

(E) As used in this section, "registering voters" includes 12289  
any effort, for compensation, to provide voter registration forms 12290  
or to assist persons in completing or returning those forms. 12291

**Sec. 3505.01.** (A)(1) Except as otherwise provided in section 12292  
3519.08 of the Revised Code, on the ~~sixtieth~~ seventieth day before 12293  
the day of the next general election, the secretary of state shall 12294  
certify to the board of elections of each county the forms of the 12295  
official ballots to be used at that general election, together 12296

with the names of the candidates to be printed on those ballots 12297  
whose candidacy is to be submitted to the electors of the entire 12298  
state. ~~In the case of the presidential ballot for a general~~ 12299  
~~election, that certification shall be made on the fifty-fifth day~~ 12300  
~~before the day of the general election.~~ On the ~~seventy-fifth~~ 12301  
seventieth day before a special election to be held on the day 12302  
specified by division (E) of section 3501.01 of the Revised Code 12303  
for the holding of a primary election, designated by the general 12304  
assembly for the purpose of submitting to the voters of the state 12305  
constitutional amendments proposed by the general assembly, the 12306  
secretary of state shall certify to the board of elections of each 12307  
county the forms of the official ballots to be used at that 12308  
election. 12309

(2) The board of the most populous county in each district 12310  
comprised of more than one county but less than all of the 12311  
counties of the state, in which there are candidates whose 12312  
candidacies are to be submitted to the electors of that district, 12313  
shall, on the ~~sixtieth~~ seventieth day before the day of the next 12314  
general election, certify to the board of each county in the 12315  
district the names of those candidates to be printed on such 12316  
ballots. 12317

(3) The board of a county in which the major portion of a 12318  
subdivision, located in more than one county, is located shall, on 12319  
the ~~sixtieth~~ seventieth day before the day of the next general 12320  
election, certify to the board of each county in which other 12321  
portions of that subdivision are located the names of candidates 12322  
whose candidacies are to be submitted to the electors of that 12323  
subdivision, to be printed on such ballots. 12324

(B) If, subsequently to the ~~sixtieth~~ seventieth day before, 12325  
~~or in the case of a presidential ballot for a general election the~~ 12326  
~~fifty-fifth day before,~~ and prior to the tenth day before the day 12327  
of a general election, a certificate is filed with the secretary 12328

of state to fill a vacancy caused by the death of a candidate, the 12329  
secretary of state shall forthwith make a supplemental 12330  
certification to the board of each county amending and correcting 12331  
the secretary of state's original certification provided for in 12332  
the first paragraph of this section. If, within that time, such a 12333  
certificate is filed with the board of the most populous county in 12334  
a district comprised of more than one county but less than all of 12335  
the counties of the state, or with the board of a county in which 12336  
the major portion of the population of a subdivision, located in 12337  
more than one county, is located, the board with which the 12338  
certificate is filed shall forthwith make a supplemental 12339  
certification to the board of each county in the district or to 12340  
the board of each county in which other portions of the 12341  
subdivision are located, amending and correcting its original 12342  
certification provided for in ~~the second and third paragraphs~~ 12343  
division (A)(2) or (3) of this section. If, at the time such 12344  
supplemental certification is received by a board, ballots 12345  
carrying the name of the deceased candidate have been printed, the 12346  
board shall cause strips of paper bearing the name of the 12347  
candidate certified to fill the vacancy to be printed and pasted 12348  
on those ballots so as to cover the name of the deceased 12349  
candidate, except that in voting places using marking devices, the 12350  
board shall cause strips of paper bearing the revised list of 12351  
candidates for the office, after certification of a candidate to 12352  
fill the vacancy, to be printed and pasted on the ballot cards so 12353  
as to cover the names of candidates shown prior to the new 12354  
certification, before such ballots are delivered to electors. 12355

**Sec. 3505.03.** On the office type ballot shall be printed the 12356  
names of all candidates for election to offices, except judicial 12357  
offices, who were nominated at the most recent primary election as 12358  
candidates of a political party or who were nominated in 12359  
accordance with section 3513.02 of the Revised Code, and the names 12360

of all candidates for election to offices who were nominated by 12361  
nominating petitions, except candidates for judicial offices, for 12362  
member of the state board of education, for member of a board of 12363  
education, for municipal offices, and for township offices. 12364

The face of the ballot below the stub shall be substantially 12365  
in the following form: 12366

~~"OFFICIAL OFFICE TYPE BALLOT~~ Official Office Type Ballot 12367

(A) To vote ~~for a candidate record, mark~~ your vote in the 12368  
~~manner provided~~ choice next to the candidate's name ~~of such~~ 12369  
~~candidate.~~ 12370

(B) If you ~~tear, soil, deface, or erroneously mark this~~ 12371  
~~ballot, return it to the precinct election officers or, if you~~ 12372  
~~cannot return it, notify the precinct election officers, and~~ 12373  
~~obtain another ballot~~ make a mistake or want to change your vote, 12374  
ask an election official for a new ballot. You may ask for a new 12375  
ballot up to two times." 12376

The order in which the offices shall be listed on the ballot 12377  
shall be prescribed by, and certified to each board of elections 12378  
by, the secretary of state; provided that for state, district, and 12379  
county offices the order from top to bottom shall be as follows: 12380  
governor and lieutenant governor, attorney general, auditor of 12381  
state, secretary of state, treasurer of state, United States 12382  
senator, representative to congress, state senator, state 12383  
representative, county commissioner, county auditor, prosecuting 12384  
attorney, clerk of the court of common pleas, sheriff, county 12385  
recorder, county treasurer, county engineer, and coroner. The 12386  
offices of governor and lieutenant governor shall be printed on 12387  
the ballot in a manner that requires a voter to cast one vote 12388  
jointly for the candidates who have been nominated by the same 12389  
political party or petition. 12390

The names of all candidates for an office shall be arranged 12391

in a group under the title of that office, and, except for 12392  
absentee absent voter's ballots or when the number of candidates 12393  
for a particular office is the same as the number of candidates to 12394  
be elected for that office, shall be rotated from one precinct to 12395  
another. On ~~absentee~~ absent voter's ballots, the names of all 12396  
candidates for an office shall be arranged in a group under the 12397  
title of that office and shall be so alternated that each name 12398  
shall appear, insofar as may be reasonably possible, substantially 12399  
an equal number of times at the beginning, at the end, and in each 12400  
intermediate place, if any, of the group in which such name 12401  
belongs, unless the number of candidates for a particular office 12402  
is the same as the number of candidates to be elected for that 12403  
office. 12404

The method of printing the ballots to meet the rotation 12405  
requirement of this section shall be as follows: the least common 12406  
multiple of the number of names in each of the several groups of 12407  
candidates shall be used, and the number of changes made in the 12408  
printer's forms in printing the ballots shall correspond with that 12409  
multiple. The board of elections shall number all precincts in 12410  
regular serial sequence. In the first precinct, the names of the 12411  
candidates in each group shall be listed in alphabetical order. In 12412  
each succeeding precinct, the name in each group that is listed 12413  
first in the preceding precinct shall be listed last, and the name 12414  
of each candidate shall be moved up one place. In each precinct 12415  
using paper ballots, the printed ballots shall then be assembled 12416  
in tablets. ~~Under~~ 12417

The title of each office and the name of each candidate shall 12418  
be printed flush left and shall not be centered on the ballot or 12419  
in any column appearing on the ballot. The name of each candidate 12420  
shall be printed using standard capitalization in accordance with 12421  
instructions provided by the secretary of state and shall not be 12422  
printed using all capital letters. 12423

Except as otherwise provided in any section of the Revised Code, the names of candidates for nomination or election to the same office shall not appear on different pages of a printed ballot. To the extent practical, the names of candidates for nomination or election to the same office shall not appear in different columns on the same page.

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Except as otherwise provided in any section of the Revised Code, the names of candidates for nomination or election to the same office shall not appear on different ballot screens on direct recording electronic voting machines. To the extent practical, the names of candidates for the same office shall not appear in different columns on the same screen.

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Under the name of each candidate nominated at a primary election and each candidate nominated pursuant to section 3513.02 of the Revised Code, or certified by a party committee to fill a vacancy under section 3513.31 of the Revised Code shall be printed, in less prominent type face than that in which the candidate's name is printed, the name of the political party by which the candidate was nominated or certified. Under the name of each candidate appearing on the ballot who filed a nominating petition and requested a ballot designation as a nonparty candidate under section 3513.257 of the Revised Code shall be printed, in less prominent type face than that in which the candidate's name is printed, the designation of "nonparty candidate." Under the name of each candidate appearing on the ballot who filed a nominating petition and requested a ballot designation as an other-party candidate under section 3513.257 of the Revised Code shall be printed, in less prominent type face than that in which the candidate's name is printed, the designation of "other-party candidate." No designation shall appear under the name of a candidate appearing on the ballot who filed a nominating petition and requested that no ballot

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designation appear under the candidate's name under section 12456  
3513.257 of the Revised Code, or who filed a nominating petition 12457  
and failed to request a ballot designation either as a nonparty 12458  
candidate or as an other-party candidate under that section. 12459

Except as provided in this section, no words, designations, 12460  
or emblems descriptive of a candidate or the candidate's political 12461  
affiliation, or indicative of the method by which the candidate 12462  
was nominated or certified, shall be printed under or after a 12463  
candidate's name that is printed on the ballot. 12464

**Sec. 3505.04.** On the nonpartisan ballot shall be printed the 12465  
names of all nonpartisan candidates for election to judicial 12466  
office, office of member of the state board of education, office 12467  
of member of a board of education, municipal or township offices 12468  
for municipal corporations and townships in which primary 12469  
elections are not held for nomination of candidates by political 12470  
parties, and municipal offices of municipal corporations having 12471  
charters which provide for separate ballots for elections for such 12472  
municipal offices. 12473

Such ballots shall have printed across the top, and below the 12474  
stubs, "Official Nonpartisan Ballot." 12475

The order in which the offices are listed on the ballot shall 12476  
be prescribed by, and certified to each board of elections by, the 12477  
secretary of state; provided that the office of member of the 12478  
state board of education shall be listed first on the ballot, then 12479  
state, district, and county judicial offices shall be listed on 12480  
the ballot in such order, followed by municipal and township 12481  
offices, and by offices of member of a board of education, in the 12482  
order stated. 12483

Within the rectangular space within which the title of each 12484  
judicial office is printed on the ballot and immediately below 12485  
such title shall be printed the date of the commencement of the 12486

term of the office, if a full term, as follows: "Full term 12487  
commencing .....(Date).....," or the date of the end of the 12488  
term of the office, if an unexpired term, as follows: "Unexpired 12489  
term ending .....(Date)....." 12490

The secretary of state shall prescribe the information and 12491  
directions to the voter to be printed on the ballot within the 12492  
rectangular space in which the title of office of member of the 12493  
state board of education appears. 12494

Within the rectangular space within which the title of each 12495  
office for member of a board of education is printed on the ballot 12496  
shall be printed "For Member of Board of Education," and the 12497  
number to be elected, directions to the voter as to voting for 12498  
one, two, or more, and, if the office to be voted for is member of 12499  
a board of education of a city school district, words shall be 12500  
printed in said space on the ballot to indicate whether candidates 12501  
are to be elected from subdistricts or at large. 12502

The names of all nonpartisan candidates for an office shall 12503  
be arranged in a group under the title of that office, and shall 12504  
be rotated and printed on the ballot as provided in section 12505  
3505.03 of the Revised Code. 12506

The title of each office and the name of each candidate shall 12507  
be printed flush left and shall not be centered on the ballot or 12508  
in any column appearing on the ballot. The name of each candidate 12509  
shall be printed using standard capitalization in accordance with 12510  
instructions provided by the secretary of state and shall not be 12511  
printed using all capital letters. No name or designation of any 12512  
political party nor any words, designations, or emblems 12513  
descriptive of a candidate or ~~his~~ the candidate's political 12514  
affiliation, or indicative of the method by which such candidate 12515  
was nominated or certified, shall be printed under or after any 12516  
nonpartisan candidate's name which is printed on the ballot. 12517



Sec. 3505.06. (A) On the questions and issues ballot shall be 12518  
printed all questions and issues to be submitted at any one 12519  
election together with the percentage of affirmative votes 12520  
necessary for passage as required by law. Such ballot shall have 12521  
printed across the top thereof, and below the stubs, "Official 12522  
Questions and Issues Ballot." 12523

(B)(1) Questions and issues shall be grouped together on the 12524  
ballot from top to bottom as provided in division (B)(1) of this 12525  
section, except as otherwise provided in division (B)(2) of this 12526  
section. State questions and issues shall always appear as the top 12527  
group of questions and issues. In calendar year 1997, the 12528  
following questions and issues shall be grouped together on the 12529  
ballot, in the following order from top to bottom, after the state 12530  
questions and issues: 12531

- (a) County questions and issues; 12532
- (b) Municipal questions and issues; 12533
- (c) Township questions and issues; 12534
- (d) School or other district questions and issues. 12535

In each succeeding calendar year after 1997, each group of 12536  
questions and issues described in division (B)(1)(a) to (d) of 12537  
this section shall be moved down one place on the ballot except 12538  
that the group that was last on the ballot during the immediately 12539  
preceding calendar year shall appear at the top of the ballot 12540  
after the state questions and issues. The rotation shall be 12541  
performed only once each calendar year, beginning with the first 12542  
election held during the calendar year. The rotation of groups of 12543  
questions and issues shall be performed during each calendar year 12544  
as required by division (B)(1) of this section, even if no 12545  
questions and issues from any one or more such groups appear on 12546  
the ballot at any particular election held during that calendar 12547

year. 12548

(2) Questions and issues shall be grouped together on the 12549  
ballot, from top to bottom, in the following order when it is not 12550  
practicable to group them together as required by division (B)(1) 12551  
of this section because of the type of voting machines used by the 12552  
board of elections: state questions and issues, county questions 12553  
and issues, municipal questions and issues, township questions and 12554  
issues, and school or other district questions and issues. The 12555  
particular order in which each of a group of state questions or 12556  
issues is placed on the ballot shall be determined by, and 12557  
certified to each board of elections by, the secretary of state. 12558

(3) Failure of the board of elections to rotate questions and 12559  
issues as required by division (B)(1) of this section does not 12560  
affect the validity of the election at which the failure occurred, 12561  
and is not grounds for contesting an election under section 12562  
3515.08 of the Revised Code. 12563

(C) The particular order in which each of a group of county, 12564  
municipal, township, or school district questions or issues is 12565  
placed on the ballot shall be determined by the board providing 12566  
the ballots. 12567

(D) The printed matter pertaining to each question or issue 12568  
on the ballot shall be enclosed at the top and bottom thereof by a 12569  
heavy horizontal line across the width of the ballot. Immediately 12570  
below such top line shall be printed a brief title descriptive of 12571  
the question or issue below it, such as "Proposed Constitutional 12572  
Amendment," "Proposed Bond Issue," "Proposed Annexation of 12573  
Territory," "Proposed Increase in Tax Rate," or such other brief 12574  
title as will be descriptive of the question or issue to which it 12575  
pertains, together with a brief statement of the percentage of 12576  
affirmative votes necessary for passage, such as "A sixty-five per 12577  
cent affirmative vote is necessary for passage," "A majority vote 12578  
is necessary for passage," or such other brief statement as will 12579

be descriptive of the percentage of affirmative votes required. 12580

(E)(1) The questions and issues ballot need not contain the 12581  
full text of the proposal to be voted upon. A condensed text that 12582  
will properly describe the question, issue, or an amendment 12583  
proposed by other than the general assembly shall be used as 12584  
prepared and certified by the secretary of state for state-wide 12585  
questions or issues or by the board for local questions or issues. 12586  
If other than a full text is used, the full text of the proposed 12587  
question, issue, or amendment together with the percentage of 12588  
affirmative votes necessary for passage as required by law shall 12589  
be posted in each polling place in some spot that is easily 12590  
accessible to the voters. 12591

(2)(a) Except as otherwise provided in division (E)(2)(b) of 12592  
this section, ballot language for any state or local question, 12593  
issue, or amendment shall not exceed three hundred words. 12594

(b) Division (E)(2)(a) of this section shall not apply to any 12595  
question, issue, or amendment if the Revised Code or a municipal 12596  
or county charter specifies a ballot form or ballot language for 12597  
that question, issue, or amendment, and the ballot form or ballot 12598  
language specified in the Revised Code or a municipal or county 12599  
charter exceeds three hundred words. 12600

(F) Each question and issue appearing on the questions and 12601  
issues ballot may be consecutively numbered. The question or issue 12602  
determined to appear at the top of the ballot may be designated on 12603  
the face thereof by the Arabic numeral "1" and all questions and 12604  
issues placed below on the ballot shall be consecutively numbered. 12605  
Such numeral shall be placed below the heavy top horizontal line 12606  
enclosing such question or issue and to the left of the brief 12607  
title thereof. 12608

**Sec. 3505.062.** The Ohio ballot board shall do all of the 12609  
following: 12610

(A) Examine, within ten days after its receipt, each written initiative petition received from the attorney general under section 3519.01 of the Revised Code to determine whether it contains only one proposed law or constitutional amendment so as to enable the voters to vote on a proposal separately. If the board so determines, it shall certify its approval to the attorney general, who then shall file with the secretary of state in accordance with division (A) of section 3519.01 of the Revised Code a verified copy of the proposed law or constitutional amendment together with its summary and the attorney general's certification of it.

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

(B) Prescribe the ballot language for constitutional amendments proposed by the general assembly to be printed on the questions and issues ballot, which language shall properly identify the substance of the proposal to be voted upon but shall not exceed three hundred words;

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

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

(E) Prepare, or designate a group of persons to prepare, arguments in support of or in opposition to a constitutional amendment proposed by a resolution of the general assembly, a constitutional amendment or state law proposed by initiative petition, or a state law, or section or item of state law, subject to a referendum petition, if the persons otherwise responsible for the preparation of those arguments fail to timely prepare and file them;

(F) Direct the means by which the secretary of state shall disseminate information concerning proposed constitutional amendments, proposed laws, and referenda to the voters;

(G) Direct the secretary of state to contract for the publication in a newspaper of general circulation in each county in the state of the ballot language, explanations, and arguments regarding each of the following:

(1) A constitutional amendment or law proposed by initiative petition under Section 1g of Article II of the Ohio Constitution;

(2) A law, section, or item of law submitted to the electors by referendum petition under Section 1g of Article II of the Ohio Constitution;

(3) A constitutional amendment submitted to the electors by the general assembly under Section 1 of Article XVI of the Ohio Constitution.

**Sec. 3505.08.** (A) Ballots shall be provided by the board of elections for all general and special elections. The ballots shall be printed with black ink on No. 2 white book paper fifty pounds

in weight per ream assuming such ream to consist of five hundred 12673  
sheets of such paper twenty-five by thirty-eight inches in size. 12674  
Each ballot shall have attached at the top two stubs, each of the 12675  
width of the ballot and not less than one-half inch in length, 12676  
except that, if the board of elections has an alternate method to 12677  
account for the ballots that the secretary of state has 12678  
authorized, each ballot may have only one stub that shall be the 12679  
width of the ballot and not less than one-half inch in length. In 12680  
the case of ballots with two stubs, the stubs shall be separated 12681  
from the ballot and from each other by perforated lines. The top 12682  
stub shall be known as Stub B and shall have printed on its face 12683  
"Stub B." The other stub shall be known as Stub A and shall have 12684  
printed on its face "Stub A." Each stub shall also have printed on 12685  
its face "Consecutive Number ....." 12686

Each ballot of each kind of ballot provided for use in each 12687  
precinct shall be numbered consecutively beginning with number 1 12688  
by printing such number upon both of the stubs attached to the 12689  
ballot. ~~On ballots bearing the names of candidates, each 12690  
candidate's name shall be printed in twelve point boldface upper 12691  
case type in an enclosed rectangular space, and an enclosed blank 12692  
rectangular space shall be provided at the left of the candidate's 12693  
name. The name of the political party of a candidate nominated at 12694  
a primary election or certified by a party committee shall be 12695  
printed in ten point lightface upper and lower case type and shall 12696  
be separated by a two point blank space. The name of each 12697  
candidate shall be indented one space within the enclosed 12698  
rectangular space, and the name of the political party shall be 12699  
indented two spaces within the enclosed rectangular space.~~ 12700

~~The title of each office on the ballots shall be printed in 12701  
twelve point boldface upper and lower case type in a separate 12702  
enclosed rectangular space. A four point rule shall separate the 12703  
name of a candidate or a group of candidates for the same office 12704~~

~~from the title of the office next appearing below on the ballot; a two point rule shall separate the title of the office from the names of candidates; and a one point rule shall separate names of candidates. Headings shall be printed in display Roman type. When the names of several candidates are grouped together as candidates for the same office, there shall be printed on the ballots immediately below the title of the office and within the separate rectangular space in which the title is printed "Vote for not more than ....., " in six point boldface upper and lower case filling the blank space with that number which will indicate the number of persons who may be lawfully elected to the office.~~

~~Columns on ballots shall be separated from each other by a heavy vertical border or solid line at least one eighth of an inch wide, and a similar vertical border or line shall enclose the left and right side of ballots. Ballots shall be trimmed along the sides close to such lines.~~

The ballots provided for by this section shall be comprised of four kinds of ballots designated as follows: office type ballot; nonpartisan ballot; questions and issues ballot; and presidential ballot.

On ~~the back of~~ each office type ballot shall be printed "Official Office Type Ballot;" on ~~the back of~~ each nonpartisan ballot shall be printed "Official Nonpartisan Ballot;" on ~~the back of~~ each questions and issues ballot shall be printed "Official Questions and Issues Ballot;" and on ~~the back of~~ each presidential ballot shall be printed "Official Presidential Ballot." On ~~the back of~~ every ballot also shall be printed the date of the election at which the ballot is used and the facsimile signatures of the members of the board of the county in which the ballot is used. For the purpose of identifying the kind of ballot, ~~the back of~~ every ballot may be numbered in the order the board shall determine. The numbers shall be printed in not less than

thirty-six point type above the words "Official Office Type 12737  
Ballot," "Official Nonpartisan Ballot," "Official Questions and 12738  
Issues Ballot," or "Official Presidential Ballot," as the case may 12739  
be. Ballot boxes bearing corresponding numbers shall be furnished 12740  
for each precinct in which the above-described numbered ballots 12741  
are used. 12742

On ~~the back of~~ every ballot used, there shall be a solid 12743  
black line printed opposite the blank rectangular space that is 12744  
used to mark the choice of the voter. This line shall be printed 12745  
wide enough so that the mark in the blank rectangular space will 12746  
not be visible from the back side of the ballot. 12747

Sample ballots may be printed by the board of elections for 12748  
all general elections. The ballots shall be printed on colored 12749  
paper, and "Sample Ballot" shall be plainly printed in boldface 12750  
type on the face of each ballot. ~~In counties of less than one~~ 12751  
~~hundred thousand population, the board may print not more than~~ 12752  
~~five hundred sample ballots; in all other counties, it may print~~ 12753  
~~not more than one thousand sample ballots.~~ The sample ballots 12754  
shall not be distributed by a political party or a candidate, nor 12755  
shall a political party or candidate cause their title or name to 12756  
be imprinted on sample ballots. 12757

(B) Notwithstanding division (A) of this section, in 12758  
approving the form of an official ballot, the secretary of state 12759  
may authorize the use of fonts, type face settings, and ballot 12760  
formats other than those prescribed in that division. 12761

**Sec. 3505.10.** (A) On the presidential ballot below the stubs 12762  
at the top of the face of the ballot shall be printed "Official 12763  
Presidential Ballot." ~~entered between the side edges of the~~ 12764  
~~ballot.~~ Below "Official Presidential Ballot" shall be printed a 12765  
heavy line ~~entered~~ between the side edges of the ballot. Below 12766  
the line shall be printed "~~Instruction~~ instructions to Voters" 12767



~~centered between the side edges of the ballot, and below those~~ 12768  
~~words shall be printed the following instructions voters, which~~ 12769  
~~shall be substantially as follows:~~ 12770

~~"(1) To vote for the candidates for president and~~ 12771  
~~vice president whose names are printed below, record your vote in~~ 12772  
~~the manner provided next to the names of such candidates. That~~ 12773  
~~recording of the vote will be counted as a vote for each of the~~ 12774  
~~candidates for presidential elector whose names have been~~ 12775  
~~certified to the secretary of state and who are members of the~~ 12776  
~~same political party as the nominees for president and~~ 12777  
~~vice president. A recording of the vote for independent candidates~~ 12778  
~~for president and vice president shall be counted as a vote for~~ 12779  
~~the presidential electors filed by such candidates with the~~ 12780  
~~secretary of state.~~ 12781

~~(2) To vote for candidates for president and vice president~~ 12782  
~~in the blank space below, record your vote in the manner provided~~ 12783  
~~and write the names of your choice for president and~~ 12784  
~~vice president under the respective headings provided for those~~ 12785  
~~offices. Such write in will be counted as a vote for the~~ 12786  
~~candidates' presidential electors whose names have been properly~~ 12787  
~~certified to the secretary of state.~~ 12788

~~(3) If you tear, soil, deface, or erroneously mark this~~ 12789  
~~ballot, return it to the precinct election officers or, if you~~ 12790  
~~cannot return it, notify the precinct election officers, and~~ 12791  
~~obtain another ballot."~~ 12792

~~"To vote for President and Vice-president, mark your choice~~ 12793  
~~next to the joint candidates' names."~~ 12794

~~(B) Below those instructions to the voter shall be printed a~~ 12795  
~~single vertical column of enclosed rectangular spaces equal in~~ 12796  
~~number to the number of presidential candidates plus one~~ 12797  
~~additional space for write-in candidates. Each of those~~ 12798

rectangular spaces shall be enclosed by a heavy line along each of 12799  
its four sides, and such spaces shall be separated from each other 12800  
by one-half inch of open space. 12801

In each of those enclosed rectangular spaces, except the 12802  
space provided for write-in candidates, shall be printed the names 12803  
of the candidates for president and vice-president certified to 12804  
the secretary of state or nominated in one of the following 12805  
manners: 12806

(1) Nominated by the national convention of a political party 12807  
to which delegates and alternates were elected in this state at 12808  
the next preceding primary election. A political party certifying 12809  
candidates so nominated shall certify the names of those 12810  
candidates to the secretary of state on or before the ~~sixtieth~~ 12811  
eighty-fifth day before the day of the general election. 12812

(2) Nominated by nominating petition in accordance with 12813  
section 3513.257 of the Revised Code. Such a petition shall be 12814  
filed on or before the ~~seventy-fifth~~ eighty-fifth day before the 12815  
day of the general election to provide sufficient time to verify 12816  
the sufficiency and accuracy of signatures on it. 12817

(3) Certified to the secretary of state for placement on the 12818  
presidential ballot by authorized officials of ~~an intermediate or~~ 12819  
a minor political party that has held a state or national 12820  
convention for the purpose of choosing those candidates or that 12821  
may, without a convention, certify those candidates in accordance 12822  
with the procedure authorized by its party rules. The officials 12823  
shall certify the names of those candidates to the secretary of 12824  
state on or before the ~~sixtieth~~ eighty-fifth day before the day of 12825  
the general election. The certification shall be accompanied by a 12826  
designation of a sufficient number of presidential electors to 12827  
satisfy the requirements of law. 12828

The names of candidates for electors of president and 12829

vice-president shall not be placed on the ballot, but shall be 12830  
certified to the secretary of state as required by sections 12831  
3513.11 and 3513.257 of the Revised Code. A vote for any 12832  
candidates for president and vice-president shall be a vote for 12833  
the electors of those candidates whose names have been certified 12834  
to the secretary of state. 12835

(C) The arrangement of the printing in each of the enclosed 12836  
rectangular spaces shall be substantially as follows: Near the top 12837  
~~and centered~~ within the rectangular space shall be printed "For 12838  
President" in ten-point boldface upper and lower case type. Below 12839  
"For President" shall be printed the name of the candidate for 12840  
president in twelve-point boldface upper and lower case type. 12841  
Below the name of the candidate for president shall be printed the 12842  
name of the political party by which that candidate for president 12843  
was nominated in eight-point lightface upper and lower case type. 12844  
Below the name of such political party shall be printed "For 12845  
Vice-President" in ten-point boldface upper and lower case type. 12846  
Below "For Vice-President" shall be printed the name of the 12847  
candidate for vice-president in twelve-point boldface upper and 12848  
lower case type. Below the name of the candidate for 12849  
vice-president shall be printed the name of the political party by 12850  
which that candidate for vice-president was nominated in 12851  
eight-point lightface upper and lower case type. No political 12852  
identification or name of any political party shall be printed 12853  
below the names of presidential and vice-presidential candidates 12854  
nominated by petition. The title of each office and the name of 12855  
each candidate shall be printed flush left and shall not be 12856  
centered on the ballot or in any column appearing on the ballot. 12857

The rectangular spaces on the ballot described in this 12858  
section shall be rotated and printed as provided in section 12859  
3505.03 of the Revised Code. 12860

Sec. 3505.11. (A)(1) The ballots, with the stubs attached, 12861  
shall be bound into tablets for each precinct, which tablets shall 12862  
contain at least ~~one per cent more ballots than the total~~ 12863  
~~registration in the precinct~~ the following minimum number of 12864  
ballots, except as otherwise provided in ~~division~~ divisions (A)(2) 12865  
and (B) of this section.~~Upon:~~ 12866

(a) For regular state elections when the office of the 12867  
president of the United States appears on the ballot, ballots 12868  
equal to at least one hundred one per cent of the total 12869  
registration in the precinct; 12870

(b) For regular state elections when the office of governor 12871  
appears on the ballot, ballots equal to at least one hundred one 12872  
per cent of the total registration in the precinct; 12873

(c) For regular municipal elections, ballots equal to at 12874  
least eighty per cent of the total registration in the precinct; 12875

(d) For primary elections and special elections held on the 12876  
day of a primary election in an even-numbered year: 12877

(i) For partisan primaries, ballots equal to at least one 12878  
hundred fifty per cent of the number of voters who voted in that 12879  
party's primary election in the previous applicable primary 12880  
election in that precinct held in an even-numbered year, or if the 12881  
political party has not held a primary election in that precinct 12882  
within the previous four years, ballots equal to at least fifty 12883  
per cent of the number of voters who voted in any other party's 12884  
primary election in the previous applicable primary election in 12885  
that precinct held in an even-numbered year; 12886

(ii) For ballots containing only questions and issues, 12887  
ballots equal to at least one hundred fifty per cent of the number 12888  
of voters who voted only a questions and issues ballot in the 12889  
previous applicable special election held on the day of a primary 12890

election held in the precinct in an even-numbered year; 12891

(e) For primary elections and special elections held on the 12892  
day of a primary election in an odd-numbered year: 12893

(i) For partisan primaries, ballots equal to at least one 12894  
hundred fifty per cent of the number of voters who voted in that 12895  
party's primary election in the previous applicable primary 12896  
election in that precinct held in an odd-numbered year, or if the 12897  
political party has not held a primary election in that precinct 12898  
within the previous four years, ballots equal to at least fifty 12899  
per cent of the number of voters who voted in any other party's 12900  
primary election in the previous applicable primary election in 12901  
that precinct held in an odd-numbered year; 12902

(ii) For ballots containing only questions and issues, 12903  
ballots equal to at least one hundred fifty per cent of the number 12904  
of voters who voted only a questions and issues ballot in the 12905  
previous applicable special election held on the day of a primary 12906  
election held in the precinct in an odd-numbered year; 12907

(f) For special elections held on a day other than the day of 12908  
a primary or general election, ballots equal to at least sixty per 12909  
cent of the total registration in the precinct. 12910

(2) If the board of elections finds that the minimum number 12911  
of ballots required for a precinct under division (A)(1) of this 12912  
section is less than the number of ballots cast in that precinct 12913  
in the previous applicable election, the board of elections shall 12914  
provide for that precinct ballots equal to not less than one 12915  
hundred twenty-five per cent of the number of ballots cast in that 12916  
previous applicable election or ballots equal to not less than one 12917  
hundred one per cent of the total registration in that precinct, 12918  
whichever is less. 12919

If, after the board complies with the requirements of 12920  
division (A)(1) of this section, the precinct election officials 12921

determine that the precinct will not have sufficient ballots to 12922  
enable all the qualified electors in the precinct who wish to vote 12923  
at a particular election to do so, the officials shall request 12924  
that the board provide additional ballots, and the board shall 12925  
provide enough additional ballots, to that precinct in a timely 12926  
manner so that all qualified electors in that precinct who wish to 12927  
vote at that election may do so. 12928

(3) Upon the covers of the tablets shall be written, printed, 12929  
or stamped the designation of the precinct for which the ballots 12930  
have been prepared. All official ballots shall be printed 12931  
uniformly upon the same kind and quality of paper and shall be of 12932  
the same shape, size, and type. 12933

Electors who have failed to respond within thirty days to any 12934  
confirmation notice shall not be counted in determining the number 12935  
of ballots to be printed under this section. 12936

(B)(1) A board of elections may choose to provide ballots on 12937  
demand. If a board so chooses, the board shall have prepared for 12938  
each precinct at least ~~five~~ ten per cent more ballots for an 12939  
election than the number specified below for that kind of 12940  
election: 12941

(a) For a primary election or a special election held on the 12942  
day of a primary election, the total number of electors in that 12943  
precinct who voted in the primary election held four years 12944  
previously; 12945

(b) For a general election or a special election held on the 12946  
day of a general election, the total number of electors in that 12947  
precinct who voted in the general election held four years 12948  
previously; 12949

(c) For a special election held at any time other than on the 12950  
day of a primary or general election, the total number of electors 12951  
in that precinct who voted in the most recent primary or general 12952

election, whichever of those elections occurred in the precinct 12953  
most recently. 12954

(2) If, after the board complies with the requirements of 12955  
division (B)(1) of this section, the election officials of a 12956  
precinct determine that the precinct will not have enough ballots 12957  
to enable all the qualified electors in the precinct who wish to 12958  
vote at a particular election to do so, the officials shall 12959  
request that the board provide additional ballots, and the board 12960  
shall provide enough additional ballots, to that precinct in a 12961  
timely manner so that all qualified electors in that precinct who 12962  
wish to vote at that election may do so. 12963

(3) If a board of elections decides to print ballots on 12964  
demand, in addition to meeting the requirements of division (B)(1) 12965  
of this section, the board shall have ready for use an amount of 12966  
ballot printing paper that would allow the board to print a total 12967  
number of ballots for that election equal to eighty per cent of 12968  
the number of ballots required to be printed and available under 12969  
division (A) of this section if the county had not decided to 12970  
print ballots on demand. 12971

(C) Nothing in this section precludes a board of elections 12972  
from providing more than the minimum number of ballots required 12973  
for a precinct or polling location if the board of elections 12974  
determines that any precinct or polling location will not have 12975  
enough ballots to enable all the qualified electors in the 12976  
precinct who wish to vote at a particular election to do so. 12977

**Sec. 3505.12.** The board of elections shall cause to be 12978  
printed in English in twelve-point type on paper or cardboard 12979  
instructions ~~as issued by the secretary of state for the guidance~~ 12980  
~~of electors in marking their ballots. Such instructions shall~~ 12981  
~~inform the voters as to how to prepare the ballots for voting, how~~ 12982  
~~to obtain a new ballot in case of accidentally spoiling one, and,~~ 12983

~~in a smaller type, a summary of the important sections of the~~ 12984  
~~penal law relating to crimes against the elective franchise. The,~~ 12985  
which shall be substantially as follows: 12986

"To vote, mark your choice next to the candidate's name or 12987  
answer of your choice. 12988

If you make a mistake or want to change your vote, ask an 12989  
election official for a new ballot. You may ask for a new ballot 12990  
up to two times." 12991

The precinct election officials shall cause to be posted 12992  
immediately in front of or on the polling place and in each voting 12993  
shelf one or more of such cards of instructions. 12994

**Sec. 3505.13.** A contract for the printing of ballots 12995  
involving a cost in excess of ~~ten~~ twenty-five thousand dollars 12996  
shall not be let until after five days' notice published once in a 12997  
leading newspaper published in the county or upon notice given by 12998  
mail by the board of elections, addressed to the responsible 12999  
printing offices within the state. Except as otherwise provided in 13000  
this section, each bid for such printing must be accompanied by a 13001  
bond with at least two sureties, or a surety company, satisfactory 13002  
to the board, in a sum double the amount of the bid, conditioned 13003  
upon the faithful performance of the contract for such printing as 13004  
is awarded and for the payment as damages by such bidder to the 13005  
board of any excess of cost over the bid which it may be obliged 13006  
to pay for such work by reason of the failure of the bidder to 13007  
complete the contract. No bid unaccompanied by such bond shall be 13008  
considered by the board. The board may, however, waive the 13009  
requirement that each bid be accompanied by a bond if the cost of 13010  
the contract is ~~ten~~ twenty-five thousand dollars or less. The 13011  
contract shall be let to the lowest responsible bidder in the 13012  
state. All ballots shall be printed within the state. 13013



**Sec. 3505.18.** (A)(1) When an elector appears in a polling 13014  
place to vote, the elector shall announce to the precinct election 13015  
officials the elector's full name and current address and provide 13016  
~~proof of the elector's identity in the form of a current and valid~~ 13017  
~~photo identification. If the elector's voter registration record~~ 13018  
~~is marked pursuant to section 3503.141 of the Revised Code, the~~ 13019  
~~elector shall provide first-time mail-in registrant~~ 13020  
~~identification, a military identification, or a copy of a current~~ 13021  
~~utility bill, bank statement, government check, paycheck, or other~~ 13022  
~~government document, other than a notice of an election mailed by~~ 13023  
~~a board of elections under section 3501.19 of the Revised Code or~~ 13024  
~~a notice of voter registration mailed by a board of elections~~ 13025  
~~under section 3503.19 of the Revised Code, that shows the name and~~ 13026  
~~current address of the elector. If the elector provides either a~~ 13027  
~~driver's license or a state identification card issued under~~ 13028  
~~section 4507.50 of the Revised Code that does not contain the~~ 13029  
~~elector's current residence address, the elector shall provide the~~ 13030  
~~last four digits of the elector's driver's license number or state~~ 13031  
~~identification card number, and the precinct election official~~ 13032  
~~shall mark the poll list or signature pollbook to indicate that~~ 13033  
~~the elector has provided a driver's license or state~~ 13034  
~~identification card number with a former address and record the~~ 13035  
~~last four digits of the elector's driver's license number or state~~ 13036  
~~identification card number.~~ 13037

(2) ~~If an elector has but is unable to provide to the~~ 13039  
~~precinct election officials any of the forms of identification~~ 13040  
~~required under division (A)(1) of this section, but has a social~~ 13041  
~~security number, the elector may provide the last four digits of~~ 13042  
~~the elector's social security number. Upon providing the social~~ 13043  
~~security number information, the elector may cast a provisional~~ 13044  
~~ballot under section 3505.181 of the Revised Code, the envelope of~~ 13045

~~which ballot shall include that social security number information.~~ 13046  
13047

~~(3) If an elector has but is unable to provide to the precinct election officials any of the forms of identification required under division (A)(1) of this section and if the elector has a social security number but is unable to provide the last four digits of the elector's social security number, the elector may cast a provisional ballot under section 3505.181 of the Revised Code.~~ 13048  
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~~(4) If an elector does not have any of the forms of identification required under division (A)(1) of this section and cannot provide the last four digits of the elector's social security number because the elector does not have a social security number, the elector may execute an affirmation under penalty of election falsification that the elector cannot provide the identification required under that division or the last four digits of the elector's social security number for those reasons. Upon signing the affirmation, the elector may cast a provisional ballot under section 3505.181 of the Revised Code. The secretary of state shall prescribe the form of the affirmation, which shall include spaces for all of the following:~~ 13055  
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~~(a) The elector's name;~~ 13067

~~(b) The elector's address;~~ 13068

~~(c) The current date;~~ 13069

~~(d) The elector's date of birth;~~ 13070

~~(e) The elector's signature.~~ 13071

~~(5) If an elector does not have any of the forms of identification required under division (A)(1) of this section and cannot provide the last four digits of the elector's social security number because the elector does not have a social~~ 13072  
13073  
13074  
13075

~~security number, and if the elector declines to execute an~~ 13076  
~~affirmation under division (A)(4) of this section, the elector may~~ 13077  
~~cast a provisional ballot under section 3505.181 of the Revised~~ 13078  
~~Code, the envelope of which ballot shall include the elector's~~ 13079  
~~name.~~ 13080

~~(6) If an elector has but~~ does not have or declines to 13081  
provide to the precinct election officials ~~any of the forms of~~ 13082  
identification required under division (A)(1) of this section ~~or~~ 13083  
~~the elector has a social security number but declines to provide~~ 13084  
~~to the precinct election officials the last four digits of the~~ 13085  
~~elector's social security number,~~ the elector may cast a 13086  
provisional ballot under section 3505.181 of the Revised Code. 13087

(B) After the elector has announced the elector's full name 13088  
and current address and provided ~~any of the forms of~~ 13089  
identification required under division (A)(1) of this section, the 13090  
elector shall ~~write~~ confirm the elector's name and address by 13091  
signing the elector's name at the proper place in the poll list or 13092  
signature pollbook provided for the purpose, except that if, for 13093  
any reason, an elector is unable to ~~write~~ sign the elector's name 13094  
~~and current address~~ in the poll list or signature pollbook, the 13095  
elector may make the elector's mark at the place intended for the 13096  
elector's name, and a precinct election official shall write the 13097  
name of the elector at the proper place on the poll list or 13098  
signature pollbook following the elector's mark. The making of 13099  
such a mark shall be attested by the precinct election official, 13100  
who shall evidence the same by signing the precinct election 13101  
official's name on the poll list or signature pollbook as a 13102  
witness to the mark. Alternatively, if applicable, an attorney in 13103  
fact acting pursuant to section 3501.382 of the Revised Code may 13104  
sign the elector's signature in the poll list or signature 13105  
pollbook in accordance with that section. 13106

The elector's signature in the poll list or signature 13107

pollbook then shall be compared with the elector's signature on 13108  
the elector's registration form or a digitized signature list as 13109  
provided for in section 3503.13 of the Revised Code, and if, in 13110  
the opinion of a majority of the precinct election officials, the 13111  
signatures are the signatures of the same person, the election 13112  
officials shall enter the date of the election on the registration 13113  
form or shall record the date by other means prescribed by the 13114  
secretary of state. The validity of an attorney in fact's 13115  
signature on behalf of an elector shall be determined in 13116  
accordance with section 3501.382 of the Revised Code. 13117

If the right of the elector to vote is not then challenged, 13118  
or, if being challenged, the elector establishes the elector's 13119  
right to vote, the elector shall be allowed to proceed to use the 13120  
voting machine. If voting machines are not being used in that 13121  
precinct, the judge in charge of ballots shall then detach the 13122  
next ballots to be issued to the elector from Stub B attached to 13123  
each ballot, leaving Stub A attached to each ballot, hand the 13124  
ballots to the elector, and call the elector's name and the stub 13125  
number on each of the ballots. The judge shall enter the stub 13126  
numbers opposite the signature of the elector in the pollbook. The 13127  
elector shall then retire to one of the voting compartments to 13128  
mark the elector's ballots. No mark shall be made on any ballot 13129  
which would in any way enable any person to identify the person 13130  
who voted the ballot. 13131

**Sec. 3505.181.** (A) All of the following individuals shall be 13132  
permitted to cast a provisional ballot at an election: 13133

(1) An individual who declares that the individual is a 13134  
registered voter ~~in the jurisdiction in which the individual~~ 13135  
~~desires to vote~~ and that the individual is eligible to vote in an 13136  
election, but the name of the individual does not appear on the 13137  
official list of eligible voters for the polling place ~~or an~~ 13138

~~election official asserts that the individual is not eligible to  
vote;~~ 13139  
13140

~~(2) An individual who has a social security number and  
provides to the election officials the last four digits of the  
individual's social security number as permitted by division  
(A)(2) of section 3505.18 of the Revised Code;~~ 13141  
13142  
13143  
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~~(3) An individual who has but is unable to does not have or  
declines to provide to the election officials any of the forms of  
identification required under division (A)(1) of section 3505.18  
of the Revised Code and who has a social security number but is  
unable to provide the last four digits of the individual's social  
security number as permitted under division (A)(2) of that  
section;~~ 13145  
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~~(4) An individual who does not have any of the forms of  
identification required under division (A)(1) of section 3505.18  
of the Revised Code, who cannot provide the last four digits of  
the individual's social security number under division (A)(2) of  
that section because the individual does not have a social  
security number, and who has executed an affirmation as permitted  
under division (A)(4) of that section;~~ 13152  
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~~(5)(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 an absent voter's ballot or an  
armed service absent voter's ballot for that election and who  
appears to vote at the polling place;~~ 13159  
13160  
13161  
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~~(6) An individual whose notification of registration has been  
returned undelivered to the board of elections and whose name in  
the official registration list and in the poll list or signature  
pollbook has been marked under division (C)(2) of section 3503.19  
of the Revised Code;~~ 13164  
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~~(7) An individual who is challenged under section 3505.20 of~~ 13169

~~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;~~

~~(8) 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;~~

~~(9) An individual who 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;~~

~~(10) 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;~~

~~(11) 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;~~

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

~~(13) An individual who has but declines to provide to the  
precinct election officials any of the forms of identification  
required under division (A)(1) of section 3501.18 of the Revised  
Code or who has a social security number but declines to provide  
to the precinct election officials the last four digits of the  
individual's social security number.~~

(B) Notwithstanding any provision of the Revised Code to the  
contrary, no person who is deemed ineligible to cast a regular  
ballot shall be denied, for any reason, the opportunity to cast a  
provisional ballot under this section at any polling location.

(C) An individual who is eligible to cast a provisional  
ballot under ~~division~~ divisions (A) and (B) of this section shall  
be permitted to cast a provisional ballot as follows:

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

~~(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:~~

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

~~(b) Eligible to vote in that election.~~

~~(3) An election official shall provide the individual with a  
provisional ballot envelope containing the affirmation required  
under section 3505.182 of the Revised Code.~~

(3) The individual shall complete the voter's portion of the  
affirmation. If the individual is unable to physically complete  
the voter's portion of the affirmation, an election official shall

complete the voter's portion of the affirmation for the individual 13231  
at the direction of the individual. 13232

(4) The election official shall review the affirmation to 13233  
determine if the voter's portion of the affirmation has been 13234  
completed. If the election official finds that the voter's portion 13235  
of the affirmation has been completed, the election official shall 13236  
provide the individual with a provisional ballot. If the election 13237  
official finds that the voter's portion of the affirmation has not 13238  
been completed, the official shall direct the individual to 13239  
properly complete the affirmation. If the individual refuses to 13240  
complete the affirmation, the election official shall do all of 13241  
the following: 13242

(a) Write the individual's name on the affirmation in the 13243  
space for the individual's name; 13244

(b) Indicate on the affirmation form that the individual 13245  
refused to complete the affirmation; 13246

(c) Notify the individual that the provisional ballot will 13247  
only be counted if the individual signs the affirmation; 13248

(d) Provide the individual with a provisional ballot. 13249

(5) The voter shall place the voted provisional ballot in the 13250  
completed envelope, seal the envelope, and return the envelope to 13251  
the election official. 13252

(6) An election official at the polling place shall transmit 13253  
the voter's sealed provisional ballot east by the individual, the 13254  
voter information contained in the written affirmation executed by 13255  
the individual under division (B)(2) of this section, or the 13256  
individual's name if the individual declines to execute such an 13257  
affirmation envelope to an appropriate local election official for 13258  
verification under division (B)(4) of this section section 13259  
3505.183 of the Revised Code. 13260



~~(4) If the appropriate local election official to whom the ballot or voter or address 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.~~

~~(5)(7)(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)(C)(7)(b)~~ of this section whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

(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.

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.

~~(6) If, at the time that an individual casts a provisional ballot, the individual provides identification in the form of a current and valid photo identification, a military identification,~~

~~or a copy of a current utility bill, bank statement, government  
check, paycheck, or other government document, other than a notice  
of an election mailed by a board of elections under section  
3501.19 of the Revised Code or a notice of voter registration  
mailed by a board of elections under section 3503.19 of the  
Revised Code, that shows the individual's name and current  
address, or provides the last four digits of the individual's  
social security number, or executes an affirmation that the  
elector does not have any of those forms of identification or the  
last four digits of the individual's social security number  
because the individual does not have a social security number, or  
declines to execute such an affirmation, the appropriate local  
election official shall record the type of identification  
provided, the social security number information, the fact that  
the affirmation was executed, or the fact that the individual  
declined to execute such an affirmation and include that  
information with the transmission of the ballot or voter or  
address information under division (B)(3) of this section. If the  
individual declines to execute such an affirmation, the  
appropriate local election official shall record the individual's  
name and include that information with the transmission of the  
ballot under division (B)(3) of this section.~~

~~(7) If an individual casts a provisional ballot pursuant to  
division (A)(3), (7), (8), (12), or (13) of this section, the  
election official shall indicate, on the provisional ballot  
verification statement required under section 3505.192 of the  
Revised Code, that the individual is required to provide  
additional information to the board of elections or that an  
application or challenge hearing has been postponed with respect  
to the individual, such that additional information is required  
for the board of elections to determine the eligibility of the  
individual who cast the provisional ballot.~~

~~(8) During the ten days after the day of an election, an individual who casts a provisional ballot pursuant to division (A)(3), (7), (12), or (13) of this section shall appear at the office of the board of elections and provide to the board any additional information necessary to determine the eligibility of the individual who cast the provisional ballot.~~

~~(a) For a provisional ballot cast pursuant to division (A)(3), (12), or (13) of this section to be eligible to be counted, the individual who cast that ballot, within ten days after the day of the election, shall do any of the following:~~

~~(i) Provide to the board of elections proof of the individual's identity in the form of a current and valid photo identification, a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the individual's name and current address;~~

~~(ii) Provide to the board of elections the last four digits of the individual's social security number;~~

~~(iii) In the case of a provisional ballot executed pursuant to division (A)(12) of this section, execute an affirmation as permitted under division (A)(4) of section 3505.18 of the Revised Code.~~

~~(b) For a provisional ballot cast pursuant to division (A)(7) of this section to be eligible to be counted, the individual who cast that ballot, within ten days after the day of that election, shall provide to the board of elections any identification or other documentation required to be provided by the applicable challenge questions asked of that individual under section 3505.20~~

~~of the Revised Code.~~ 13356

~~(C)~~(D)(1) If an individual declares that the individual is 13357  
eligible to vote in a jurisdiction other than the jurisdiction in 13358  
which the individual desires to vote, or if, upon review of the 13359  
precinct voting location guide using the residential street 13360  
address provided by the individual, an election official at the 13361  
polling place at which the individual desires to vote determines 13362  
that the individual is not ~~eligible~~ registered to vote in that 13363  
~~jurisdiction precinct~~, the election official shall direct the 13364  
individual to the polling place for the ~~jurisdiction precinct~~ in 13365  
which the individual appears to be ~~eligible~~ registered to vote, 13366  
explain that the individual may cast a provisional ballot at the 13367  
current location but the ballot will not be counted if it is cast 13368  
in the wrong ~~precinct~~ county, and provide the telephone number of 13369  
the board of elections in case the individual has additional 13370  
questions. 13371

(2) If the individual refuses to travel to the polling place 13372  
for the correct jurisdiction or to the office of the board of 13373  
elections to cast a ballot, the individual shall be permitted to 13374  
vote a provisional ballot at that jurisdiction in accordance with 13375  
division ~~(B)~~(C) of this section. ~~If any of the following apply,~~ 13376  
~~the provisional ballot cast by that individual shall not be opened~~ 13377  
~~or counted.~~ 13378

~~(a) The individual is not properly registered in that~~ 13379  
~~jurisdiction.~~ 13380

~~(b) The individual is not eligible to vote in that election~~ 13381  
~~in that jurisdiction.~~ 13382

~~(c) The individual's eligibility to vote in that jurisdiction~~ 13383  
~~in that election cannot be established upon examination of the~~ 13384  
~~records on file with the board of elections.~~ 13385

~~(D)~~(E) The appropriate local election official shall cause 13386

voting information to be publicly posted at each polling place on 13387  
the day of each election. 13388

~~(E)~~(F) The secretary of state shall prescribe the form and 13389  
content of provisional ballot envelopes. The provisional ballot 13390  
envelopes prescribed under this division shall include the 13391  
affirmation required by section 3505.182 of the Revised Code. 13392

The provisional ballot envelopes used by each board of 13393  
elections in conducting provisional voting within a county shall 13394  
conform to the form and content prescribed by the secretary of 13395  
state under this division. 13396

(G) As used in this section and sections 3505.182 and 13397  
3505.183 of the Revised Code: 13398

(1) "Jurisdiction" means the ~~precinct~~ county in which a 13399  
person is a legally qualified elector. 13400

(2) "Precinct voting location guide" means either of the 13401  
following: 13402

(a) An electronic or paper record that lists the correct 13403  
~~jurisdiction~~ precinct and polling place for either each specific 13404  
residential street address in the county or the range of 13405  
residential street addresses located in each neighborhood block in 13406  
the county; 13407

(b) Any other method that a board of elections creates that 13408  
allows a precinct election official or any elector who is at a 13409  
polling place in that county to determine the correct ~~jurisdiction~~ 13410  
precinct and polling place of any qualified elector who resides in 13411  
the county. 13412

(3) "Voting information" means all of the following: 13413

(a) A sample version of the ballot that will be used for that 13414  
election; 13415

(b) Information regarding the date of the election and the 13416

hours during which polling places will be open;	13417
(c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;	13418 13419
(d) Instructions for mail-in registrants and first-time voters under applicable federal and state laws;	13420 13421
(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;	13422 13423 13424 13425 13426
(f) General information on federal and state laws regarding prohibitions against acts of fraud and misrepresentation.	13427 13428
<u>(4) The "signature" of an individual on a provisional voter's affirmation includes all of the following:</u>	13429 13430
<u>(a) An individual's mark attested by an election official who shall write the individual's name on the affirmation and sign the election official's name as a witness to the mark, if the individual is unable to physically sign the affirmation;</u>	13431 13432 13433 13434
<u>(b) The attestation of two election officials who shall write the individual's name on the affirmation and sign the election officials' names, if the individual is unable to physically make any mark; and</u>	13435 13436 13437 13438
<u>(c) The signature of an attorney in fact made pursuant to section 3501.382 of the Revised Code.</u>	13439 13440
<del>Sec. 3505.182. Each individual who casts a provisional ballot under section 3505.181 of the Revised Code shall execute a written affirmation. The form of the written affirmation shall be printed upon the face of the provisional ballot envelope and</del> <u>The secretary of state shall prescribe the form and content of a provisional voter's affirmation, which shall be substantially as follows:</u>	13441 13442 13443 13444 13445 13446

	13447
"Provisional <del>Ballot</del> <u>Voter's</u> Affirmation	13448
STATE OF OHIO	13449
<u>TO BE COMPLETED BY PROVISIONAL BALLOT VOTER</u>	13450
<u>Voter's Provisional Ballot Affirmation</u>	13451
<u>Please review the following statement and sign.</u>	13452
<u>Your provisional ballot will be counted only if you sign this affirmation.</u>	13453
<u>"I, .....</u> ( <del>Name of provisional voter</del> ),	13455
solemnly swear or affirm that I am a registered voter in the	13456
<del>jurisdiction in which</del> <u>county where</u> I am <del>voting</del> <u>offering to vote</u>	13457
this <del>provisional</del> ballot and that I am eligible to vote in the	13458
election in which I am voting this <del>provisional</del> ballot.	13459
I understand that, <del>if the above provided information is not</del>	13460
<del>fully completed and correct</del> , if the board of elections determines	13461
that I am not registered <del>to vote</del> , a resident of this precinct, or	13462
eligible to vote in this election, or if the board of elections	13463
determines that I have already voted in this election, my	13464
<del>provisional</del> ballot will not be counted. <del>I further understand that</del>	13465
<del>knowingly providing false information is a violation of law and</del>	13466
<del>subjects me to possible criminal prosecution.</del>	13467
I hereby declare, under penalty of election falsification,	13468
that the above statements are true and correct to the best of my	13469
knowledge and belief."	13470
.....	13471
( <del>Signature of Voter</del> )	13472
.....	13473
( <del>Voter's date of birth</del> )	13474
The last four digits of the	13475
<del>voter's social security number</del>	

.....	13476
<del>(To be provided if the voter is unable to provide a current and valid photo identification, a military identification, or a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the voter's name and current address but is able to provide these last four digits)</del>	13477
<u>SIGNATURE OF VOTER (required):.....</u>	13478
<u>PRINT FIRST AND LAST NAME:.....</u>	13479
<u>ADDRESS: .....</u>	13480
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY	13481
OF THE FIFTH DEGREE.	13482
<del>Additional Information For Determining Ballot Validity</del>	13483
<del>(May be completed at voter's discretion)</del>	13484
<del>Voter's current address: .....</del>	13485
<del>Voter's former address if .....</del>	13486
<del>photo identification does not contain voter's current address</del>	
<del>Voter's driver's license number or, if not provided</del>	13487



~~above, the last four digits  
of voter's social security  
number~~

~~(Please circle number type) ..... 13488~~

~~(Voter may attach a copy of any of the following for 13489~~

~~identification purposes: a current and valid photo identification,  
a military identification, or a current utility bill, bank  
statement, government check, paycheck, or other government  
document, other than a notice of an election mailed by a board of  
elections under section 3501.19 of the Revised Code or a notice of  
voter registration mailed by a board of elections under section  
3503.19 of the Revised Code, that shows the voter's name and  
current address.)~~

~~Reason for voting provisional ballot (Check one): 13490~~

~~..... Requested, but did not receive, absent voter's ballot 13491~~

~~..... Other 13492~~

~~Verification Statement 13493~~

~~(To be completed by election official) 13494~~

**RECOMMENDED VOTER INFORMATION** 13495

The following optional information may be helpful for the 13496

board of elections in processing your provisional ballot. However, 13497

none of the following information may be the only reason for 13498

invalidating your provisional ballot. 13499

Name: ..... 13500

Address: ..... 13501

Birthdate: ..... 13502

Ohio driver's license number: ..... 13503

Last four digits of your Social Security Number ..... 13504

Are you a United States citizen? YES/NO (circle one) 13505

Will you be at least eighteen years of age on or before the 13506

next general election? YES/NO (circle one) 13507

For identification purposes, you may attach a copy of either 13508  
a current and valid photo identification issued by the state or an 13509  
agency or political subdivision of the state, an institution of 13510  
higher education, or the United States government, or an 13511  
affirmation of your identity. 13512

**TO BE COMPLETED BY ELECTION OFFICIAL AFTER VOTER RETURNS BALLOT** 13513

The following must be completed by the election official 13514  
assisting the voter with the provisional ballot. 13515

REASON THE VOTER RECEIVED A PROVISIONAL BALLOT (check one): 13516

..... Previously requested an absent voter's ballot or a 13517  
regular ballot 13518

..... Name does not appear in the pollbook or poll list 13519

..... Did not present valid identification 13520

The Provisional ~~Ballet~~ Voter's Affirmation printed above was 13521  
subscribed and affirmed before me this ..... day of 13522  
..... (Month), ..... (Year). 13523

~~(If applicable, the election official must check the~~ 13524  
~~following true statement concerning additional information needed~~ 13525  
~~to determine the eligibility of the provisional voter.)~~ 13526

~~..... The provisional voter is required to provide~~ 13527  
~~additional information to the board of elections.~~ 13528

~~..... An application or challenge hearing regarding this~~ 13529  
~~voter has been postponed until after the election.~~ 13530

~~(The election official must check the following true~~ 13531  
~~statement concerning identification provided by the provisional~~ 13532  
~~voter, if any.)~~ 13533

~~..... The provisional voter provided a current and valid~~ 13534  
~~photo identification.~~ 13535

~~..... The provisional voter provided a current valid photo~~ 13536

~~identification, other than a driver's license or a state 13537  
identification card, with the voter's former address instead of 13538  
current address and has provided the election official both the 13539  
current and former addresses. 13540~~

~~..... The provisional voter provided a military 13541  
identification or a copy of a current utility bill, bank 13542  
statement, government check, paycheck, or other government 13543  
document, other than a notice of an election mailed by a board of 13544  
elections under section 3501.19 of the Revised Code or a notice of 13545  
voter registration mailed by a board of elections under section 13546  
3503.19 of the Revised Code, with the voter's name and current 13547  
address. 13548~~

~~..... The provisional voter provided the last four digits of 13549  
the voter's social security number. 13550~~

~~..... The provisional voter is not able to provide a current 13551  
and valid photo identification, a military identification, or a 13552  
copy of a current utility bill, bank statement, government check, 13553  
paycheck, or other government document, other than a notice of an 13554  
election mailed by a board of elections under section 3501.19 of 13555  
the Revised Code or a notice of voter registration mailed by a 13556  
board of elections under section 3503.19 of the Revised Code, with 13557  
the voter's name and current address but does have one of these 13558  
forms of identification. The provisional voter must provide one of 13559  
the foregoing items of identification to the board of elections 13560  
within ten days after the election. 13561~~

~~..... The provisional voter is not able to provide a current 13562  
and valid photo identification, a military identification, or a 13563  
copy of a current utility bill, bank statement, government check, 13564  
paycheck, or other government document, other than a notice of an 13565  
election mailed by a board of elections under section 3501.19 of 13566  
the Revised Code or a notice of voter registration mailed by a 13567  
board of elections under section 3503.19 of the Revised Code, with 13568~~

~~the voter's name and current address but does have one of these 13569  
forms of identification. Additionally, the provisional voter does 13570  
have a social security number but is not able to provide the last 13571  
four digits of the voter's social security number before voting. 13572  
The provisional voter must provide one of the foregoing items of 13573  
identification or the last four digits of the voter's social 13574  
security number to the board of elections within ten days after 13575  
the election. 13576~~

~~..... The provisional voter does not have a current and valid 13577  
photo identification, a military identification, a copy of a 13578  
current utility bill, bank statement, government check, paycheck, 13579  
or other government document with the voter's name and current 13580  
address, or a social security number, but has executed an 13581  
affirmation. 13582~~

~~..... The provisional voter does not have a current and valid 13583  
photo identification, a military identification, a copy of a 13584  
current utility bill, bank statement, government check, paycheck, 13585  
or other government document with the voter's name and current 13586  
address, or a social security number, and has declined to execute 13587  
an affirmation. 13588~~

~~..... The provisional voter declined to provide a current and 13589  
valid photo identification, a military identification, a copy of a 13590  
current utility bill, bank statement, government check, paycheck, 13591  
or other government document with the voter's name and current 13592  
address, or the last four digits of the voter's social security 13593  
number but does have one of these forms of identification or a 13594  
social security number. The provisional voter must provide one of 13595  
the foregoing items of identification or the last four digits of 13596  
the voter's social security number to the board of elections 13597  
within ten days after the election. 13598~~

I have notified the voter that the voter MUST/MUST NOT 13599  
(circle one) provide additional information to the board of 13600

elections within 10 days after Election Day for this provisional ballot to be counted. 13601  
13602

(LIST INFORMATION TO BE PROVIDED, if applicable: ..... 13603

..... 13604

(Signature of Election Official)" 13605

~~In addition to any information required to be included on the written affirmation, an~~ An individual casting a provisional ballot may provide additional information to the election official to assist the board of elections in determining the individual's eligibility to vote in that election, including the date and location at which the individual registered to vote, if known. Any information so provided shall not be the sole basis for invalidating the individual's provisional ballot. 13606  
13607  
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13612  
13613

~~If the individual declines to execute the affirmation, an appropriate local election official shall comply with division (B)(6) of section 3505.181 of the Revised Code.~~ 13614  
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13616

**Sec. 3505.183.** (A) When the ballot boxes are delivered to the board of elections from the precincts, the board shall separate the provisional ballot envelopes from the rest of the ballots. Teams of employees of the board consisting of one member of each major political party shall place the sealed provisional ballot envelopes in a secure location within the office of the board. The sealed provisional ballot envelopes shall remain in that secure location until the validity of those ballots is determined under division (B) of this section. While the provisional ballot is stored in that secure location, and prior to the counting of the provisional ballots, if the board receives information regarding the validity of a specific provisional ballot ~~under division (B) of this section,~~ the board ~~may~~ shall note, on the sealed provisional ballot envelope for that ballot, whether the ballot is valid and entitled to be counted. 13617  
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(B)(1) ~~To determine~~ In determining whether a provisional ballot is valid and entitled to be counted, the board shall examine its registration records and ~~determine whether the individual who cast the provisional ballot is registered and eligible to vote in the applicable election. The board shall examine the information contained in the written affirmation executed by the individual who cast the provisional ballot under division (B)(2) of section 3505.181 of the Revised Code. If the individual declines to execute such an affirmation, the individual's name, written by either the individual or the election official at the direction of the individual, shall be included in a written affirmation in order for the provisional ballot to be eligible to be counted; otherwise, the following information shall be included in the written affirmation in order for the provisional ballot to be eligible to be counted:~~

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

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

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

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

~~(3)~~If, in examining a provisional ballot affirmation and additional information, the board determines that the individual failed to sign the affirmation, but provided enough information on the affirmation to enable the board of elections to identify and contact the individual, the board of elections shall immediately notify the individual, by whatever means of contact the individual has provided on the affirmation or using any available contact information in the board's records, that the affirmation is missing a signature and provide the individual an opportunity to correct the affirmation not later than ten days after the day of an election. 13663  
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13665  
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The individual may provide the required information by mail, electronic mail, telephone, or facsimile transmission, through the internet, or in person at the office of the board of elections. If the affirmation is missing a signature, the individual may provide a signed statement that the applicant submitted the application. A signature provided on a signed statement under this division shall be considered the individual's signature on the affirmation for the purposes of processing an otherwise valid provisional ballot affirmation. 13674  
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13680  
13681  
13682

The secretary of state shall prescribe uniform standards for processing additional information by mail, electronic mail, telephone, facsimile transmission, through the internet, or in person at the office of the board of elections under this division. 13683  
13684  
13685  
13686  
13687

(2) If, in examining a provisional ballot affirmation and additional information under divisions (B)(1) and (2) of this section, the board determines that all of the following apply, the provisional ballot envelope shall be opened, and the ballot shall be placed in a ballot box to be counted: 13688  
13689  
13690  
13691  
13692

(a) A signature has been provided on the provisional ballot affirmation. 13693  
13694

(b) The individual's voter registration record is located 13695  
based on the signature and other information provided on the 13696  
affirmation, and the signature provided on the affirmation 13697  
substantially conforms to the signature in the individual's voter 13698  
registration record. 13699

~~(c) The individual named on the affirmation is properly~~ 13700  
~~registered to vote.~~ 13701

~~(b)(d) The individual named on the affirmation is eligible to~~ 13702  
~~cast a ballot in the precinct and for the election in which the~~ 13703  
~~individual cast the provisional ballot.~~ 13704

~~(e) The individual provided all of the information required~~ 13705  
~~under division (B)(1) of this section in the affirmation that the~~ 13706  
~~individual executed at the time the individual cast the~~ 13707  
~~provisional ballot.~~ 13708

~~(d) If applicable, the individual provided any additional~~ 13709  
~~information required under division (B)(8) of section 3505.181 of~~ 13710  
~~the Revised Code within ten days after the day of the election.~~ 13711

~~(e) If applicable, the hearing conducted under division (B)~~ 13712  
~~of section 3503.24 of the Revised Code after the day of the~~ 13713  
~~election resulted in the individual's inclusion in the official~~ 13714  
~~registration list.~~ 13715

~~(4)(a)(3) If, in examining a provisional ballot affirmation~~ 13716  
~~and additional information under divisions (B)(1) and (2) of this~~ 13717  
~~section, the board determines that any of the following applies,~~ 13718  
~~the provisional ballot envelope shall not be opened, and the~~ 13719  
~~ballot shall not be counted:~~ 13720

~~(i)(a) The individual's signature does not appear on the~~ 13721  
~~affirmation and the individual does not provide the missing~~ 13722  
~~signature not later than ten days after the day of an election, or~~ 13723  
~~the signature provided does not substantially conform to the~~ 13724  
~~signature in the individual's voter registration record.~~ 13725



~~(b) The individual named on the affirmation is not qualified to vote or is not properly registered to vote. 13726  
13727~~

~~(ii) The individual named on the affirmation is not eligible to cast a ballot in the precinct or for the election in which the individual cast the provisional ballot. 13728  
13729  
13730~~

~~(iii) The individual did not provide all of the information required under division (B)(1) of this section in the affirmation that the individual executed at the time the individual cast the provisional ballot. 13731  
13732  
13733  
13734~~

~~(iv)(c) The individual has already cast a ballot for the election in which the individual cast the provisional ballot. 13735  
13736~~

~~(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. 13737  
13738  
13739  
13740~~

~~(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. 13741  
13742  
13743  
13744~~

~~(vii) The individual failed to provide a current and valid photo identification, a military identification, a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, with the voter's name and current address, or the last four digits of the individual's social security number or to execute an affirmation under division (A) of section 3505.18 or division (B) of section 3505.181 of the Revised Code. 13745  
13746  
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13755~~

~~(b) If, in examining a provisional ballot affirmation and 13756~~

~~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;~~

~~(i) Whether the individual named on the affirmation is qualified or properly registered to vote;~~

~~(ii) Whether the individual named on the affirmation is eligible to cast a ballot in the precinct or for the election in which the individual cast the provisional ballot.~~

(C) If, in examining a provisional ballot affirmation and additional information that may have been provided by the provisional voter, the board determines that the individual named on the affirmation is a qualified elector but that the individual is registered to vote in a different precinct than the precinct in which the individual cast the provisional ballot, the board shall remake the provisional ballot on a ballot for the appropriate precinct to reflect the offices, questions, and issues for which the provisional voter was eligible to cast a ballot and for which the provisional voter attempted to cast a provisional ballot. The remade ballot shall be counted for each office, question, and issue for which the provisional voter was eligible to vote.

(D)(1) For each provisional ballot rejected under division (B)~~(4)~~(3) of this section, the board shall record the name of the provisional voter who cast the ballot, the identification number of the provisional ballot envelope, the names of the election officials who determined the validity of that ballot, the date and time that the determination was made, and the reason that the ballot was not counted.

(2) Provisional ballots that are rejected under division (B)~~(4)~~(3) of this section shall not be counted but shall be

preserved in their provisional ballot envelopes unopened until the 13788  
time provided by section 3505.31 of the Revised Code for the 13789  
destruction of all other ballots used at the election for which 13790  
ballots were provided, at which time they shall be destroyed. 13791

~~(D)~~(E) Provisional ballots that the board determines are 13792  
eligible to be counted under division (B)~~(3)~~(2) of this section 13793  
shall be counted in the same manner as provided for other ballots 13794  
under section 3505.27 of the Revised Code. No provisional ballots 13795  
shall be counted in a particular county until the board determines 13796  
the eligibility to be counted of all provisional ballots cast in 13797  
that county under division (B) of this section for that election. 13798  
Observers, as provided in section 3505.21 of the Revised Code, may 13799  
be present at all times that the board is determining the 13800  
eligibility of provisional ballots to be counted and counting 13801  
those provisional ballots determined to be eligible. No person 13802  
shall recklessly disclose the count or any portion of the count of 13803  
provisional ballots in such a manner as to jeopardize the secrecy 13804  
of any individual ballot. 13805

~~(E)~~(F)(1) Except as otherwise provided in division ~~(E)~~(F)(2) 13806  
of this section, nothing in this section shall prevent a board of 13807  
elections from examining provisional ballot affirmations and 13808  
additional information under ~~divisions~~ division (B)~~(1) and (2)~~ of 13809  
this section to determine the eligibility of provisional ballots 13810  
to be counted during the ten days after the day of an election. 13811

(2) A board of elections shall ~~not examine the provisional~~ 13812  
~~ballot affirmation and additional information under divisions~~ 13813  
~~(B)(1) and (2) of this section of any provisional ballot for which~~ 13814  
~~an election official has indicated under division (B)(7) of~~ 13815  
~~section 3505.181 of the Revised Code that additional information~~ 13816  
~~is required for the board of elections to determine the~~ 13817  
~~eligibility of the individual who cast that provisional ballot~~ 13818  
~~until the individual provides any information required under~~ 13819

~~division (B)(8) of section 3505.181 of the Revised Code, until any~~ 13820  
~~hearing required to be conducted under section 3503.24 of the~~ 13821  
~~Revised Code with regard to the provisional voter is held, or~~ 13822  
~~until~~ vote not earlier than the eleventh day after the day of the 13823  
election, ~~whichever is earlier~~ to certify the validity of any 13824  
provisional ballot. 13825

(G) Not later than twenty-four hours after the unofficial 13826  
results for an election have been determined, the board of 13827  
elections shall make available for public inspection the names of 13828  
provisional voters and the precincts in which they voted. However, 13829  
no election official, observer, or other person shall knowingly 13830  
disclose personal information about an individual provisional 13831  
ballot, including information provided on the provisional ballot 13832  
affirmation form and information as to whether the ballot was 13833  
counted to any person other than the voter who cast the 13834  
provisional ballot. 13835

**Sec. 3505.20.** (A) Any person offering to vote may be 13836  
challenged at the polling place by any judge of elections on any 13837  
of the following grounds: 13838

(1) That the person is not a citizen of the United States; 13839

(2) That the person is not a resident of the precinct in 13840  
which the person offers to vote; 13841

(3) That the person is not eighteen years of age or older; 13842

(4) That the person is not a qualified elector for that 13843  
election; 13844

(5) That the person is not the elector that the person 13845  
purports to be. 13846

Challenges shall be made only if the challenger knows or 13847  
reasonably believes that the challenged elector is not qualified 13848  
and entitled to vote. If the board of elections has ruled on the 13849

question presented by a challenge prior to election day, its 13850  
finding and decision shall be final, ~~and~~ the presiding judge shall 13851  
be notified in writing, and the judges of elections shall not 13852  
challenge the elector on that ground. ~~If the board has not ruled,~~ 13853  
~~the question shall be determined as set forth in this section.~~ If 13854  
any person is ~~se~~ challenged as unqualified to vote, the presiding 13855  
judge shall tender the person the following oath: "You do swear or 13856  
affirm under penalty of election falsification that you will fully 13857  
and truly answer all of the following questions put to you 13858  
concerning your qualifications as an elector at this election." 13859

A challenge may be upheld only if a majority of the judges of 13861  
elections for the precinct at which the person offers to vote find 13862  
by clear and convincing evidence that the person challenged is not 13863  
eligible to vote a regular ballot on the grounds so challenged. 13864

~~(A)(B)~~ If the person is challenged as unqualified on the 13865  
ground that the person is not a citizen, the judges shall put the 13866  
~~following questions:~~ 13867

~~(1) question, "Are you a citizen of the United States?"~~ 13868

~~(2) Are you a native or naturalized citizen?"~~ 13869

~~(3) Where were you born?"~~ 13870

~~(4) What official documentation do you possess to prove your~~ 13871  
~~citizenship? Please provide that documentation."~~ 13872

~~If the person offering to vote claims to be a naturalized~~ 13873  
~~citizen of the United States, the person shall, before the vote is~~ 13874  
~~received, produce for inspection of the judges a certificate of~~ 13875  
~~naturalization and declare under oath that the person is the~~ 13876  
~~identical person named in the certificate. If the person states~~ 13877  
~~under oath that, by reason of the naturalization of the person's~~ 13878  
~~parents or one of them, the person has become a citizen of the~~ 13879  
~~United States, and when or where the person's parents were~~ 13880

~~naturalized, the certificate of naturalization need not be 13881  
produced. If the person is unable to provide a certificate of 13882  
naturalization on the day of answers in the affirmative, the 13883  
challenge shall be denied. If the judges are unable to verify the 13884  
person's eligibility to cast a ballot in the election, the judges 13885  
shall provide to the person, and the person may vote, a 13886  
provisional ballot under section 3505.181 of the Revised Code. ~~The~~ 13887  
~~provisional ballot shall not be counted unless it is properly~~ 13888  
~~completed and the board of elections determines that the voter is~~ 13889  
~~properly registered and eligible to vote in the election.~~ 13890~~

~~(B) If the person is challenged as unqualified on the ground 13891  
that the person has not resided in this state for thirty days 13892  
immediately preceding the election, the judges shall put the 13893  
following questions:~~ 13894

~~(1) Have you resided in this state for thirty days 13895  
immediately preceding this election? If so, where have you 13896  
resided? 13897~~

~~(2) Did you properly register to vote? 13898~~

~~(3) Can you provide some form of identification containing 13899  
your current mailing address in this precinct? Please provide that 13900  
identification. 13901~~

~~(4) Have you voted or attempted to vote at any other location 13902  
in this or in any other state at this election? 13903~~

~~(5) Have you applied for an absent voter's ballot in any 13904  
state for this election? 13905~~

~~If the judges are unable to verify the person's eligibility 13906  
to cast a ballot in the election, the judges shall provide to the 13907  
person, and the person may vote, a provisional ballot under 13908  
section 3505.181 of the Revised Code. ~~The provisional ballot shall~~ 13909  
~~not be counted unless it is properly completed and the board of~~ 13910  
~~elections determines that the voter is properly registered and~~ 13911~~

~~eligible to vote in the election.~~ 13912

(C) If the person is challenged as unqualified on the ground 13913  
that the person is not a resident of the precinct where the person 13914  
offers to vote, the judges shall put the following questions: 13915  
13916

(1) Do you reside in this precinct? 13917

(2) When did you move into this precinct? 13918

(3) When you came into this precinct, did you come for a 13919  
temporary purpose merely or for the purpose of making it your 13920  
home? 13921

(4) What is your current mailing address? 13922

(5) Do you have some official identification containing your 13923  
current address in this precinct? Please provide that 13924  
identification. 13925

(6) Have you voted or attempted to vote at any other location 13926  
in this or in any other state at this election? 13927

(7) Have you applied for any absent voter's ballot in any 13928  
state for this election? 13929

The judges shall direct an individual who is not in the 13930  
appropriate polling place to the appropriate polling place. If the 13931  
individual refuses to go to the appropriate polling place, or if 13932  
the judges are unable to verify the person's eligibility to cast a 13933  
ballot in the election, the judges shall provide to the person, 13934  
and the person may vote, a provisional ballot under section 13935  
3505.181 of the Revised Code. ~~The provisional ballot shall not be~~ 13936  
~~counted unless it is properly completed and the board of elections~~ 13937  
~~determines that the voter is properly registered and eligible to~~ 13938  
~~vote in the election.~~ 13939

(D) If the person is challenged as unqualified on the ground 13940  
that the person is not of legal voting age, the judges shall put 13941

the following questions: 13942

(1) Are you eighteen years of age or more? 13943

(2) What is your date of birth? 13944

(3) Do you have some official identification verifying your 13945  
age? Please provide that identification. 13946

If the judges are unable to verify the person's age and 13947  
eligibility to cast a ballot in the election, the judges shall 13948  
provide to the person, and the person may vote, a provisional 13949  
ballot under section 3505.181 of the Revised Code. ~~The provisional~~ 13950  
~~ballot shall not be counted unless it is properly completed and~~ 13951  
~~the board of elections determines that the voter is properly~~ 13952  
~~registered and eligible to vote in the election.~~ 13953

~~The presiding judge shall put such other questions to the~~ 13954  
~~person challenged as are necessary to determine the person's~~ 13955  
~~qualifications as an elector at the election. If a person~~ 13956  
~~challenged refuses to answer fully any question put to the person,~~ 13957  
~~is unable to answer the questions as they were answered on the~~ 13958  
~~registration form by the person under whose name the person offers~~ 13959  
~~to vote, or refuses to sign the person's name or make the person's~~ 13960  
~~mark, or if for any other reason a majority of the judges believes~~ 13961  
~~the person is not entitled to vote, the judges shall provide to~~ 13962  
~~the person, and the person may vote, a provisional ballot under~~ 13963  
~~section 3505.181 of the Revised Code. The provisional ballot shall~~ 13964  
~~not be counted unless it is properly completed and the board of~~ 13965  
~~elections determines that the voter is properly registered and~~ 13966  
~~eligible to vote in the election.~~ 13967

(E) If the person is challenged as unqualified on the ground 13968  
that the person is not a qualified elector for the applicable 13969  
election, the judges shall put the following questions: 13970

(1) Have you resided in this state for thirty days 13971  
immediately preceding the day of this election? If so, where have 13972



<u>you resided?</u>	13973
<u>(2) Did you properly register to vote?</u>	13974
<u>(3) Can you provide some form of identification containing your current mailing address in this precinct? Please provide that identification.</u>	13975 13976 13977
<u>(4) Have you voted or attempted to vote at any other location in this or in any other state at this election?</u>	13978 13979
<u>(5) Have you applied for an absent voter's ballot in any state for this election?</u>	13980 13981
<u>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.</u>	13982 13983 13984 13985
<u>(F) If the person is challenged as unqualified on the ground that the person is not the elector that the person purports to be, the judges shall put the following questions:</u>	13986 13987 13988
<u>(1) What is your full name, date of birth, and address for voting purposes?</u>	13989 13990
<u>(2) Can you sign your name on this paper so that we can compare it with the voter registration records? Please sign this paper.</u>	13991 13992 13993
<u>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.</u>	13994 13995 13996 13997
<u>(G) The person challenging an elector's right to vote bears the burden of proving, by clear and convincing evidence, that the challenged elector's registration should be canceled.</u>	13998 13999 14000
<u>(H) A qualified citizen who has certified the citizen's intention to vote for president and vice-president as provided by</u>	14001 14002

Chapter 3504. of the Revised Code shall be eligible to receive 14003  
only the ballot ~~containing~~ for presidential and vice-presidential 14004  
candidates. 14005

~~However, prior to the nineteenth day before the day of an 14006  
election and in accordance with section 3503.24 of the Revised 14007  
Code, any person qualified to vote may challenge the right of any 14008  
other person to be registered as a voter, or the right to cast an 14009  
absent voter's ballot, or to make application for such ballot. 14010  
Such challenge shall be made in accordance with section 3503.24 of 14011  
the Revised Code, and the board of elections of the county in 14012  
which the voting residence of the challenged voter is situated 14013  
shall make a final determination relative to the legality of such 14014  
registration or application. 14015~~

**Sec. 3505.21.** (A) As used in this section, "during the 14016  
casting of the ballots" includes any time during which a board of 14017  
elections permits an elector to receive, complete, and return an 14018  
absent voter's ballot in person at the office of the board or at 14019  
another site designated by the board under division (C) of section 14020  
3501.10 of the Revised Code and any time ballots may be cast in a 14021  
precinct polling place on the day of an election. 14022

(B) At any primary, special, or general election, any 14023  
political party supporting candidates to be voted upon at such 14024  
election and any group of five or more candidates may appoint to 14025  
the board of elections or to any of the precincts in the county or 14026  
city one person, a qualified elector, who shall serve as observer 14027  
for such party or such candidates during the casting of the 14028  
ballots and during the counting of the ballots; provided that 14029  
separate observers may be appointed to serve during the casting 14030  
and during the counting of the ballots. No candidate, no uniformed 14031  
peace officer as defined by section 2935.01 of the Revised Code, 14032  
no uniformed state highway patrol trooper, no uniformed member of 14033

any fire department, no uniformed member of the armed services, no 14034  
uniformed member of the organized militia, no person wearing any 14035  
other uniform, and no person carrying a firearm or other deadly 14036  
weapon shall serve as an observer, nor shall any candidate be 14037  
represented by more than one observer at any one precinct or other 14038  
voting location except that a candidate who is a member of a party 14039  
controlling committee, as defined in section 3517.03 of the 14040  
Revised Code, may serve as an observer. ~~Any~~ 14041

(C) Any political party or group of candidates appointing 14042  
observers shall notify the board of elections of the names and 14043  
addresses of its appointees and ~~the precincts~~ each precinct or 14044  
other location at which they shall serve. Notification of of 14045  
observers appointed to serve on the day of an election shall take 14046  
place not less than eleven days before the day of the election on 14047  
forms prescribed by the secretary of state and may be amended by 14048  
filing an amendment with the board of elections at any time until 14049  
four p.m. of the day before the election. Notification of 14050  
observers appointed to serve at the office of the board or at 14051  
another location during the time absent voter's ballots may be 14052  
cast in person shall take place not less than eleven days before 14053  
absent voter's ballots are required to be ready for use pursuant 14054  
to section 3509.01 of the Revised Code on forms prescribed by the 14055  
secretary of state and may be amended by filing an amendment with 14056  
the board of elections at any time until four p.m. of the day 14057  
before the observer is appointed to serve. The observer serving on 14058  
behalf of a political party shall be appointed in writing by the 14059  
chairperson and secretary of the respective controlling party 14060  
committee. Observers serving for any five or more candidates shall 14061  
have their certificates signed by those candidates. Observers 14062  
appointed to a precinct may file their certificates of appointment 14063  
with the presiding judge of the precinct at the meeting on the 14064  
evening prior to the election, or with the presiding judge of the 14065  
precinct on the day of the election. ~~Upon~~ Observers appointed to 14066

the office of the board or another designated location to observe 14067  
the casting of absent voter's ballots in person prior to the day 14068  
of the election may file their certificates with the director of 14069  
the board of elections, or, if pursuant to division (C) of section 14070  
3501.10 of the Revised Code the board has designated one or more 14071  
other locations in the county at which registered electors may 14072  
vote, with the election officials at such other location, 14073  
whichever is appropriate, on the day that the observers are 14074  
scheduled to serve at the office of the board or other designated 14075  
location. 14076

Upon the filing of a certificate, the person named as 14077  
observer in the certificate shall be permitted to be in and about 14078  
the applicable polling place ~~for the precinct~~ during the casting 14079  
of the ballots and shall be permitted to watch every proceeding of 14080  
the judges of elections from the time of the opening until the 14081  
closing of the polls. The observer also may inspect the counting 14082  
of all ballots in the polling place or board of elections from the 14083  
time of the closing of the polls until the counting is completed 14084  
and the final returns are certified and signed. Observers 14085  
appointed to serve at the board of elections on the day of an 14086  
election under this section may observe at the board of elections 14087  
and may observe at any precinct in the county. The judges of 14088  
elections shall protect such observers in all of the rights and 14089  
privileges granted to them by Title XXXV of the Revised Code. 14090

(D) No persons other than the judges of elections, the 14091  
observers, a police officer, other persons who are detailed to any 14092  
precinct on request of the board of elections, or the secretary of 14093  
state or the secretary of state's legal representative shall be 14094  
admitted to the polling place, or any room in which a board of 14095  
elections is counting ballots, after the closing of the polls 14096  
until the counting, certifying, and signing of the final returns 14097  
of each election have been completed. 14098

(E) Not later than four p.m. of the twentieth day prior to an election at which questions are to be submitted to a vote of the people, any committee that in good faith advocates or opposes a measure may file a ~~petition~~ an application with the board of any county asking that the ~~petitioners~~ applicants be recognized as the committee entitled to appoint observers to the count at the election. If more than one committee alleging themselves to advocate or oppose the same measure file such a ~~petition~~ an application, the board shall decide and ~~announce by registered mail to~~ notify each committee not less than twelve days immediately preceding the election which committee is recognized as being entitled to appoint observers. The decision shall ~~not~~ be final, but any aggrieved party may institute mandamus proceedings in the court of common pleas of the county in which the board has jurisdiction to compel the judges of elections to accept the appointees of such aggrieved party. Any such recognized committee may appoint an observer to the count in each precinct. Committees appointing observers shall notify the board of elections of the names and addresses of its appointees and the 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 anytime until four p.m. on the day before the election. A person so appointed shall file the person's certificate of appointment with the presiding judge in the precinct in which the person has been appointed to serve. Observers shall file their certificates before the polls are closed. In no case shall more than ~~six~~ four observers for such recognized committees be appointed for any one election in any one precinct. If more than ~~three~~ two questions are to be voted on, the committees which have appointed observers may agree upon not to exceed ~~six~~ four observers, and the judges of elections shall appoint such observers. If such committees fail to agree, the

judges of elections shall appoint ~~six~~ four observers from the 14132  
appointees so certified, in such manner that each side of the 14133  
several questions shall be represented. 14134

(F) No person shall serve as an observer at any precinct or 14135  
other voting location unless the board of elections of the county 14136  
in which such observer is to serve has first been notified of the 14137  
name, address, and precinct or other location at which such 14138  
observer is to serve. Notification to the board of elections shall 14139  
be given by the political party, group of candidates, or committee 14140  
appointing such observer as prescribed in this section. No such 14141  
observers shall receive any compensation from the county, 14142  
municipal corporation, or township, and they shall take the 14143  
following oath, to be administered by one of the judges of 14144  
elections: 14145

"You do solemnly swear that you will faithfully and 14146  
impartially discharge the duties as an official observer, assigned 14147  
by law; that you will not cause any delay to persons offering to 14148  
vote; and that you will not disclose or communicate to any person 14149  
how any elector has voted at such election." 14150

(G)(1) An observer who serves during the casting of the 14151  
ballots shall only be permitted to do the following: 14152

(a) Watch and listen to the activities conducted by the 14153  
precinct election officials and the interactions between precinct 14154  
election officials and voters, as long as the precinct election 14155  
officials are not delayed in performing the officials' prescribed 14156  
duties and voters are not delayed in casting their ballots; 14157

(b) Document the observer's observations; 14158

(c) Discuss with the election officials any alleged 14159  
violations of Title XXXV of the Revised Code, any provision of 14160  
federal election law, or any directive or advisory issued by the 14161  
secretary of state. 14162

(2)(a) No observer who serves during the casting of the 14163  
ballots shall interact with any voter while the observer is inside 14164  
the polling place, within the area between the polling place and 14165  
the small flags of the United States placed on the thoroughfares 14166  
and walkways leading to the polling place, or within ten feet of 14167  
any elector in line waiting to vote, if the line of electors 14168  
waiting to vote extends beyond those small flags. 14169

(b) An observer does not violate division (G)(2)(a) of this 14171  
section as a result of an incidental interaction with a voter, 14172  
such as an exchange of greetings or directing a voter to an 14173  
election official. 14174

(3) Each person who serves as an observer during the casting 14175  
of ballots shall display a name tag or badge upon which may only 14176  
be stated "Observer" followed by the first and last name of the 14177  
observer. 14178

(H) The secretary of state shall prescribe uniform observer 14179  
training materials, which shall be made available on the secretary 14180  
of state's web site not less than sixty days before the day of an 14181  
election. A board of elections shall provide to each political 14182  
party, group of five candidates, or committee appointing observers 14183  
an electronic link to those training materials, and the political 14184  
party, group of five candidates, or committee shall make its best 14185  
effort to provide the link to all observers it appoints. 14186

(I) The board of elections shall provide for each observer 14187  
and each election official a brief overview of the rules and 14188  
responsibilities for election officials and observers, which shall 14189  
be prescribed by the secretary of state. 14190

**Sec. 3505.23.** No voter shall be allowed to occupy a voting 14191  
compartment or use a voting machine more than five ten minutes 14192  
when all the voting compartments or machines are in use and voters 14193

are waiting to occupy them. Except as otherwise provided by 14194  
section 3505.24 of the Revised Code, no voter shall occupy a 14195  
voting compartment or machine with another person or speak to 14196  
anyone, nor shall anyone speak to the voter, while the voter is in 14197  
a voting compartment or machine. 14198

In precincts that do not use voting machines the following 14199  
procedure shall be followed: 14200

If a voter tears, soils, defaces, or erroneously marks a 14201  
ballot the voter may return it to the precinct election officials 14202  
and a second ballot shall be issued to the voter. Before returning 14203  
a torn, soiled, defaced, or erroneously marked ballot, the voter 14204  
shall fold it so as to conceal any marks the voter made upon it, 14205  
but the voter shall not remove Stub A therefrom. If the voter 14206  
tears, soils, defaces, or erroneously marks such second ballot, 14207  
the voter may return it to the precinct election officials, and a 14208  
third ballot shall be issued to the voter. In no case shall more 14209  
than three ballots be issued to a voter. Upon receiving a returned 14210  
torn, soiled, defaced, or erroneously marked ballot the precinct 14211  
election officials shall detach Stub A therefrom, write "Defaced" 14212  
on the back of such ballot, and place the stub and the ballot in 14213  
the separate containers provided therefor. 14214

No elector shall leave the polling place until the elector 14215  
returns to the precinct election officials every ballot issued to 14216  
the elector with Stub A on each ballot attached thereto, 14217  
regardless of whether the elector has or has not placed any marks 14218  
upon the ballot. 14219

Before leaving the voting compartment, the voter shall fold 14220  
each ballot marked by the voter so that no part of the face of the 14221  
ballot is visible, and so that the printing thereon indicating the 14222  
kind of ballot it is and the facsimile signatures of the members 14223  
of the board of elections are visible. The voter shall then leave 14224  
the voting compartment, deliver the voter's ballots, and state the 14225



voter's name to the judge having charge of the ballot boxes, who 14226  
shall announce the name, detach Stub A from each ballot, and 14227  
announce the number on the stubs. The judges in charge of the poll 14228  
lists or poll books shall check to ascertain whether the number so 14229  
announced is the number on Stub B of the ballots issued to such 14230  
voter, and if no discrepancy appears to exist, the judge in charge 14231  
of the ballot boxes shall, in the presence of the voter, deposit 14232  
each such ballot in the proper ballot box and shall place Stub A 14233  
from each ballot in the container provided therefor. The voter 14234  
shall then immediately leave the polling place. 14235

14236

No ballot delivered by a voter to the judge in charge of the 14237  
ballot boxes with Stub A detached therefrom, and only ballots 14238  
provided in accordance with Title XXXV of the Revised Code, shall 14239  
be voted or deposited in the ballot boxes. 14240

In marking a presidential ballot, the voter shall record the 14241  
vote in the manner provided on the ballot next to the names of the 14242  
candidates for the offices of president and vice-president. Such 14243  
ballot shall be considered and counted as a vote for each of the 14244  
candidates for election as presidential elector whose names were 14245  
certified to the secretary of state by the political party of such 14246  
nominees for president and vice-president. 14247

In marking an office type ballot or nonpartisan ballot, the 14248  
voter shall record the vote in the manner provided on the ballot 14249  
next to the name of each candidate for whom the voter desires to 14250  
vote. 14251

In marking a primary election ballot, the voter shall record 14252  
the vote in the manner provided on the ballot next to the name of 14253  
each candidate for whom the voter desires to vote. If the voter 14254  
desires to vote for the nomination of a person whose name is not 14255  
printed on the primary election ballot, the voter may do so by 14256  
writing such person's name on the ballot in the proper place 14257

provided for such purpose. 14258

In marking a questions and issues ballot, the voter shall 14259  
record the vote in the manner provided on the ballot at the left 14260  
or at the right of "YES" or "NO" or other words of similar import 14261  
which are printed on the ballot to enable the voter to indicate 14262  
how the voter votes in connection with each question or issue upon 14263  
which the voter desires to vote. 14264

In marking any ballot on which a blank space has been 14265  
provided wherein an elector may write in the name of a person for 14266  
whom the elector desires to vote, the elector shall write such 14267  
person's name in such blank space and on no other place on the 14268  
ballot. Unless specific provision is made by statute, no blank 14269  
space shall be provided on a ballot for write-in votes, and any 14270  
names written on a ballot other than in a blank space provided 14271  
therefor shall not be counted or recorded. 14272

**Sec. 3505.28.** ~~No ballot shall be counted which is marked~~ 14273  
~~contrary to law, except that no~~ ballot shall be rejected for any 14274  
technical error unless it is impossible to determine the voter's 14275  
choice. If two or more ballots are found folded together among the 14276  
ballots removed from a ballot box, they shall be deemed to be 14277  
fraudulent. Such ballots shall not be counted. They shall be 14278  
marked "Fraudulent" and shall be placed in an envelope indorsed 14279  
"Not Counted" with the reasons therefor, and such envelope shall 14280  
be delivered to the board of elections together with other 14281  
uncounted ballots. 14282

No ballot shall be rejected because of being marked with ink 14283  
or by any writing instrument other than one of the pencils 14284  
provided by the board of elections. 14285

**Sec. 3505.30.** When the results of the ballots have been 14286  
ascertained, such results shall be embodied in a summary statement 14287

to be prepared by the judges in duplicate, on forms provided by 14288  
the board of elections. One copy shall be certified by the judges 14289  
and posted on the front of the polling place, and one copy, 14290  
similarly certified, shall be transmitted without delay to the 14291  
board in a sealed envelope along with the other returns of the 14292  
election. The board shall, immediately upon receipt of such 14293  
summary statements, compile and prepare an unofficial count and 14294  
upon its completion shall transmit prepaid, immediately by 14295  
telephone, facsimile machine, or other telecommunications device, 14296  
the results of such unofficial count to the secretary of state, or 14297  
to the board of the most populous county of the district which is 14298  
authorized to canvass the returns. Such count, in no event, shall 14299  
be made later than twelve noon on the day following the election. 14300  
The board shall also, at the same time, certify the results 14301  
thereof to the secretary of state ~~by certified mail~~. The board 14302  
shall remain in session from the time of the opening of the polls, 14303  
continuously, until the results of the election are received from 14304  
every precinct in the county and such results are communicated to 14305  
the secretary of state. 14306

**Sec. 3505.32.** (A) Except as otherwise provided in division 14307  
(D) of this section, not earlier than the eleventh day or later 14308  
than the fifteenth day after a general or special election ~~or, if~~ 14309  
~~a special election was held on the day of a presidential primary~~ 14310  
~~election, not earlier than the twenty first day or later than the~~ 14311  
~~twenty fifth day after the special election,~~ the board of 14312  
elections shall begin to canvass the election returns from the 14313  
precincts in which electors were entitled to vote at that 14314  
election. It shall continue the canvass daily until it is 14315  
completed and the results of the voting in that election in each 14316  
of the precincts are determined. 14317

The board shall complete the canvass not later than the 14318  
twenty-first day after the day of the election, ~~or if a special~~ 14319

~~election was held on the day of a presidential primary election,~~ 14320  
~~not later than the thirty first day after the day of the special~~ 14321  
~~election.~~ Eighty-one days after the day of the election, ~~or~~ 14322  
~~ninety one days after the day of a special election held on the~~ 14323  
~~day of the presidential primary election,~~ the canvass of election 14324  
returns shall be deemed final, and no amendments to the canvass 14325  
may be made after that date. The secretary of state may specify an 14326  
earlier date upon which the canvass of election returns shall be 14327  
deemed final, and after which amendments to the final canvass may 14328  
not be made, if so required by federal law. 14329

(B) The county executive committee of each political party, 14330  
each committee designated in a petition nominating an independent 14331  
or nonpartisan candidate for election at an election, each 14332  
committee designated in a petition to represent the petitioners 14333  
pursuant to which a question or issue was submitted at an 14334  
election, and any committee opposing a question or issue submitted 14335  
at an election that was permitted by section 3505.21 of the 14336  
Revised Code to have a qualified elector serve as an observer 14337  
during the counting of the ballots at each polling place at an 14338  
election may designate a qualified elector who may be present and 14339  
may observe the making of the official canvass. 14340

(C) The board shall first open all envelopes containing 14341  
uncounted ballots and shall count and tally them. 14342

In connection with its investigation of any apparent or 14343  
suspected error or defect in the election returns from a polling 14344  
place, the board may cause subpoenas to be issued and served 14345  
requiring the attendance before it of the election officials of 14346  
that polling place, and it may examine them under oath regarding 14347  
the manner in which the votes were cast and counted in that 14348  
polling place, or the manner in which the returns were prepared 14349  
and certified, or as to any other matters bearing upon the voting 14350  
and the counting of the votes in that polling place at that 14351

election. 14352

Finally, the board shall open the sealed container containing 14353  
the ballots that were counted in the polling place at the election 14354  
and count those ballots, during the official canvass, in the 14355  
presence of all of the members of the board and any other persons 14356  
who are entitled to witness the official canvass. 14357

(D) Prior to the tenth day after a primary, general, or 14358  
special election, the board may examine the pollbooks, poll lists, 14359  
and tally sheets received from each polling place for its files 14360  
and may compare the results of the voting in any polling place 14361  
with the summary statement received from the polling place. If the 14362  
board finds that any of these records or any portion of them is 14363  
missing, or that they are incomplete, not properly certified, or 14364  
ambiguous, or that the results of the voting in the polling place 14365  
as shown on the summary statement from the polling place are 14366  
different from the results of the voting in the polling place as 14367  
shown by the pollbook, poll list, or tally sheet from the polling 14368  
place, or that there is any other defect in the records, the board 14369  
may make whatever changes to the pollbook, poll list, or tally 14370  
sheet it determines to be proper in order to correct the errors or 14371  
defects. 14372

Sec. 3505.331. Not later than thirty days after the 14373  
certification of the results of an election in accordance with 14374  
section 3505.33 of the Revised Code, each board of elections shall 14375  
send to the secretary of state any statistics or information 14376  
regarding that election that the secretary of state requires, in 14377  
addition to the following information, which shall be compiled by 14378  
precinct: 14379

(A) The number of registered voters eligible to cast a ballot 14380  
in that election; 14381

(B) The total number of ballots cast and total number of 14382

ballots counted; 14383

(C) The number of provisional ballots cast prior to election 14384  
day; the reason for the voter receiving a provisional ballot, 14385  
which shall be sorted by category as prescribed by the secretary 14386  
of state; the number of provisional ballots cast on election day; 14387  
and the number of provisional ballots counted, not counted, and 14388  
the reason such ballots were not counted, which shall be sorted by 14389  
category as prescribed by the secretary of state; 14390

(D) The number of absent voter's ballots requested in person; 14391  
the number of such ballots provided; the number of such ballots 14392  
cast; and the number of such ballots counted, not counted, and the 14393  
reason such ballots were not counted, which shall be sorted by 14394  
category as prescribed by the secretary of state; 14395

(E) The number of absent voter's ballots requested by mail, 14396  
the number of such ballots provided, the number of such ballots 14397  
cast, and the number of such ballots counted, and not counted; and 14398

(F) The number of armed service absent voter's ballots 14399  
requested; the number of such ballots provided; the number of such 14400  
ballots cast, and the number of such ballots counted and not 14401  
counted. 14402

**Sec. 3506.02.** Voting machines, marking devices, and automatic 14403  
tabulating equipment may be adopted for use in elections in any 14404  
county in the following manner: 14405

(A) By the board of elections; 14406

(B) By the board of county commissioners of such county on 14407  
the recommendation of the board of elections; 14408

(C) By the affirmative vote of a majority of the electors of 14409  
such county voting upon the question of the adoption of such 14410  
equipment in such county. 14411

If a petition signed by electors equal in number to two per 14412

cent of the total votes cast in the county for the office of 14413  
governor at the most recent general election for that office is 14414  
filed with the board of elections, such board shall submit to the 14415  
electors of such county at the next general election occurring not 14416  
less than ~~seventy-five~~ eighty-five days thereafter the question 14417  
"Shall voting machines, marking devices, and automatic tabulating 14418  
equipment be adopted in the county of .....?" 14419  
Upon the filing of such petition, the board of elections shall 14420  
forthwith notify the board of county commissioners, and the board 14421  
of county commissioners shall forthwith determine whether it would 14422  
prefer to purchase or lease such equipment in whole or in part for 14423  
cash and if so whether it will be necessary or advisable to issue 14424  
bonds to provide funds for the purchase of such equipment, if 14425  
adopted. If the board of county commissioners determines that it 14426  
is necessary or advisable to issue bonds therefor, it shall by 14427  
resolution provide for the submission on the same ballot, but as a 14428  
separate issue, the question of issuing such bonds. The question 14429  
of issuing such bonds shall be submitted as required by division 14430  
(A) of section 3506.03 of the Revised Code. 14431

**Sec. 3506.11.** The names of all candidates for an office shall 14432  
be arranged in a group under the title of the office and printed 14433  
on labels so that they may be rotated on the voting machine as 14434  
provided in section 3505.03 of the Revised Code. The title of each 14435  
office and the name of each candidate shall be printed flush left 14436  
and shall not be centered on the ballot, in any column appearing 14437  
on the ballot, or in any column appearing on the voting machine. 14438  
The name of each candidate shall be printed using standard 14439  
capitalization in accordance with instructions provided by the 14440  
secretary of state and shall not be printed using all capital 14441  
letters. Under the name of each candidate nominated at a primary 14442  
election or certified by a party committee to fill a vacancy under 14443  
section 3513.31 of the Revised Code, the name of the political 14444

party that nominated or certified the candidate shall be printed 14445  
in less prominent typeface than that in which the candidate's name 14446  
is printed. 14447

**Sec. 3506.12.** In counties where marking devices, automatic 14448  
tabulating equipment, voting machines, or any combination of these 14449  
are in use or are to be used, ~~the board of elections~~ both of the 14450  
following apply: 14451

(A) ~~May~~ A board of elections may combine, rearrange, and 14452  
enlarge precincts; but the board shall arrange for a sufficient 14453  
number of these devices to accommodate the number of electors in 14454  
each precinct ~~as determined by the number of votes cast in that~~ 14455  
~~precinct at the most recent election for the office of governor,~~ 14456  
~~taking into consideration the size and location of each selected~~ 14457  
~~polling place, available parking, handicap accessibility and other~~ 14458  
~~accessibility to the polling place, and the number of candidates~~ 14459  
~~and issues to be voted on~~ by calculating the minimum number of 14460  
devices required for each precinct. The board of elections shall 14461  
calculate that minimum number of devices by taking into account 14462  
the number of registered voters in the precinct, the voter turnout 14463  
in the precinct at the most recent similar election, and the 14464  
estimated length of time for an average voter to complete the 14465  
voter's ballot in the election. The board may exclude from the 14466  
number of voters those individuals who have failed to respond 14467  
within thirty days to any confirmation notice and those voters who 14468  
requested an absent voter's ballot for the most recent similar 14469  
election. 14470

After establishing a minimum number of voting machines for 14471  
each precinct, the board of elections shall consider the following 14472  
criteria when allocating additional devices: 14473

(1) The historic voter turnout in the precinct; 14474

(2) Any increase or decrease in the number of registered 14475



<u>voters in the precinct since the last previous election;</u>	14476
<u>(3) Whether voters in the precinct have historically had</u>	14477
<u>longer-than-average wait times to use voting equipment;</u>	14478
<u>(4) The historic level of requests for absent voter's ballots</u>	14479
<u>in the precinct;</u>	14480
<u>(5) The length of the ballot in a particular precinct for the</u>	14481
<u>applicable election;</u>	14482
<u>(6) The number of registered voters in the precinct; and</u>	14483
<u>(7) The number of voting machines needed by the board of</u>	14484
<u>elections for delivery on the day of election in the case of an</u>	14485
<u>emergency, except that the board shall adopt a specific policy</u>	14486
<u>governing the delivery of such emergency voting machines.</u>	14487
<u>The board shall post the draft voting equipment distribution</u>	14488
<u>plan for public comment at the office of the board of elections</u>	14489
<u>and, if the board of elections maintains a web site, on that web</u>	14490
<u>site, not later than fifteen days before the date of the election</u>	14491
<u>for not less than five business days. After the conclusion of the</u>	14492
<u>public comment period, the board of elections shall conduct a full</u>	14493
<u>vote of the board during a public session of the board on the</u>	14494
<u>allocation of voting machines, marking devices, and automatic</u>	14495
<u>tabulating equipment for each precinct in the county.</u>	14496
Notwithstanding section 3501.22 of the Revised Code, the board may	14497
appoint more than four precinct officers to each precinct if this	14498
is made necessary by the number of voting machines to be used in	14499
that precinct.	14500
(B) Except as otherwise provided in this division, <u>a board of</u>	14501
<u>elections</u> shall establish one or more counting stations to receive	14502
voted ballots and other precinct election supplies after the	14503
<u>precinct</u> polling <del>precincts</del> <u>locations</u> are closed. Those stations	14504
shall be under the supervision and direction of the board of	14505
elections. Processing and counting of voted ballots, and the	14506

preparation of summary sheets, shall be done in the presence of 14507  
observers approved by the board. A certified copy of the summary 14508  
sheet for the precinct shall be posted at each counting station 14509  
immediately after completion of the summary sheet. 14510

~~In counties where punch card ballots are used, one or more 14511  
counting stations, located at the board of elections, shall be 14512  
established, at which location all punch card ballots shall be 14513  
counted. 14514~~

~~As used in this division, "punch card ballot" has the same 14515  
meaning as in section 3506.16 of the Revised Code. 14516~~

**Sec. 3506.21.** (A) As used in this section, "optical scan 14517  
ballot" means a ballot that is marked by using a specified writing 14518  
instrument to fill in a designated position to record a voter's 14519  
candidate, question, or issue choice and that can be scanned and 14520  
electronically read in order to tabulate the vote. 14521

(B)(1) In addition to marks that can be scanned and 14522  
electronically read by automatic tabulating equipment, any of the 14523  
following marks, if a majority of those marks are made in a 14524  
consistent manner throughout an optical scan ballot, shall be 14525  
counted as a valid vote: 14526

(a) A candidate, question, or issue choice that has been 14527  
circled by the voter; 14528

(b) An oval beside the candidate, question, or issue choice 14529  
that has been circled by the voter; 14530

(c) An oval beside the candidate, question, or issue choice 14531  
that has been marked by the voter with an "x," a check mark, or 14532  
other recognizable mark; 14533

(d) A candidate, question, or issue choice that has been 14534  
marked with a writing instrument that cannot be recognized by 14535  
automatic tabulating equipment. 14536

(2) Marks made on an optical scan ballot in accordance with 14537  
division (B)(1) of this section shall be counted as valid votes 14538  
only if that optical scan ballot contains no marks that can be 14539  
scanned and electronically read by automatic tabulating equipment. 14540

(3) ~~If~~ Subject to division (E) of this section, if automatic 14541  
tabulating equipment detects that more marks were made on an 14542  
optical scan ballot for a particular office, question, or issue 14543  
than the number of selections that a voter is allowed by law to 14544  
make for that office, question, or issue, the voter's ballot shall 14545  
be invalidated for that office, question, or issue. The ballot 14546  
shall not be invalidated for any other office, question, or issue 14547  
for which the automatic tabulating equipment detects a vote to 14548  
have been cast, in accordance with the law. 14549

(C) The secretary of state may adopt rules under Chapter 119. 14550  
of the Revised Code to authorize additional types of optical scan 14551  
ballots and to specify the types of marks on those ballots that 14552  
shall be counted as a valid vote to ensure consistency in the 14553  
counting of ballots throughout the state. 14554

(D)(1) A board of elections of a county that uses optical 14555  
scan ballots and automatic tabulating equipment as the primary 14556  
voting system for the county shall not tabulate the unofficial 14557  
results of optical scan ballots voted on election day at a central 14558  
location. 14559

(2) A board of elections that provides for the tabulation at 14560  
each precinct of voted ballots, and then, at a central location, 14561  
combines those precinct ballot totals with ballot totals from 14562  
other precincts, including optical scan ballots voted by absent 14563  
voters, shall not be considered to be tabulating the unofficial 14564  
results of optical scan ballots at a central location for the 14565  
purpose of division (D)(1) of this section. 14566

(E) If a voter has marked a ballot for a particular candidate 14567

and also has written in the same candidate's name as a write-in candidate for the same office, the ballot shall not be invalidated with respect to that office. The ballot shall be separated from the remainder of the ballots and preserved so that the ballot can be remade and tabulated for the official canvass of the election returns and for any subsequent recount or postelection audit.

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The election officials shall remake any such ballot by properly marking a replacement ballot with a vote for the named candidate. Ballots remade under this division shall be tabulated in the same manner as other ballots for the official canvass of the election returns and for any subsequent recount or postelection audit. The original ballot shall be marked as having been remade and shall be retained separately by the board of elections.

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**Sec. 3507.01.** (A) Notwithstanding any provision of the Revised Code to the contrary, a board of elections of a county may conduct the following elections held within the county as an election by mail:

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(1) A special election held on a day other than the day of a primary or general election;

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(2) An election to fill a vacancy in a nomination pursuant to section 3513.312 of the Revised Code or a vacancy in an elective office pursuant to section 3521.03 of the Revised Code;

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(3) Any election at which no nominations for or elections to office appear on the ballot.

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(B) The secretary of state shall adopt rules under Chapter 119. of the Revised Code governing the holding of an election by mail when the district or area within which the election is being conducted includes territory in more than one county.

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Sec. 3507.02. Except as otherwise provided in this section, 14598  
if a board of elections conducts an election by mail, the board 14599  
shall mail an absent voter's ballot application on or before the 14600  
forty-fifth day before the day of the election, to each qualified 14601  
elector of the county who is entitled to vote on the office, 14602  
question, or issue certified for placement on the ballot. A board 14603  
of elections shall not mail an absent voter's ballot application 14604  
to an elector under this section if the elector has previously 14605  
submitted an application for annual absent voter's ballot for that 14606  
year and instead shall mail absent voter's ballots for the 14607  
election by mail to such an elector. 14608

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Sec. 3507.03. If a board of elections conducts an election by 14610  
mail, the board shall open its office from 6:30 a.m. until 7:30 14611  
p.m. on the day of the election to allow qualified voters to vote 14612  
in person and to receive completed absent voter's ballots. The 14613  
board shall place a notice at all polling places in the 14614  
jurisdiction in which the election by mail is being conducted that 14615  
were used at the last regular state election stating the location 14616  
of the office of the board of elections, that absent voter's 14617  
ballots may be delivered to the office of the board of elections, 14618  
and that absent voter's ballots may be cast in person at the 14619  
office of the board of elections from 6:30 a.m. until 7:30 p.m. No 14620  
other polling places shall be open on the day of the election 14621  
conducted as an election by mail. 14622

Sec. 3509.01. (A) The board of elections of each county shall 14623  
provide absent voter's ballots for use at every primary and 14624  
general election, or special election to be held on the day 14625  
specified by division (E) of section 3501.01 of the Revised Code 14626  
for the holding of a primary election, designated by the general 14627

assembly for the purpose of submitting constitutional amendments 14628  
proposed by the general assembly to the voters of the state. Those 14629  
ballots shall be the same size, shall be printed on the same kind 14630  
of paper, and shall be in the same form as has been approved for 14631  
use at the election for which those ballots are to be voted+ 14632  
~~except that, in counties using marking devices, ballot cards may~~ 14633  
~~be used for absent voter's ballots, and those absent voters shall~~ 14634  
~~be instructed to record the vote in the manner provided on the~~ 14635  
~~ballot cards. In counties where punch card ballots are used, those~~ 14636  
~~absent voters shall be instructed to examine their marked ballot~~ 14637  
~~cards and to remove any chads that remain partially attached to~~ 14638  
~~them before returning them to election officials. The secretary of~~ 14639  
state shall prescribe uniform standards for absent voter's ballot 14640  
materials, forms, and content. The boards of elections shall 14641  
adhere to the standards prescribed by the secretary of state in 14642  
preparing absent voter's ballots under this chapter. 14643

(B) The rotation of names of candidates and questions and 14644  
issues shall be substantially complied with on absent voter's 14645  
ballots, ~~within the limitation of time allotted.~~ Those ballots 14646  
shall be designated as "Absent Voter's Ballots," and ~~Except as~~ 14647  
~~otherwise provided in division (D) of this section,~~ those ballots 14648  
shall be printed and ready for use as follows: 14649

(1) For overseas voters and absent uniformed services voters 14650  
eligible to vote under the "Uniformed and Overseas Citizens 14651  
Absentee Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 14652  
1973ff, et seq., as amended, ballots shall be printed and ready 14653  
for use on the ~~thirty-fifth~~ ~~forty-fifth~~ day before the day of the 14654  
election, ~~except that those ballots shall be printed and ready for~~ 14655  
~~use on the twenty-fifth day before the day of a presidential~~ 14656  
~~primary election;~~ 14657

(2) For all voters, other than overseas voters and absent 14658  
uniformed services voters, who are applying to vote absent voter's 14659

ballots, ballots shall be printed and ready for use beginning on 14660  
the twenty-eighth day before the day of the election and shall 14661  
continue to be available for use through noon on the last Monday 14662  
before the day of the election. 14663

(C) Absent voter's ballots provided for use at a general or 14664  
primary election, or special election to be held on the day 14665  
specified by division (E) of section 3501.01 of the Revised Code 14666  
for the holding of a primary election, designated by the general 14667  
assembly for the purpose of submitting constitutional amendments 14668  
proposed by the general assembly to the voters of the state, shall 14669  
include only those questions, issues, and candidacies that have 14670  
been lawfully ordered submitted to the electors voting at that 14671  
election. 14672

(D) Absent voter's ballots for special elections held on days 14673  
other than the day on which general or primary elections are held 14674  
shall be ready for use as many days before the day of the election 14675  
as reasonably possible under the laws governing the holding of 14676  
that special election. 14677

(E) A copy of the absent voter's ballots shall be forwarded 14678  
by the director of the board in each county to the secretary of 14679  
state at least twenty-five days before the election. 14680

~~As used in this section, "chad" and "punch card ballot" have~~ 14681  
~~the same meanings as in section 3506.16 of the Revised Code.~~ 14682

**Sec. 3509.02.** (A) Any qualified elector may vote by absent 14683  
voter's ballots at an election. 14684

(B) Any qualified elector who is unable to appear at the 14685  
office of the board of elections or, if pursuant to division (C) 14686  
of section 3501.10 of the Revised Code the board has designated 14687  
~~another location~~ one or more other locations in the county at 14688  
which registered electors may vote, at ~~that~~ such other location ~~on~~ 14689

~~account of personal illness, physical disability, or infirmity,~~ 14690  
~~and who moves from one precinct to another within a county,~~ 14691  
~~changes the elector's name and moves from one precinct to another~~ 14692  
~~within a county, or moves from one county to another county within~~ 14693  
~~the state, changes the elector's name, changes the elector's name~~ 14694  
~~and moves from one precinct to another within a county, or changes~~ 14695  
~~the elector's name and moves from one county to another county~~ 14696  
~~within the state, on or prior to the day of a general, primary, or~~ 14697  
~~special election and has not filed a notice of change of residence~~ 14698  
~~or, change of name, or both, as applicable, may vote by absent~~ 14699  
~~voter's ballots in that election as specified in division (G) of~~ 14700  
~~section 3503.16 of the Revised Code.~~ 14701

**Sec. 3509.03.** (A) Except as provided in section 3509.031 or 14702  
division (B) of section 3509.08 of the Revised Code, any qualified 14703  
elector desiring to vote absent voter's ballots at an election 14704  
shall make written application for those ballots to the director 14705  
of elections of the county in which the elector's voting residence 14706  
is located. The written application may be submitted in person, by 14707  
mail, by facsimile transmission, by electronic mail, or by other 14708  
electronic means via the internet. The application need not be in 14709  
any particular form but shall contain all of the following: 14710

~~(A)~~(1) The elector's name; 14711  
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~~(B)~~(2) The elector's signature or, if the application is 14713  
transmitted electronically, an image of the elector's signature; 14714

~~(C)~~(3) The address at which the elector is registered to 14715  
vote; 14716

~~(D)~~(4) The elector's ~~date of birth~~ birthdate; 14717

~~(E)~~(5) One of the following, unless the elector is a 14718  
first-time mail-in registrant: 14719



<del>(1)(a)</del> The elector's <u>Ohio</u> driver's license number;	14720
<del>(2)(b)</del> The last four digits of the elector's social security number;	14721 14722
<del>(3)(c)</del> A copy of the elector's <del>current and valid photo identification, a copy of a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector</del> <u>identification.</u>	14723 14724 14725 14726 14727 14728 14729 14730 14731
<del>(F)(6)</del> A statement identifying the election for which absent voter's ballots are requested;	14732 14733
<del>(G)(7)</del> A statement that the person requesting the ballots is a qualified elector;	14734 14735
<del>(H)(8)</del> If the request is for primary election ballots, the elector's party affiliation;	14736 14737
<del>(I)(9)</del> If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;	14738 14739
<u>(10) If the elector is a first-time mail-in registrant, a copy of the elector's first-time mail-in registrant identification.</u>	14740 14741 14742
<del>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 eard application to apply for absent voter's ballots. Those 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,</del>	14743 14744 14745 14746 14747 14748 14749

~~designated by the general assembly for the purpose of submitting 14750  
constitutional amendments proposed by the general assembly to the 14751  
voters of the state unless the voter reports a change in the 14752  
voter's voting status to the board of elections or the voter's 14753  
intent to vote in any such election in the precinct in this state 14754  
where the voter is registered to vote. A single federal postcard 14755  
application shall be processed by the board of elections pursuant 14756  
to section 3509.04 of the Revised Code the same as if the voter 14757  
had applied separately for absent voter's ballots for each 14758  
election. When mailing absent voter's ballots to a voter who 14759  
applied for them by single federal post card application, the 14760  
board shall enclose notification to the voter that the voter must 14761  
report to the board subsequent changes in the voter's voting 14762  
status or the voter's subsequent intent to vote in any such 14763  
election in the precinct in this state where the voter is 14764  
registered to vote. Such notification shall be in a form 14765  
prescribed by the secretary of state. As used in this section, 14766  
"voting status" means the voter's name at the time the voter 14767  
applied for absent voter's ballots by single federal post card 14768  
application and the voter's address outside the United States to 14769  
which the voter requested that those ballots be sent. 14770~~

Each (B)(1) An elector may make a single request for absent 14771  
voter's ballots for all elections at which the elector is eligible 14772  
to vote during a calendar year. The application shall contain the 14773  
information specified in division (A) of this section and also 14774  
shall specify that the elector is requesting absent voter's 14775  
ballots for each election during that year. If the elector wishes 14776  
to vote primary election ballots, the elector shall state the 14777  
elector's party affiliation in the application. 14778

If an elector applies for annual absent voter's ballots under 14779  
this division, the application shall be processed by the board of 14780  
elections pursuant to section 3509.04 of the Revised Code the same 14781

as if the elector had applied separately for absent voter's 14782  
ballots for each election during the applicable calendar year. 14783  
Absent voter's ballots shall be sent to the elector for use at 14784  
each election during the applicable calendar year for which the 14785  
elector is eligible to cast a ballot. When sending absent voter's 14786  
ballots to an elector who applied for them under this division, 14787  
the board shall enclose notification to the elector that the 14788  
elector must report to the board subsequent changes in the 14789  
elector's voting status, changes in the elector's address, or the 14790  
elector's intent to vote at a polling location in the jurisdiction 14791  
in this state where the elector is registered to vote. Such 14792  
notification shall be in a form prescribed by the secretary of 14793  
state. 14794

If an absent voter's ballot or any official response to an 14795  
application for an annual absent voter's ballot is returned 14796  
undeliverable to the board of elections, the board shall attempt 14797  
to contact the elector to verify the elector's mailing address 14798  
using any available contact information in the elector's voter 14799  
registration record including the elector's telephone number, 14800  
facsimile transmission number, or electronic mail address. If the 14801  
board is unable to contact the elector, the board shall not send 14802  
absent voter's ballots for any subsequent election to that elector 14803  
until the elector submits another application and the information 14804  
in that application is verified. The board shall remove from the 14805  
poll list or signature pollbook any notation that the elector 14806  
requested an absent voter's ballot. The elector may cast a regular 14807  
ballot if the elector appears to vote in person on the day of the 14808  
election or the elector may cast an absent voter's ballot in 14809  
person at the board of elections or if pursuant to division (C) of 14810  
section 3501.10 of the Revised Code the board has designated one 14811  
or more other locations in the county at which registered electors 14812  
may cast an absent voter's ballot in person, at such other 14813  
location. 14814

(2) Not later than the fifteenth day of December of each 14815  
year, the board of elections shall send an application for annual 14816  
absent voter's ballots for the following calendar year to each 14817  
person who requested annual absent voter's ballots under division 14818  
(B)(1) of this section for the current year and cast such ballots 14819  
in the general election. An elector who completes and returns such 14820  
an application shall be eligible to receive annual absent voter's 14821  
ballots under division (B)(1) of this section for the applicable 14822  
year. 14823

(C) Except for annual applications for absent voter's ballots 14824  
submitted under division (B)(2) of this section, each application 14825  
for absent voter's ballots shall be delivered to the director not 14826  
earlier than the first day of January of the year of the elections 14827  
for which the absent voter's ballots are requested or not earlier 14828  
than ninety days before the day of the election at which the 14829  
ballots are to be voted, whichever is earlier, and not later than 14830  
twelve noon of the third day before the day of the election at 14831  
which the ballots are to be voted, or not later than ~~the close of~~ 14832  
~~regular business hours~~ noon on the day before the day of the 14833  
election at which the ballots are to be voted if the application 14834  
is delivered in person to the office of the board. 14835

**Sec. 3509.031.** (A) Any qualified elector who is a member of 14836  
the organized militia called to active duty within the state and 14837  
who will be unable to vote on election day on account of that 14838  
active duty may make written application for absent voter's 14839  
ballots to the director of elections for the county in which the 14840  
elector's voting residence is located. The elector may personally 14841  
deliver the application to the director or may mail it, send it by 14842  
facsimile machine, send it by electronic mail, send it by other 14843  
electronic means via the internet, or otherwise send it to the 14844  
director. The application need not be in any particular form but 14845  
shall contain all of the following: 14846

(1) The elector's name;	14847
(2) The elector's signature <u>or, if the application is</u>	14848
<u>transmitted electronically, an image of the elector's signature;</u>	14849
(3) The address at which the elector is registered to vote;	14850
(4) The elector's <del>date of birth</del> <u>birthdate</u> ;	14851
(5) One of the following, <u>unless the elector is a first-time</u>	14852
<u>mail-in registrant</u> :	14853
(a) The elector's <u>Ohio</u> driver's license number;	14854
(b) The last four digits of the elector's social security	14855
number;	14856
(c) A copy of the elector's <del>current and valid photo</del>	14857
<del>identification, a copy of a military identification, or a copy of</del>	14858
<del>a current utility bill, bank statement, government check,</del>	14859
<del>paycheck, or other government document, other than a notice of an</del>	14860
<del>election mailed by a board of elections under section 3501.19 of</del>	14861
<del>the Revised Code or a notice of voter registration mailed by a</del>	14862
<del>board of elections under section 3503.19 of the Revised Code, that</del>	14863
<del>shows the name and address of the elector</del> <u>identification.</u>	14864
	14865
(6) A statement identifying the election for which absent	14866
voter's ballots are requested;	14867
(7) A statement that the person requesting the ballots is a	14868
qualified elector;	14869
(8) A statement that the elector is a member of the organized	14870
militia serving on active duty within the state;	14871
(9) If the request is for primary election ballots, the	14872
elector's party affiliation;	14873
(10) If the elector desires ballots to be mailed to the	14874
elector, the address to which those ballots shall be mailed;	14875

(11) If the elector desires ballots to be sent to the elector 14876  
by facsimile machine, the telephone number to which they shall be 14877  
so sent; 14878

(12) If the elector is a first-time mail-in registrant, a 14879  
copy of the elector's first-time mail-in registrant 14880  
identification. 14881

(B) Application to have absent voter's ballots mailed ~~or~~, 14882  
sent by facsimile machine, or otherwise sent to a qualified 14883  
elector who is a member of the organized militia called to active 14884  
duty within the state and who will be unable to vote on election 14885  
day on account of that active duty may be made by the spouse of 14886  
the militia member or the father, mother, father-in-law, 14887  
mother-in-law, grandfather, grandmother, brother or sister of the 14888  
whole blood or half blood, son, daughter, adopting parent, adopted 14889  
child, stepparent, stepchild, uncle, aunt, nephew, or niece of the 14890  
militia member. The application shall be in writing upon a blank 14891  
form furnished only by the director. The form of the application 14892  
shall be prescribed by the secretary of state. The director shall 14893  
furnish that blank form to any of the relatives specified in this 14894  
division desiring to make the application, only upon the request 14895  
of such a relative in person at the office of the board or upon 14896  
the written request of such a relative mailed, sent by facsimile 14897  
transmission, sent by electronic mail, or sent by other electronic 14898  
means via the internet to the office of the board. The 14899  
application, subscribed and sworn to by the applicant, shall 14900  
contain all of the following: 14901

(1) The full name of the elector for whom ballots are 14902  
requested; 14903

(2) A statement that such person is a qualified elector in 14904  
the county; 14905

(3) The address at which the elector is registered to vote; 14906

- (4) The elector's ~~date of birth~~ birthdate; 14907
- (5) One of the following, unless the elector is a first-time mail-in registrant: 14908  
14909
- (a) The elector's Ohio driver's license number; 14910
- (b) The last four digits of the elector's social security number; 14911  
14912
- (c) A copy of the elector's ~~current and valid photo identification, a copy of a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector~~ identification. 14913  
14914  
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- (6) A statement identifying the election for which absent voter's ballots are requested; 14922  
14923
- (7) A statement that the elector is a member of the organized militia serving on active duty within the state; 14924  
14925
- (8) If the request is for primary election ballots, the elector's party affiliation; 14926  
14927
- (9) A statement that the applicant bears a relationship to the elector as specified in division (B) of this section; 14928  
14929
- (10) The address to which ballots shall be mailed or telephone number to which ballots shall be sent by facsimile machine; 14930  
14931  
14932
- (11) The signature or, if the application is transmitted electronically, an image of the signature and the address of the person making the application; 14933  
14934  
14935
- (12) If the elector is a first-time mail-in registrant, a 14936

copy of the elector's first-time mail-in registrant 14937  
identification. 14938

(C) ~~Applications~~ (1) An elector who is a member of the 14939  
organized militia may make a single request for absent voter's 14940  
ballots for all elections at which the elector is eligible to vote 14941  
during a calendar year. The application shall contain the 14942  
information specified in division (A) of this section and also 14943  
shall specify that the elector is requesting absent voter's 14944  
ballots for each election during that year. If the elector wishes 14945  
to vote primary election ballots, the elector shall state the 14946  
elector's party affiliation in the application. 14947

If an elector applies for annual absent voter's ballots under 14948  
this division, the application shall be processed by the board of 14949  
elections pursuant to section 3509.04 of the Revised Code the same 14950  
as if the elector had applied separately for absent voter's 14951  
ballots for each election during the applicable calendar year. 14952  
Absent voter's ballots shall be sent to the elector for use at 14953  
each election during the applicable calendar year for which the 14954  
elector is eligible to cast a ballot. When sending absent voter's 14955  
ballots to an elector who applied for them under this division, 14956  
the board shall enclose notification to the elector that the 14957  
elector must report to the board subsequent changes in the 14958  
elector's voting status, changes in the elector's address, or the 14959  
elector's intent to vote at a polling location in the jurisdiction 14960  
in this state where the elector is registered to vote. Such 14961  
notification shall be in a form prescribed by the secretary of 14962  
state. 14963

If an absent voter's ballot or any official response to an 14964  
application for an annual absent voter's ballot is returned 14965  
undeliverable to the board of elections, the board shall attempt 14966  
to contact the elector to verify the elector's mailing address 14967  
using any available contact information in the elector's voter 14968



registration record including the elector's telephone number, 14969  
facsimile transmission number, or electronic mail address. If the 14970  
board is unable to contact the elector, the board shall not send 14971  
absent voter's ballots for any subsequent election to that elector 14972  
until the elector submits another application and the information 14973  
in that application is verified. The board shall remove from the 14974  
poll list or signature pollbook any notation that the elector 14975  
requested an absent voter's ballot. The elector may cast a regular 14976  
ballot if the elector appears to vote in person on the day of the 14977  
election or the elector may cast an absent voter's ballot in 14978  
person at the board of elections or if pursuant to division (C) of 14979  
section 3501.10 of the Revised Code the board has designated one 14980  
or more other locations in the county at which registered electors 14981  
may cast an absent voter's ballot in person, at such other 14982  
location. 14983

(2) Not later than the fifteenth day of December of each 14984  
year, the board of elections shall send an application for annual 14985  
absent voter's ballots for the following calendar year to each 14986  
person who requested annual absent voter's ballots under division 14987  
(C)(1) of this section for the current year and cast such ballots 14988  
in the general election. An elector who completes and returns such 14989  
an application shall be eligible to receive annual absent voter's 14990  
ballots under division (C)(1) of this section for the applicable 14991  
year. 14992

(D) Except for annual applications for absent voter's ballots 14993  
submitted under division (C)(2) of this section, applications to 14994  
have absent voter's ballots mailed or sent by facsimile machine 14995  
shall not be valid if dated, postmarked, or received by the 14996  
director prior to the ninetieth day before the day of the election 14997  
for which ballots are requested or if delivered to the director 14998  
later than twelve noon of the third day preceding the day of such 14999  
election. If, after the ninetieth day and before four p.m. of the 15000

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 application in the militia member's own behalf, the director shall forthwith deliver to the militia member all absent voter's ballots then ready for use, together with an identification envelope. The militia member shall then vote the absent voter's ballots in the manner provided in section 3509.05 of the Revised Code.

**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, by whatever means of contact the applicant has provided on the application, of the additional information required to be provided by the applicant to complete that application. The applicant may provide the required information by mail, electronic mail, telephone, or facsimile transmission, through the internet, or in person at the office of the board of elections. If the application is missing a signature, the applicant may provide a signed statement that the applicant submitted the application. A signature provided on a signed statement under this division shall be considered the applicant's signature on the application for the purposes of processing an otherwise valid application for absent voter's ballots. The secretary of state shall prescribe uniform standards for processing additional information by mail, electronic mail, telephone, facsimile transmission, through the internet, or in person at the office of the board of elections under this division.

If the applicant provides the required information prior to the end of the period for voting by absent voter's ballots at that election, the board shall promptly process the application and

deliver absent voter's ballots to the applicant. 15033

(B) ~~Upon~~ Subject to section 3509.07 of the Revised Code, upon 15034  
receipt by the director of elections of an application for absent 15035  
voter's ballots that contain all of the required information, as 15036  
provided by sections 3509.03 and 3509.031 and division (G) of 15037  
section 3503.16 of the Revised Code, the director, if the director 15038  
finds that the applicant is a qualified elector, shall deliver to 15039  
the applicant in person or mail directly to the applicant by 15040  
special delivery mail, air mail, or regular mail, postage prepaid, 15041  
proper absent voter's ballots. The director shall deliver or ~~mail~~ 15042  
send with the ballots an unsealed identification envelope upon the 15043  
face of which shall be printed a form substantially as follows: 15044

"Identification Envelope Statement of Voter 15045  
15046

I, .....(Name of voter), declare under 15047  
penalty of election falsification that the ~~within~~ ballot or 15048  
ballots contained no voting marks of any kind when I received 15049  
them, and I caused the ballot or ballots to be marked, enclosed in 15050  
the identification envelope, and sealed in that envelope. 15051

My voting residence in Ohio is 15052

..... 15053

(Street and Number, if any, or Rural Route and Number) 15054

of ..... (City, Village, or Township) 15055

Ohio, ~~which is in Ward ..... Precinct .....~~ 15056  
~~in that city, village, or township.~~ 15057

~~The primary election ballots, if any, within this envelope~~ 15058  
~~are~~ If the election is a primary election, by requesting ballots 15059  
of the ..... Party, I hereby declare that I desire to be 15060  
affiliated with and support the above-named party. 15061

~~Ballots contained within this envelope are to be voted at the~~ 15062  
~~..... (general, special, or primary) election to be held on~~ 15063

the ..... day of ....., ..... 15064

My ~~date of birth~~ birthdate is ..... (Month and 15065  
Day), ..... (Year). 15066

(Voter must provide one of the following:) 15067

My Ohio driver's license number is ..... (~~Driver's~~ 15068  
Ohio driver's license number). 15069

The last four digits of my Social Security Number are 15070  
..... (Last four digits of Social Security Number). 15071

..... In lieu of providing a an Ohio driver's license number 15072  
or the last four digits of my Social Security Number, I am 15073  
enclosing a copy of ~~one of~~ the following in the return envelope in 15074  
which this identification envelope will be mailed: a current and 15075  
valid photo identification issued by the state or an agency or 15076  
political subdivision of the state, an institution of higher 15077  
education, or the United States government, or an affirmation of 15078  
my identity. If I am a first-time voter who registered to vote by 15079  
mail, did not provide identification when I registered to vote, 15080  
and have not previously voted at a federal election in Ohio, I am 15081  
enclosing a copy of a current and valid photo identification, a 15082  
military identification, or a current utility bill, bank 15083  
statement, government check, paycheck, or other government 15084  
document, ~~other than a notice of an election mailed by a board of~~ 15085  
~~elections under section 3501.19 of the Revised Code or a notice of~~ 15086  
~~voter registration mailed by a board of elections,~~ that shows my 15087  
name and address. 15088

I hereby declare, under penalty of election falsification, 15089  
that the statements above are true, ~~as I verily believe.~~ 15090

..... 15091

+Signature of Voter (required) 15092

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 15093  
THE FIFTH DEGREE." 15094

The board of elections shall use an internal tracking system 15095  
for all delivered absent voter's ballots, which system shall allow 15096  
the board of elections to locate a voter's registration 15097  
information based on a returned absent voter's ballot 15098  
identification envelope. A board of elections complies with this 15099  
requirement if the board records the unique identification number 15100  
located on the stub of the voter's ballot, the voter's name, and 15101  
the voter's address, and causes the unique identification number 15102  
to be copied on the outside of the voter's identification 15103  
envelope. The director shall ~~mail~~ send with the ballots and the 15104  
unsealed identification envelope an unsealed return envelope upon 15105  
the face of which shall be printed the official title and 15106  
post-office address of the director. In the upper left corner on 15107  
the face of the return envelope, several blank lines shall be 15108  
printed upon which the voter may write the voter's name and return 15109  
address, ~~and beneath these lines there shall be printed a box~~ 15110  
~~beside the words "check if out of country."~~ The voter shall ~~check~~ 15111  
~~this box if the voter will be outside the United States on the day~~ 15112  
~~of the election.~~ The return envelope shall be of such size that 15113  
the identification envelope can be conveniently placed within it 15114  
for returning the identification envelope to the director. 15115  
15116

**Sec. 3509.05.** (A) (1) When an elector receives an absent 15117  
voter's ballot pursuant to the elector's application or request, 15118  
the elector shall, before placing any marks on the ballot, note 15119  
whether there are any voting marks on it. If there are any voting 15120  
marks, the ballot shall be returned immediately to the board of 15121  
elections; otherwise, the elector shall cause the ballot to be 15122  
marked, folded in a manner that the stub on it ~~and the~~ 15123  
~~indorsements and facsimile signatures of the members of the board~~ 15124  
~~of elections on the back of it are~~ is visible, and placed and 15125  
sealed within the identification envelope received from the 15126

director of elections for that purpose. Then, the elector shall 15127  
cause the statement of voter on the outside of the identification 15128  
envelope to be completed ~~and signed~~, under penalty of election 15129  
falsification. 15130

~~If (2) Unless the elector is a first-time mail-in registrant,~~ 15131  
the elector ~~does not~~ shall provide the elector's Ohio driver's 15132  
license number or the last four digits of the elector's social 15133  
security number on the statement of voter on the identification 15134  
envelope. If the elector does not provide the elector's Ohio 15135  
driver's license number or the last four digits of the elector's 15136  
social security number on the statement of voter, the elector ~~also~~ 15137  
shall include in the return envelope with the identification 15138  
envelope a copy of the elector's ~~current valid photo~~ 15139  
~~identification, a copy of a military identification, or a copy of~~ 15140  
~~a current utility bill, bank statement, government check,~~ 15141  
~~paycheck, or other government document, other than a notice of an~~ 15142  
~~election mailed by a board of elections under section 3501.19 of~~ 15143  
~~the Revised Code or a notice of voter registration mailed by a~~ 15144  
~~board of elections under section 3503.19 of the Revised Code, that~~ 15145  
~~shows the name and address of the elector~~ identification. If the 15146  
elector is a first-time mail-in registrant, the elector shall 15147  
include a copy of the elector's first-time mail-in registrant 15148  
identification. 15149

~~The elector shall mail the identification envelope to the~~ 15150  
~~director from whom it was received in the return envelope, postage~~ 15151  
~~prepaid, or the elector may personally deliver it to the director,~~ 15152  
~~or the spouse of the elector, the father, mother, father in law,~~ 15153  
~~mother in law, grandfather, grandmother, brother, or sister of the~~ 15154  
~~whole or half blood, or the son, daughter, adopting parent,~~ 15155  
~~adopted child, stepparent, stepchild, uncle, aunt, nephew, or~~ 15156  
~~niece of the elector may deliver it to the director. The (3)(a)~~ 15157  
Only the elector or a person authorized by the elector may 15158

transport that elector's completed absent voter's ballot to the 15159  
office of the board of elections from which it was received or to 15160  
another location established by the board for the purposes of 15161  
casting absent voter's ballots, provided that the voter must seal 15162  
the ballot in the identification envelope, complete the 15163  
identification envelope, and seal the identification envelope in 15164  
the return envelope. 15165

Only the elector or a person authorized by the elector may 15166  
transport that elector's completed absent voter's ballot to the 15167  
United States postal service or to a commercial delivery service 15168  
for delivery to the board of elections, provided that the voter 15169  
must seal the ballot in the identification envelope, complete the 15170  
identification envelope, and seal the identification envelope in 15171  
the return envelope. Any postage or delivery cost must be pre-paid 15172  
and affixed by the voter. 15173

Other than the methods described in this section, the return 15174  
envelope shall be transmitted to the director in no other manner, 15175  
except as provided in section 3509.08 of the Revised Code. 15176

~~Each elector who will be outside the United States on the day~~ 15178  
~~of the election shall check the box on the return envelope~~ 15179  
~~indicating this fact.~~ 15180

(b)(i) No person shall accept or provide anything of value 15181  
for the collection of a completed absent voter's ballot for 15182  
transport to the board of elections or other location designated 15183  
by a board of elections or to the United States postal service or 15184  
other commercial delivery service. 15185

(ii) No candidate or official member of a campaign committee 15186  
may solicit to complete an elector's identification envelope or 15187  
solicit to collect and transport an elector's completed absent 15188  
voter's ballot. 15189

(c) No otherwise valid absent voter's ballot shall be 15190  
rejected due to the failure of a person to comply with division 15191  
(A)(3) of this section. 15192

(4) When absent voter's ballots are delivered to an elector 15193  
at the office of the board, the elector may retire to a voting 15194  
compartment provided by the board and there mark the ballots. 15195  
Thereupon, the elector shall fold them, place them in the 15196  
identification envelope provided, seal the envelope, fill in and 15197  
sign the statement on the envelope under penalty of election 15198  
falsification, and deliver the envelope to the director of the 15199  
board. 15200

(5) Except as otherwise provided in ~~divisions~~ division (B) 15201  
~~and (C)~~ of this section, ~~all other~~ envelopes containing marked 15202  
absent voter's ballots shall be delivered to the director not 15203  
later than the close of the polls on the day of an election. 15204  
Absent voter's ballots delivered to the director later than the 15205  
times specified shall not be counted, but shall be kept by the 15206  
board in the sealed identification envelopes in which they are 15207  
delivered to the director, until the time provided by section 15208  
3505.31 of the Revised Code for the destruction of all other 15209  
ballots used at the election for which ballots were provided, at 15210  
which time they shall be destroyed. 15211

~~(B)(1) Except as otherwise provided in division (B)(2) of~~ 15212  
~~this section, any return envelope that indicates that the voter~~ 15213  
~~will be outside the United States on the day of the election shall~~ 15214  
~~be delivered to the director prior to the eleventh day after the~~ 15215  
~~election. Ballots delivered in such envelopes that are received~~ 15216  
~~after the close of the polls on election day through the tenth day~~ 15217  
~~thereafter shall be counted on the eleventh day at the board of~~ 15218  
~~elections in the manner provided in divisions (C) and (D) of~~ 15219  
~~section 3509.06 of the Revised Code. Any such ballots that are~~ 15220  
~~signed or postmarked after the close of the polls on the day of~~ 15221



~~the election or that are received by the director later than the 15222  
tenth day following the election shall not be counted, but shall 15223  
be kept by the board in the sealed identification envelopes as 15224  
provided in division (A) of this section. 15225~~

~~(2) In any year in which a presidential primary election is 15226  
held, any return envelope that indicates that the voter will be 15227  
outside the United States on the day of the presidential primary 15228  
election shall be delivered to the director prior to the 15229  
twenty first day after that election. Ballots delivered in such 15230  
envelopes that are received after the close of the polls on 15231  
election day through the twentieth day thereafter shall be counted 15232  
on the twenty first day at the board of elections in the manner 15233  
provided in divisions (C) and (D) of section 3509.06 of the 15234  
Revised Code. Any such ballots that are signed or postmarked after 15235  
the close of the polls on the day of that election or that are 15236  
received by the director later than the twentieth day following 15237  
that election shall not be counted, but shall be kept by the board 15238  
in the sealed identification envelopes as provided in division (A) 15239  
of this section. 15240~~

~~(C)(1)~~ Except as otherwise provided in division ~~(C)~~(B)(2) of 15241  
this section, any return envelope that is postmarked ~~within the~~ 15242  
~~United States~~ prior to the day of the election shall be delivered 15243  
to the director prior to the eleventh day after the election. 15244  
Ballots delivered in envelopes postmarked prior to the day of the 15245  
election that are received after the close of the polls on 15246  
election day through the tenth day thereafter shall be processed 15247  
and counted on or after the eleventh day at the board of elections 15248  
in the manner provided in ~~divisions~~ division (C) ~~and (D)~~ of 15249  
section 3509.06 of the Revised Code. Any such ballots that are 15250  
received by the director later than the tenth day following the 15251  
election shall not be counted, but shall be kept by the board in 15252  
the sealed identification envelopes as provided in division (A) of 15253

this section. 15254

(2) Division ~~(C)~~(B)(1) of this section shall not apply to any 15255  
mail that is postmarked using a postage evidencing system, 15256  
including a postage meter, as defined in 39 C.F.R. 501.1. 15257

**Sec. 3509.06.** (A) Upon receipt of a return envelope 15258  
purporting to contain voted absent voter's ballots prior to the 15259  
eleventh day after the day of an election, a bipartisan team shall 15260  
inspect the postmark and verify the date the board received the 15261  
absent voter's ballot. If either the postmark or the date of 15262  
receipt do not meet the applicable deadlines for that election 15263  
established in section 3509.05 of the Revised Code, the ballot 15264  
shall not be counted. The identification envelope shall not be 15265  
opened, and it shall be endorsed "not counted" with the reasons 15266  
the ballot was not counted. 15267

If the postmark and date of receipt for a return envelope 15268  
purporting to contain voted absent voter's ballots meets the 15269  
applicable deadlines for that election established in section 15270  
3509.05 of the Revised Code, the bipartisan team shall open that 15271  
return envelope but shall not open the identification envelope 15272  
contained in it. If, upon opening the return envelope, the 15273  
bipartisan team finds ballots in it that are not enclosed in and 15274  
properly sealed in the identification envelope, the bipartisan 15275  
team shall not look at the markings upon the ballots and shall 15276  
promptly place them in the identification envelope and promptly 15277  
seal it. If, upon opening the return envelope, the bipartisan team 15278  
finds that the ballots are enclosed in the identification envelope 15279  
but that it is not properly sealed, the bipartisan team shall not 15280  
look at the markings upon the ballots and shall promptly seal the 15281  
identification envelope. 15282

The bipartisan team shall cause the identification envelopes, 15283  
any associated identification, and the ballots in the 15284

identification envelopes to be properly secured until such time as 15285  
they are processed and counted. 15286

~~The board of elections shall determine whether absent voter's~~ 15287  
~~ballots shall be processed and counted in each precinct,~~ at the 15288  
~~office of the board,~~ or at some other location designated by the 15289  
~~board, and shall proceed accordingly under division (B) or (C) of~~ 15290  
~~this section.~~ 15291

(B) ~~When the board of elections determines that absent~~ 15292  
~~voter's ballots shall be counted in each precinct, the director~~ 15293  
~~shall deliver to the presiding judge of each precinct on election~~ 15294  
~~day identification envelopes purporting to contain absent voter's~~ 15295  
~~ballots of electors whose voting residence appears from the~~ 15296  
~~statement of voter on the outside of each of those envelopes, to~~ 15297  
~~be located in such presiding judge's precinct, and which were~~ 15298  
~~received by the director not later than the close of the polls on~~ 15299  
~~election day. The director shall deliver to such presiding judge a~~ 15300  
~~list containing the name and voting residence of each person whose~~ 15301  
~~voting residence is in such precinct to whom absent voter's~~ 15302  
~~ballots were mailed.~~ 15303

~~(C) When the board of elections determines that absent~~ 15304  
~~voter's ballots shall be counted at the office of the~~ The board of 15305  
~~elections or at another location designated by the board,~~ shall 15306  
appoint special election judges ~~shall be appointed by the board~~ 15307  
~~for that the purpose having the same authority as is exercised by~~ 15308  
precinct judges of processing and counting absent voter's ballots. 15309  
The votes so cast shall be added to the vote totals by the board, 15310  
and the absent voter's ballots shall be preserved separately by 15311  
the board, in the same manner and for the same length of time as 15312  
provided by section 3505.31 of the Revised Code. 15313

~~(D)~~(C)(1) Each of the identification envelopes purporting to 15315  
contain absent voter's ballots shall be delivered to the ~~presiding~~ 15316

~~judge of the precinct or the special judge appointed by the board 15317  
of elections and shall be handled processed and counted as 15318  
follows: ~~The election officials shall compare the signature of the 15319  
elector on the outside of the identification envelope with the 15320  
signature of that elector on the elector's registration form and 15321  
verify that the absent voter's ballot is eligible to be counted 15322  
under section 3509.07 of the Revised Code. Any of the precinct 15323  
officials may challenge the right of the elector named on the 15324  
identification envelope to vote the absent voter's ballots upon 15325  
the ground that the signature on the envelope is not the same as 15326  
the signature on the registration form, or upon any other of the 15327  
grounds upon which the right of persons to vote may be lawfully 15328  
challenged. If no such challenge is made, or if such a challenge 15329  
is made and not sustained, the presiding judge shall open the 15330  
envelope without defacing the statement of voter and without 15331  
mutilating the ballots in it, and shall remove the ballots 15332  
contained in it and proceed to count them.~~ 15333~~

~~The name of each person voting who is entitled to vote only 15334  
an absent voter's presidential ballot shall be entered in a 15335  
pollbook or poll list or signature pollbook followed by the words 15336  
"Absentee Presidential Ballot." The name of each person voting an 15337  
absent voter's ballot, other than such persons entitled to vote 15338  
only a presidential ballot, shall be entered in the pollbook or 15339  
poll list or signature pollbook and the person's 15340~~

(a) The election officials shall inspect the statement 15341  
accompanying an absent voter's ballot to determine if the voter's 15342  
signature has been provided and that the signature substantially 15343  
conforms to the voter's signature in the voter's registration 15344  
record. 15345

(b) The election officials shall compare the signature of the 15346  
voter as provided on the statement accompanying the absent voter's 15347  
ballot with the signature contained in the voter registration 15348

records. 15349

(c) If the election officials find that the voter's valid signature has been provided and that the voter is registered and eligible to cast a ballot in the election, the election officials shall open the envelope and determine if the stub is attached to or enclosed with the ballot. If the stub is attached to or enclosed with the ballot, the election officials shall count that ballot not earlier than the day of the election. If the stub is not attached to or enclosed with the ballot, the absent voter's ballot shall not be counted. The ballot shall be placed in its accompanying identification envelope, which shall be endorsed "not counted" with the reasons the ballot was not counted. 15350  
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(d) If the election officials find that the voter did not sign the statement of voter on the identification envelope or if the election officials are unable to determine the identity of the voter who returned the ballot, the election officials shall use any information provided on the identification envelope or, if necessary, cross-reference the unique stub number placed on the identification envelope with the registration records to identify the voter for notification under division (G) of this section. 15362  
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(e) If the voter did not sign the statement of voter on the identification envelope and if the voter fails to correct that defect within ten days after the day of the election in accordance with division (G) of this section, or if the election officials find that the voter is not registered or not eligible to cast a ballot in the election, the voter's absent voter's ballot shall not be counted. The identification envelope shall not be opened, and it shall be endorsed "not counted" with the reasons the ballot was not counted. 15370  
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(2) The board of elections may process absent voter's ballots under division (C)(1) of this section during the ten days prior to 15379  
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the day of an election but shall not reveal or cause to be 15381  
revealed the marks on any ballots. The board shall not count any 15382  
absent voter's ballot prior to the day of the election. 15383

(3) Any ballots that are not eligible to be counted under 15384  
division (C)(1)(c) or (e) of this section shall be the preserved 15385  
in their identification envelopes until the time provided by 15386  
section 3505.31 of the Revised Code for the destruction of all 15387  
other ballots used at the election for which ballots were 15388  
provided, at which time they shall be destroyed. 15389

(D) The registration card record of each person voting an 15390  
absent voter's ballot shall be marked to indicate that the person 15391  
has voted. 15392

The date of such election shall also be entered on the 15393  
elector's registration ~~form~~ record. ~~If any such challenge is made~~ 15394  
~~and sustained, the identification envelope of such elector shall~~ 15395  
~~not be opened, shall be endorsed "Not Counted" with the reasons~~ 15396  
~~the ballots were not counted, and shall be delivered to the board.~~ 15397  
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(E) Special election judges, employees or members of the 15399  
board of elections, or observers shall not disclose the count or 15400  
any portion of the count of absent voter's ballots prior to the 15401  
time of the closing of the polling places. No person shall 15402  
recklessly disclose the count or any portion of the count of 15403  
absent voter's ballots in such a manner as to jeopardize the 15404  
secrecy of any individual ballot. 15405

(F) Observers may be appointed under section 3505.21 of the 15406  
Revised Code to witness the ~~examination and opening~~ processing of 15407  
identification envelopes and the counting of absent voters' 15408  
ballots under this section. 15409

(G)(1) If the voter did not sign the statement of voter on 15410  
the identification envelope or if the election officials are 15411

unable to determine the identity of the voter who returned the 15412  
ballot, the board of elections shall notify the voter, by whatever 15413  
means of contact the voter has provided on the identification 15414  
envelope or using any available contact information in the voter's 15415  
registration record, of the defect and request the voter to verify 15416  
the voter's identity for the purpose of processing that absent 15417  
voter's ballot. 15418

(2) The voter may verify that the voter was the person who 15419  
returned the absent voter's ballot in any of the following ways: 15420

(a) By confirming by mail, electronic mail, telephone, or 15421  
facsimile transmission, or through the internet the voter's date 15422  
of birth and residence address in a manner that substantially 15423  
conforms with the records of the board of elections; 15424

(b) By providing a statement by mail, electronic mail, or 15425  
facsimile transmission, or through the internet that the voter 15426  
submitted the ballot and by attaching the voter's signature to 15427  
that statement. A signature attached to a statement made under 15428  
this division shall be considered the voter's signature on the 15429  
identification envelope for the purposes of verifying the validity 15430  
of that ballot. 15431

(c) By appearing in person at the office of the board of 15432  
elections and signing the identification envelope. 15433

(3) The secretary of state shall prescribe uniform standards 15434  
for processing additional information by mail, electronic mail, 15435  
telephone, facsimile transmission, through the internet, or in 15436  
person at the office of the board of elections under division (G) 15437  
of this section. 15438

(4) If the voter provides the required information within ten 15439  
days after the day of the election, the election officials shall 15440  
complete the processing of the absent voter's ballot under 15441  
division (C) of this section in the same manner as if that 15442

information had been included on the statement of voter at the 15443  
time the ballot was returned. 15444

(H) As used in this section: 15445

(1) "Bipartisan team" means a team consisting of either the 15446  
director and deputy director of a board of elections or two other 15447  
designated employees of a board of elections who are from 15448  
different political parties. 15449

(2) "Processing" an absent voter's ballot means any of the 15450  
following: 15451

(a) Examining the sufficiency of an absent voter's ballot by 15452  
reviewing the postmark, the date of receipt by the board of 15453  
elections, and the presence of the voter's valid signature on the 15454  
identification envelope and, if the voter's name is signed on the 15455  
envelope, opening the identification envelope; 15456

(b) Determining the validity of an absent voter's ballot, 15457  
including determining whether the proper ballot was delivered to 15458  
the voter and whether the stub is attached to or enclosed with the 15459  
ballot; 15460

(c) Preparing an absent voter's ballot for scanning by 15461  
automatic tabulating equipment; 15462

(d) Scanning an absent voter's ballot by automatic tabulating 15463  
equipment but only if the equipment used by the board of elections 15464  
permits an absent voter's ballot to be scanned without tabulating 15465  
or counting the votes on the ballots scanned; and 15466

(e) Identifying absent voter's ballots that cannot be read by 15467  
or that are rejected by automatic tabulating equipment and 15468  
determining if those ballots need to be remade so that they can be 15469  
read by that equipment. 15470

**Sec. 3509.07. (A) An elections official of the county in** 15471  
**which an elector applies to vote by absent voter's ballots may** 15472



challenge the right of the elector named on the application to 15473  
receive absent voter's ballots only on the following grounds: 15474

(1) That the person is not a resident of the precinct for 15475  
which the person is applying to vote absent voter's ballots; 15476

(2) That the person is not a citizen of the United States; 15477

(3) That the person is not eighteen years of age or older; 15478

(4) That the person is not a qualified elector for that 15479  
election; 15480

(5) That the person is not the elector that the person 15481  
purports to be. 15482

Challenges shall be made only if the election official knows 15483  
or reasonably believes that the challenged elector is not 15484  
qualified and entitled to vote. 15485

(B) If an elector's absent voter's ballot application is 15486  
challenged, the application shall be kept with other challenged 15487  
absent voter's ballot applications. 15488

(C) Upon receipt of a challenged absent voter's ballot 15489  
application, the board of elections promptly shall review the 15490  
board's records. If the board is able to determine that a 15491  
challenge should be denied solely on the basis of the records 15492  
maintained by the board, the board immediately shall vote to deny 15493  
the challenge. If the board is unable to determine the outcome of 15494  
the challenge solely on the basis of the records maintained by the 15495  
board, the board shall notify the elector of the challenge to the 15496  
elector's absent voter's ballot application and shall provide an 15497  
opportunity for the elector to respond to the challenge. The board 15498  
of elections shall use the challenge and notification process 15499  
established in section 3503.24 of the Revised Code, except that 15500  
the board shall decide the challenge prior to the day of the 15501  
election. 15502

(D) If the challenge is denied, an absent voter's ballot shall promptly be sent to the elector requesting that ballot. If the board of elections upholds the challenge, the absent voter's ballot application shall not be processed, no absent voter's ballot shall be sent to the elector, and the elector shall be notified of the reason the elector will not receive an absent voter's ballot. 15503  
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(E) No election official or other person may challenge the validity of an absent voter's ballot that has been completed and returned by the voter under this section. The validity of such a ballot shall be determined under section 3509.06 of the Revised Code. 15510  
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(F) The person challenging an elector's right to vote bears the burden of proving, by clear and convincing evidence, that the challenged elector's registration should be canceled. 15515  
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**Sec. 3509.08.** (A) Any qualified elector, who, on account of the elector's own personal illness, physical disability, or infirmity, or on account of the elector's confinement in a jail or workhouse under sentence for a misdemeanor or awaiting trial on a felony or misdemeanor, will be unable to travel from the elector's home or place of confinement to the voting booth in the elector's precinct on the day of any general, special, or primary election may make application in writing for an absent voter's ballot to the director of the board of elections of the elector's county. The application shall include all of the information required under section 3509.03 of the Revised Code and shall state the nature of the elector's illness, physical disability, or infirmity, or the fact that the elector is confined in a jail or workhouse and the elector's resultant inability to travel to the election booth in the elector's precinct on election day. The application shall not be valid if it is delivered to the director 15518  
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before the ninetieth day or after twelve noon of the third day 15534  
before the day of the election at which the ballot is to be voted. 15535

The absent voter's ballot may be mailed directly to the 15536  
applicant at the applicant's voting residence or place of 15537  
confinement as stated in the applicant's application, or the board 15538  
may designate two board employees belonging to the two major 15539  
political parties for the purpose of delivering the ballot to the 15540  
disabled or confined elector and returning it to the board, unless 15541  
the applicant is confined to a public or private institution 15542  
within the county, in which case the board shall designate two 15543  
board employees belonging to the two major political parties for 15544  
the purpose of delivering the ballot to the disabled or confined 15545  
elector and returning it to the board. In all other instances, the 15546  
ballot shall be returned to the office of the board in the manner 15547  
prescribed in section 3509.05 of the Revised Code. 15548

Any disabled or confined elector who declares to the two 15549  
board employees belonging to the two major political parties that 15550  
the elector is unable to mark the elector's ballot by reason of 15551  
physical infirmity that is apparent to the employees to be 15552  
sufficient to incapacitate the voter from marking the elector's 15553  
ballot properly, may receive, upon request, the assistance of the 15554  
employees in marking the elector's ballot, and they shall 15555  
thereafter give no information in regard to this matter. Such 15556  
assistance shall not be rendered for any other cause. 15557

When two board employees belonging to the two major political 15558  
parties deliver a ballot to a disabled or confined elector, each 15559  
of the employees shall be present when the ballot is delivered, 15560  
when assistance is given, and when the ballot is returned to the 15561  
office of the board, and shall subscribe to the declaration on the 15562  
identification envelope. 15563

The secretary of state shall prescribe the form of 15564  
application for absent voter's ballots under this division. 15565

This chapter applies to disabled and confined absent voter's ballots except as otherwise provided in this section.

(B)(1) Any qualified elector who is unable to travel to the voting booth in the elector's precinct on the day of any general, special, or primary election may apply to the director of the board of elections of the county where the elector is a qualified elector to vote in the election by absent voter's ballot if either of the following apply:

(a) The elector is confined in a hospital as a result of an accident or unforeseeable medical emergency occurring before the election;

(b) The elector's minor child is confined in a hospital as a result of an accident or unforeseeable medical emergency occurring before the election.

(2) The application authorized under division (B)(1) of this section shall be made in writing, shall include all of the information required under section 3509.03 of the Revised Code, and shall be delivered to the director not later than three p.m. on the day of the election. The application shall indicate the hospital where the applicant or the applicant's child is confined, the date of the applicant's or the applicant's child's admission to the hospital, and the offices for which the applicant is qualified to vote. The applicant may also request that a member of the applicant's family, as listed in section 3509.05 of the Revised Code, deliver the absent voter's ballot to the applicant. The director, after establishing to the director's satisfaction the validity of the circumstances claimed by the applicant, shall supply an absent voter's ballot to be delivered to the applicant. When the applicant or the applicant's child is in a hospital in the county where the applicant is a qualified elector and no request is made for a member of the family to deliver the ballot, the director shall arrange for the delivery of an absent voter's

ballot to the applicant, and for its return to the office of the board, by two board employees belonging to the two major political parties according to the procedures prescribed in division (A) of this section. When the applicant or the applicant's child is in a hospital outside the county where the applicant is a qualified elector and no request is made for a member of the family to deliver the ballot, the director shall arrange for the delivery of an absent voter's ballot to the applicant by mail, and the ballot shall be returned to the office of the board in the manner prescribed in section 3509.05 of the Revised Code.

(3) Any qualified elector who is eligible to vote under division (B) ~~or~~ (C), or (D) of section 3503.16 of the Revised Code but is unable to do so because of the circumstances described in division (B)(2) of this section may vote in accordance with division (B)(1) of this section if that qualified elector states in the application for absent voter's ballots that that qualified elector moved ~~or~~ had a change of name, or both under the circumstances described in division (B) ~~or~~ (C), or (D) of section 3503.16 of the Revised Code and if that qualified elector complies with divisions (G)(1) to (4) of section 3503.16 of the Revised Code.

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

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

(B)(1) If a registered elector appears to vote in that

precinct and that elector has requested an absent voter's ballot 15629  
for that election but the director has not received a sealed 15630  
identification envelope purporting to contain that elector's voted 15631  
absent voter's ballots for that election, the elector shall be 15632  
permitted to cast a provisional ballot under section 3505.181 of 15633  
the Revised Code in that precinct on the day of that election. 15634

(2) If a registered elector appears to vote in that precinct 15635  
and that elector has requested an absent voter's ballot for that 15636  
election and the director has received a sealed identification 15637  
envelope purporting to contain that elector's voted absent voter's 15638  
ballots for that election, the elector shall be permitted to cast 15639  
a provisional ballot under section 3505.181 of the Revised Code in 15640  
that precinct on the day of that election. 15641

(C)(1) In processing and counting absent voter's ballots 15642  
under section 3509.06 of the Revised Code, the board of elections 15643  
shall compare the signature of each elector from whom the director 15644  
has received a sealed identification envelope purporting to 15645  
contain that elector's voted absent voter's ballots for that 15646  
election to the signature on that elector's registration ~~form~~ 15647  
record. Except as otherwise provided in division (C)(3) of this 15648  
section, if the board of elections determines that the absent 15649  
voter's ballot in the sealed identification envelope is valid, it 15650  
shall be counted. If the board of elections determines that the 15651  
signature on the sealed identification envelope purporting to 15652  
contain the elector's voted absent voter's ballot does not match 15653  
the signature on the elector's registration ~~form~~ record, the 15654  
ballot shall be set aside and the board shall examine, during the 15655  
time prior to the beginning of the official canvass, the poll list 15656  
or signature pollbook from the precinct in which the elector is 15657  
registered to vote to determine if the elector also cast a 15658  
provisional ballot under section 3505.181 of the Revised Code in 15659  
that precinct on the day of the election. 15660

(2) The board of elections shall count the provisional ballot, instead of the absent voter's ballot, 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 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.

(3) If the board of elections does not receive the sealed identification envelope purporting to contain the elector's voted absent voter's ballot by the applicable deadline established under section 3509.05 of the Revised Code, the provisional ballot cast under section 3505.181 of the Revised Code in that precinct on the day of the election shall be counted as valid, if that provisional ballot is otherwise determined to be valid pursuant to section 3505.183 of the Revised Code.

(D) If the board of elections counts a provisional ballot under division (C)(2) ~~or (3)~~ of this section, the returned identification envelope of that elector shall not be opened, and the ballot within that envelope shall not be counted. The identification envelope shall be endorsed "Not Counted" with the reason the ballot was not counted.

Sec. 3509.10. (A)(1) The secretary of state shall establish, not later than August 30, 2010, procedures that allow any person to request absent voter's ballot applications electronically from the office of the secretary of state.

(2) The procedures shall allow any person to express a preference for the manner in which the person will receive the requested absent voter's ballot applications, whether by mail,

electronically, or in person. The ballot applications shall be 15691  
transmitted by the preferred method. If the requestor does not 15692  
express a preferred method, the ballot applications shall be 15693  
delivered via standard mail. 15694

(3) The appropriate state or local election official shall 15695  
establish and maintain reasonable procedures necessary to protect 15696  
the security, confidentiality, and integrity of personal 15697  
information collected, stored, or otherwise used in the electronic 15698  
absent voter's ballot application request process established 15699  
under division (A) of this section. To the extent practicable, the 15700  
procedures shall protect the security and integrity of the 15701  
electronic absent voter's ballot application request process and 15702  
protect the privacy of the identity and personal data of the 15703  
person when such applications are requested, processed, and sent. 15704

(4) In establishing such procedures, the secretary of state 15705  
shall designate at least one means of electronic communication for 15706  
use by persons to request absent voter's ballot applications, for 15707  
use by the state to send absent voter's ballot applications to 15708  
those who have requested electronic delivery, and for providing 15709  
public election and voting information. Such designated means of 15710  
electronic communication shall be identified on all information 15711  
and instructional materials that accompany balloting materials. 15712

(B) The secretary of state may establish procedures that 15713  
allow any person to request absent voter's ballot applications 15714  
electronically from a board of elections. The procedures must meet 15715  
all the requirements of division (A) of this section. 15716

(C)(1) The secretary of state shall establish a free access 15717  
system to allow an individual to determine the following: 15718

(a) Whether that individual's request for an absent voter's 15719  
ballot was received and processed; 15720

(b) If the individual's request was received and processed, 15721



when the absent voter's ballot was sent; 15722

(c) Whether any absent voter's ballot returned by that individual has been received by election officials; 15723  
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(d) Whether the board of elections found any error on the identification envelope containing the individual's returned absent voter's ballot and, if so, how the individual may correct such error within ten days after the day of an election; 15725  
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(e) Whether the individual's absent voter's ballot was counted; and 15729  
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(f) The information required under division (C) of section 3511.021 of the Revised Code regarding uniformed services and overseas absent voter's ballots. 15731  
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(2) 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 division (C) of this section. Access to information about an individual ballot shall be restricted to the individual who cast the ballot. To the extent practicable, the procedures shall protect the security and integrity of the process and protect the privacy of the identity and personal data of the person. 15734  
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**Sec. 3511.01.** Any section of the Revised Code to the contrary notwithstanding, any person ~~servin~~g in the armed forces of the United States, or the spouse or dependent of any person serving in the armed forces of the United States who resides outside this state for the purpose of being with or near such service member who qualifies as a uniformed services voter or an overseas voter, as defined in 42 U.S.C. 1973ff-6, who will be eighteen years of age or more on the day of a general or special election and who is 15744  
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a citizen of the United States, may vote ~~armed service~~ uniformed  
services or overseas absent voter's ballots in such general or  
special election as follows:

(A) If ~~the service~~ an absent uniformed services member is the  
voter, ~~he~~ the service member may vote only in the precinct in  
which ~~he~~ the service member has a voting residence in the state,  
and that voting residence shall be that place in the precinct in  
which ~~he~~ the service member resided immediately preceding the  
commencement of such service, provided that the time during which  
~~he~~ the service member continuously resided in the state  
immediately preceding the commencement of such service plus the  
time subsequent to such commencement and prior to the day of such  
general, special, or primary election is equal to or exceeds  
thirty days.

(B) If the spouse or dependent of a ~~service~~ an absent  
uniformed services member is the voter, ~~he~~ the spouse or dependent  
may vote only in the precinct in which ~~he~~ the spouse or dependent  
has a voting residence in the state, and that voting residence  
shall be that place in the precinct in which ~~he~~ the spouse or  
dependent resided immediately preceding the time of leaving the  
state for the purpose of being with or near the service member,  
provided that the time during which ~~he~~ the spouse or dependent  
continuously resided in the state immediately preceding the time  
of leaving the state for the purpose of being with or near the  
service member plus the time subsequent to such leaving and prior  
to the day of such general, special, or primary election is equal  
to or exceeds thirty days.

(C) If ~~the service~~ an absent uniformed services member or ~~his~~  
the service member's spouse or dependent establishes a permanent  
residence in a precinct other than the precinct in which ~~he~~ the  
person resided immediately preceding the commencement of ~~his~~ the  
service member's service, the voting residence of both the service

member and ~~his~~ the service member's spouse or dependent shall be 15784  
the precinct of such permanent residence, provided that the time 15785  
during which ~~he~~ the service member continuously resided in the 15786  
state immediately preceding the commencement of such service plus 15787  
the time subsequent to such commencement and prior to the day of 15788  
such general, special, or primary election is equal to or exceeds 15789  
thirty days. 15790

(D) If an overseas voter who is not an absent uniformed 15791  
services voter or the spouse or dependent of an absent uniformed 15792  
services voter is the voter, the overseas voter may vote only in 15793  
the precinct in which the overseas voter has a voting residence in 15794  
the state, and that voting residence shall be that place in the 15795  
precinct in which the overseas voter resided immediately before 15796  
leaving the United States, provided that the time during which the 15797  
overseas voter continuously resided in the state immediately 15798  
preceding such departure and prior to the day of such general, 15799  
special, or primary election is equal to or exceeds thirty days. 15800

**Sec. 3511.02.** Notwithstanding any section of the Revised Code 15801  
to the contrary, whenever any person applies for registration as a 15802  
voter on a form adopted in accordance with federal regulations 15803  
relating to the "Uniformed and Overseas Citizens Absentee Voting 15804  
Act," 100 Stat. 924, 42 U.S.C.A. 1973ff (1986), this application 15805  
shall be sufficient for voter registration and as a request for an 15806  
absent voter's ballot. ~~Armed service~~ Uniformed services or 15807  
overseas absent voter's ballots may be obtained by any person 15808  
meeting the requirements of section 3511.01 of the Revised Code by 15809  
applying electronically to the secretary of state in accordance 15810  
with section 3511.021 of the Revised Code or by applying to the 15811  
director of the board of elections of the county in which the 15812  
person's voting residence is located, in one of the following 15813  
ways: 15814

(A) That person may make written application for those 15815  
ballots. The person may personally deliver the application to the 15816  
director or may mail it, send it by facsimile machine, send it by 15817  
electronic mail, send it by other electronic means via the 15818  
internet, or otherwise send it to the director. The application 15819  
need not be in any particular form but shall contain all of the 15820  
following information: 15821

(1) The elector's name; 15822

(2) The elector's signature or, if the application is 15823  
transmitted electronically, an image of the elector's signature; 15824

(3) The address at which the elector is registered to vote; 15825

(4) The elector's ~~date of birth~~ birthdate; 15826

(5) One of the following, unless the elector is a first-time 15827  
mail-in registrant: 15828

(a) The elector's Ohio driver's license number; 15829

(b) The last four digits of the elector's social security 15830  
number; 15831

(c) A copy of the elector's ~~current and valid photo~~ 15832  
~~identification, a copy of a military identification, or a copy of~~ 15833  
~~a current utility bill, bank statement, government check,~~ 15834  
~~paycheck, or other government document, other than a notice of an~~ 15835  
~~election mailed by a board of elections under section 3501.19 of~~ 15836  
~~the Revised Code or a notice of voter registration mailed by a~~ 15837  
~~board of elections under section 3503.19 of the Revised Code, that~~ 15838  
~~shows the name and address of the elector~~ identification. 15839  
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(6) A statement identifying the election for which absent 15841  
voter's ballots are requested; 15842

(7) A statement that the person requesting the ballots is a 15843  
qualified elector; 15844

(8) A statement that the elector is an absent uniformed 15845  
services voter or overseas voter as defined in 42 U.S.C. 1973ff-6; 15846

(9) A statement of the elector's length of residence in the 15847  
state immediately preceding the commencement of service ~~or,~~ 15848  
immediately preceding the date of leaving to be with or near the 15849  
service member, or immediately preceding leaving the United 15850  
States, whichever is applicable; 15851

(10) If the request is for primary election ballots, the 15852  
elector's party affiliation; 15853

(11) If the elector desires ballots to be mailed to the 15854  
elector, the address to which those ballots shall be mailed; 15855

(12) If the elector desires ballots to be sent to the elector 15856  
by facsimile machine, the telephone number to which they shall be 15857  
so sent; 15858

(13) If the elector is a first-time mail-in registrant, a 15859  
copy of the elector's first-time mail-in registrant 15860  
identification. 15861

(B) A voter or any relative of a voter listed in division (C) 15862  
of this section may use a single federal post card application to 15863  
apply for ~~armed service~~ uniformed services or overseas absent 15864  
voter's ballots for use at the primary and general elections in a 15865  
given year and any special election to be held on the day in that 15866  
year specified by division (E) of section 3501.01 of the Revised 15867  
Code for the holding of a primary election, designated by the 15868  
general assembly for the purpose of submitting constitutional 15869  
amendments proposed by the general assembly to the voters of the 15870  
state. A single federal postcard application shall be processed by 15871  
the board of elections pursuant to section 3511.04 of the Revised 15872  
Code the same as if the voter had applied separately for ~~armed~~ 15873  
~~service~~ uniformed services or overseas absent voter's ballots for 15874  
each election. 15875

(C) Application to have ~~armed service~~ uniformed services or 15876  
overseas absent voter's ballots mailed ~~or~~, sent by facsimile 15877  
machine, or otherwise sent to such a person may be made by the 15878  
spouse ~~when the person is a service member, or by the~~ father, 15879  
mother, father-in-law, mother-in-law, grandfather, grandmother, 15880  
brother or sister of the whole blood or half blood, son, daughter, 15881  
adopting parent, adopted child, stepparent, stepchild, uncle, 15882  
aunt, nephew, or niece of such a person. The application shall be 15883  
in writing upon a blank form furnished only by the director or on 15884  
a single federal post card as provided in division (B) of this 15885  
section. The form of the application shall be prescribed by the 15886  
secretary of state. The director shall furnish that blank form to 15887  
any of the relatives specified in this division desiring to make 15888  
the application, only upon the request of such a relative made in 15889  
person at the office of the board or upon the written request of 15890  
such a relative mailed, sent by facsimile transmission, sent by 15891  
electronic mail, or sent by other electronic means via the 15892  
internet to the office of the board. The application, subscribed 15893  
and sworn to by the applicant, shall contain all of the following: 15894  
15895

(1) The full name of the elector for whom ballots are 15896  
requested; 15897

(2) A statement that the elector is an absent uniformed 15898  
services voter or overseas voter as defined in 42 U.S.C. 1973ff-6; 15899

(3) The address at which the elector is registered to vote; 15900

(4) A statement identifying the elector's length of residence 15901  
in the state immediately preceding the commencement of service, ~~or~~ 15902  
immediately preceding the date of leaving to be with or near a 15903  
service member, or immediately preceding leaving the United 15904  
States, as the case may be; 15905

(5) The elector's ~~date of birth~~ birthdate; 15906

- (6) One of the following, unless the individual is a first-time mail-in registrant: 15907  
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- (a) The elector's Ohio driver's license number; 15909
- (b) The last four digits of the elector's social security number; 15910  
15911
- (c) A copy of the elector's ~~current and valid photo identification, a copy of a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector~~ identification. 15912  
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- (7) A statement identifying the election for which absent voter's ballots are requested; 15921  
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- (8) A statement that the person requesting the ballots is a qualified elector; 15923  
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- (9) If the request is for primary election ballots, the elector's party affiliation; 15925  
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- (10) A statement that the applicant bears a relationship to the elector as specified in division (C) of this section; 15927  
15928
- (11) The address to which ballots shall be mailed or the telephone number to which ballots shall be sent by facsimile machine; 15929  
15930  
15931
- (12) The signature or, if the application is transmitted electronically, an image of the signature and the address of the person making the application; 15932  
15933  
15934
- (13) If the elector is a first-time mail-in registrant, a copy of the elector's first-time mail-in registrant 15935  
15936

identification. 15937

Each (D)(1) An elector who is eligible to vote uniformed 15938  
services or overseas absent voter's ballots may make a single 15939  
request for uniformed services or overseas absent voter's ballots 15940  
for all elections at which the elector is eligible to vote during 15941  
a calendar year. The application shall contain the information 15942  
specified in division (A) of this section and also shall specify 15943  
that the elector is requesting uniformed services or overseas 15944  
absent voter's ballots for each election during that year. If the 15945  
elector wishes to vote primary election ballots, the elector shall 15946  
state the elector's party affiliation in the application. 15947

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If an elector applies for annual uniformed services or 15949  
overseas absent voter's ballots under this division, the 15950  
application shall be processed by the board of elections pursuant 15951  
to section 3511.04 of the Revised Code the same as if the elector 15952  
had applied separately for uniformed services or overseas absent 15953  
voter's ballots for each election during the applicable calendar 15954  
year. Uniformed services or overseas absent voter's ballots shall 15955  
be sent to the elector for use at each election during the 15956  
applicable calendar year for which the elector is eligible to cast 15957  
a ballot. When sending uniformed services or overseas absent 15958  
voter's ballots to an elector who applied for them under this 15959  
division, the board shall enclose notification to the elector that 15960  
the elector must report to the board subsequent changes in the 15961  
elector's voting status, changes in the elector's address, or the 15962  
elector's intent to vote at a polling location in the jurisdiction 15963  
in this state where the elector is registered to vote. Such 15964  
notification shall be in a form prescribed by the secretary of 15965  
state. 15966

If a uniformed services or overseas absent voter's ballot or 15967  
any official response to an application for an annual uniformed 15968



services or overseas absent voter's ballot is returned 15969  
undeliverable to the board of elections, the board shall attempt 15970  
to contact the elector to verify the elector's mailing address 15971  
using any available contact information in the elector's voter 15972  
registration record including the elector's telephone number, 15973  
facsimile transmission number, or electronic mail address. If the 15974  
board is unable to contact the elector, the board shall not send 15975  
uniformed services or overseas absent voter's ballots for any 15976  
subsequent election to that elector until the elector submits 15977  
another application and the information in that application is 15978  
verified. The board shall remove from the poll list or signature 15979  
pollbook any notation that the elector requested an uniformed 15980  
services or overseas absent voter's ballot. The elector may cast a 15981  
regular ballot if the elector appears to vote in person on the day 15982  
of the election or the elector may cast a uniformed services or 15983  
overseas absent voter's ballot in person before the day of the 15984  
election at the board of elections or if pursuant to division (C) 15985  
of section 3501.10 of the Revised Code the board has designated 15986  
one or more other locations in the county at which registered 15987  
electors may cast an absent voter's ballot in person, at such 15988  
other location. 15989

(2) Not later than the fifteenth day of December of each 15990  
year, the board of elections shall send an application for annual 15991  
uniformed services or overseas absent voter's ballots for the 15992  
following calendar year to each person who requested annual 15993  
uniformed services or overseas absent voter's ballots under 15994  
division (D)(1) of this section for the current year and cast such 15995  
ballots in the general election. An elector who completes and 15996  
returns such an application shall be eligible to receive annual 15997  
uniformed services or overseas absent voter's ballots under 15998  
division (D)(1) of this section for the applicable year. 15999

(E) Except for annual applications for uniformed services or 16000

overseas absent voter's ballots submitted under division (D)(2) of 16001  
this section, each application for ~~armed service~~ uniformed 16002  
~~services or overseas~~ absent voter's ballots shall be delivered to 16003  
the director not earlier than the first day of January of the year 16004  
of the elections for which the ~~armed service~~ uniformed services or 16005  
overseas absent voter's ballots are requested or not earlier than 16006  
ninety days before the day of the election at which the ballots 16007  
are to be voted, whichever is earlier, and not later than twelve 16008  
noon of the third day preceding the day of the election, or not 16009  
later than ~~the close of regular business hours~~ twelve noon on the 16010  
day before the day of the election at which those ballots are to 16011  
be voted if the application is delivered in person to the office 16012  
of the board. 16013

~~(D)~~(F) If the voter for whom the application is made is 16014  
entitled to vote for presidential and vice-presidential electors 16015  
only, the applicant shall submit to the director in addition to 16016  
the requirements of divisions (A), (B), and (C) of this section, a 16017  
statement to the effect that the voter is qualified to vote for 16018  
presidential and vice-presidential electors and for no other 16019  
offices. 16020

**Sec. 3511.021.** (A)(1) The secretary of state shall establish, 16021  
not later than August 30, 2010, procedures that allow any person 16022  
to request a uniformed services or overseas absent voter's ballot 16023  
electronically from the office of the secretary of state. 16024

(2) The procedures shall allow any person who requests a 16026  
uniformed services or overseas absent voter's ballot application 16027  
to express a preference for the manner in which the person will 16028  
receive the requested application, whether by mail or 16029  
electronically. If the person completes and timely returns the 16030  
application and the applicant is eligible to receive a ballot, the 16031

procedures shall allow the applicant to express a preference for 16032  
the manner in which the person will receive the requested blank, 16033  
unvoted ballots, whether by mail or electronically. The requested 16034  
items shall be transmitted by the preferred method. If the 16035  
requestor does not express a preferred method, the requested items 16036  
shall be delivered via standard mail. 16037

(3) To the extent practicable, the procedures shall protect 16038  
the security and integrity of the ballot request and delivery 16039  
process, and protect the privacy of the identity and personal data 16040  
of the person when such applications and ballots are requested, 16041  
processed, and sent. 16042

(4) No person shall return by electronic means to the 16043  
secretary of state, a board of elections, or any other entity a 16044  
completed or voted uniformed services or overseas absent voter's 16045  
ballot. If a ballot is so returned, the ballot shall not be 16046  
accepted, processed, or counted. 16047

(B) The secretary of state may establish procedures that 16048  
allow any person to request a uniformed services or overseas 16049  
absent voter's ballot electronically from a board of elections. 16050  
Such procedures shall meet all the requirements of division (A) of 16051  
this section. 16052

(C) The free access system established under division (C) of 16053  
section 3509.10 of the Revised Code shall allow an individual to 16054  
determine the following: 16055

(1) Whether that individual's request for a uniformed or 16056  
overseas absent voter's ballot was received and processed; 16057

(2) If the individual's request was received and processed, 16058  
when the uniformed or overseas absent voter's ballot was sent; 16059

(3) Whether any uniformed or overseas absent voter's ballot 16060  
returned by that individual has been received by election 16061  
officials; 16062

(4) Whether the board of elections found any error on the identification envelope containing the individual's returned uniformed or overseas absent voter's ballot and, if so, how the individual may correct such error within ten days after the day of an election; and 16063  
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(5) Whether the individual's uniformed or overseas absent voter's ballot was counted. 16068  
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**Sec. 3511.03.** The board of elections of each county shall provide ~~armed-service~~ uniformed services or overseas absent voter's ballots for use at each election. Such ballots for general or primary elections shall be prescribed on the ~~sixtieth~~ seventieth day before the day of such elections and shall be the same as provided for absent voters in section 3509.01 of the Revised Code. 16070  
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**Sec. 3511.04.** (A) If a director of a board of elections receives an application for ~~armed-service~~ uniformed services or overseas absent voter's ballots that does not contain all of the required information, the director promptly shall notify the applicant, by whatever means of contact the applicant has provided on the application, of the additional information required to be provided by the applicant to complete that application. The applicant may provide the required information by mail, electronic mail, telephone, or facsimile transmission, through the internet, or in person at the office of the board of elections. If the application is missing a signature, the applicant may provide a signed statement that the applicant submitted the application. A signature provided on a signed statement under this division shall be considered the applicant's signature on the application for the purposes of processing an otherwise valid application for uniformed services or overseas absent voter's ballots. The secretary of state shall prescribe uniform standards for 16077  
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processing additional information by mail, electronic mail, 16094  
telephone, facsimile transmission, through the internet, or in 16095  
person at the office of the board of elections under this 16096  
division. 16097

If the applicant provides the required information prior to 16098  
the end of the period for voting by uniformed services or overseas 16099  
absent voter's ballots at that election, the board shall promptly 16100  
process the application and deliver uniformed services or overseas 16101  
absent voter's ballots to the applicant. 16102

~~(B) Not later than the twenty fifth day before the day of~~ 16103  
~~each presidential primary election and~~ Subject to section 3511.041 16104  
of the Revised Code, not later than the ~~thirty fifth~~ forty-fifth 16105  
day before the day of each general or ~~other~~ primary election, and 16106  
at the earliest possible time before the day of a special election 16107  
held on a day other than the day on which a general or primary 16108  
election is held, the director of the board of elections shall 16109  
mail ~~or,~~ send by facsimile machine ~~armed service,~~ or otherwise 16110  
send uniformed services or overseas absent voter's ballots then 16111  
ready for use as provided for in section 3511.03 of the Revised 16112  
Code and for which the director has received valid applications 16113  
prior to that time. Thereafter, and until twelve noon of the third 16114  
day preceding the day of election, the director shall promptly, 16115  
upon receipt of valid applications for them, mail ~~or,~~ send by 16116  
facsimile machine, or otherwise send to the proper persons all 16117  
~~armed service~~ uniformed services or overseas absent voter's 16118  
ballots then ready for use. 16119

If, after the sixtieth day before the day of a general or 16120  
primary election, any other question, issue, or candidacy is 16121  
lawfully ordered submitted to the electors voting at the general 16122  
or primary election, the board shall promptly provide a separate 16123  
official issue, special election, or other election ballot for 16124  
submitting the question, issue, or candidacy to those electors, 16125

and the director shall promptly mail ~~or~~ send by facsimile 16126  
machine, or otherwise send each such separate ballot to each 16127  
person to whom the director has previously mailed ~~or~~ sent by 16128  
facsimile machine, or otherwise sent other ~~armed service uniformed~~ 16129  
services or overseas absent voter's ballots. 16130

In mailing ~~armed service uniformed services or overseas~~ 16131  
absent voter's ballots, the director shall use the fastest mail 16132  
service available, but the director shall not mail them by 16133  
certified mail. 16134

Sec. 3511.041. (A) An elections official of the county in 16135  
which an elector applies to vote by uniformed services or overseas 16136  
absent voter's ballots may challenge the right of the elector 16137  
named on the application to receive uniformed services or overseas 16138  
absent voter's ballots only on the following grounds: 16139

(1) That the person is not a resident of the precinct for 16140  
which the person is applying to vote uniformed services or 16141  
overseas absent voter's ballots; 16142

(2) That the person is not a citizen of the United States; 16143

(3) That the person is not eighteen years of age or older; 16144

(4) That the person is not a qualified elector for that 16145  
election; 16146

(5) That the person is not the elector that the person 16147  
purports to be. 16148

Challenges shall be made only if the election official knows 16149  
or reasonably believes that the person is not qualified and 16150  
entitled to vote. 16151

(B) If an elector's uniformed services or overseas absent 16152  
voter's ballot application is challenged, the application shall be 16153  
kept with other challenged uniformed services or overseas absent 16154  
voter's ballot applications. 16155

(C) Upon receipt of a challenged uniformed services or overseas absent voter's ballot application, the board of elections promptly shall review the board's records. If the board is able to determine that a challenge should be denied solely on the basis of the records maintained by the board, the board immediately shall vote to deny the challenge. If the board is unable to determine the outcome of the challenge solely on the basis of the records maintained by the board, the board shall notify the elector of the challenge to the elector's uniformed services or overseas absent voter's ballot application and shall provide an opportunity for the elector to respond to the challenge. The board of elections shall use the challenge and notification process established in section 3503.24 of the Revised Code, except that the board shall decide the challenge prior to the day of the election.

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(D) If the challenge is denied, a uniformed services or overseas absent voter's ballot shall promptly be sent to the elector requesting that ballot. If the board of elections upholds the challenge, the uniformed services or overseas absent voter's ballot application shall not be processed, no uniformed services or overseas absent voter's ballot shall be sent to the elector, and the elector shall be notified of the reason the elector will not receive a uniformed services or overseas absent voter's ballot.

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(E) No election official or other person may challenge the validity of a uniformed services or overseas absent voter's ballot that has been completed and returned by the voter under this section. The validity of such a ballot shall be determined under section 3511.11 of the Revised Code, as applicable.

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(F) The person challenging an elector's right to vote bears the burden of proving, by clear and convincing evidence, that the challenged elector's registration should be canceled.

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Sec. 3511.05. (A) The director of the board of elections 16188  
shall place ~~armed service~~ uniformed services or overseas absent 16189  
voter's ballots sent by mail or other means in an unsealed 16190  
identification envelope, ~~gummed ready for sealing~~. The director 16191  
shall include with ~~armed service~~ uniformed services or overseas 16192  
absent voter's ballots sent by facsimile machine or otherwise sent 16193  
an instruction sheet for preparing a ~~gummed~~ an envelope in which 16194  
the ballots shall be returned. The envelope for returning ballots 16195  
sent by either means shall have printed or written on its face a 16196  
form substantially as follows: 16197

"Identification Envelope Statement of Voter 16198

I, .....(Name of voter), declare under 16199  
penalty of election falsification that the ~~within~~ ballot or 16200  
ballots contained no voting marks of any kind when I received 16201  
them, and I caused the ballot or ballots to be marked, enclosed in 16202  
the identification envelope, and sealed in that envelope. 16203

My voting residence in Ohio is 16204

..... 16205

(Street and Number, if any, or Rural Route and Number) 16206

of ..... (City, Village, or Township) 16207

Ohio, ~~which is in Ward ..... Precinct .....~~ 16208

~~in that city, village, or township.~~ 16209

~~The primary election ballots, if any, within this envelope~~ 16210

~~are~~ If the election is a primary election, by requesting ballots 16211

of the ..... Party, I hereby declare that I desire to be 16212

affiliated with and support the above-named party. 16213

~~Ballots contained within this envelope are to be voted at the~~ 16214

~~..... (general, special, or primary) election to be held on~~ 16215

~~the ..... day of .....~~ 16216

16217



My ~~date of birth~~ birthdate is ..... (Month and Day), ..... (Year).

(Voter must provide one of the following:)

My Ohio driver's license number is ..... (~~Driver's Ohio driver's~~ license number).

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

..... In lieu of providing a an Ohio driver's license number or the last four digits of my Social Security Number, I am enclosing a copy of ~~one of~~ the following in the return envelope in which this identification envelope will be mailed: a current and valid photo identification issued by the state or an agency or political subdivision of the state, an institution of higher education, or the United States government, or an affirmation of my identity. If I am a first-time voter who registered to vote by mail, did not provide identification when I registered to vote, and have not previously voted at a federal election in Ohio, I am enclosing a copy of a current and valid photo identification, a military identification, or a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections, that shows my name and address.

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

.....

+Signature of Voter (required)

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

(B) The board of elections shall use an internal tracking

system for all delivered uniformed services or overseas absent voter's ballots, which system shall allow the board of elections to locate a voter's registration information based on a returned uniformed services or overseas absent voter's ballot identification envelope. A board of elections complies with this requirement if the board records the unique identification number located on the stub of the voter's ballot, the voter's name, and the voter's address, and causes the unique identification number to be copied on the outside of the identification envelope. The director shall also ~~mail~~ send with the ballots and the unsealed identification envelope sent by mail or other means an unsealed return envelope, ~~gummed, ready for sealing,~~ for use by the voter in returning the voter's marked ballots to the director. The director shall send with the ballots and the instruction sheet for preparing a ~~gummed~~ an envelope sent by facsimile machine or otherwise sent an instruction sheet for preparing a second ~~gummed~~ envelope as described in this division, for use by the voter in returning that voter's marked ballots to the director. The return envelope shall ~~have two parallel lines, each one quarter of an inch in width, printed across its face paralleling the top, with an intervening space of one quarter of an inch between such lines.~~ The top line shall be one and one quarter inches from the top of the envelope. Between the parallel lines shall be printed: have printed on it "OFFICIAL ELECTION ~~ARMED SERVICE~~ UNIFORMED SERVICES OR OVERSEAS ABSENT VOTER'S BALLOTS ~~— VIA AIR - FIRST CLASS MAIL.~~" Three blank lines shall be printed in the upper left corner on the face of the envelope for the use by the voter in placing the voter's complete military, naval, or mailing address on these lines, and beneath these lines there shall be printed a box beside the words "check if out-of-country." The voter shall check this box if the voter will be outside the United States on the day of the election. The official title and the post-office address of the director to whom the envelope shall be returned shall be

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printed on the face of such envelope in the lower right portion 16282  
below the bottom parallel line. 16283

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~~(C) On the back of each identification envelope and each 16285  
return envelope shall be printed the following: 16286~~

~~"Instructions to voter:" 16287~~

~~If the flap on this envelope is so firmly stuck to the back 16288  
of the envelope when received by you as to require forcible 16289  
opening in order to use it, open the envelope in the manner least 16290  
injurious to it, and, after marking your ballots and enclosing 16291  
same in the envelope for mailing them to the director of the board 16292  
of elections, reclose the envelope in the most practicable way, by 16293  
sealing or otherwise, and sign the blank form printed below. 16294~~

~~The flap on this envelope was firmly stuck to the back of the 16295  
envelope when received, and required forced opening before sealing 16296  
and mailing. 16297~~

~~..... 16298~~

~~(Signature of voter)" 16299~~

~~(D) Division (C) of this section does not apply when absent 16300  
voter's ballots are sent by facsimile machine. 16301~~

**Sec. 3511.06.** The return envelope provided for in section 16302  
3511.05 of the Revised Code shall be of such size that the 16303  
identification envelope can be conveniently placed within it for 16304  
returning the identification envelope to the director. The 16305  
envelope in which the two envelopes and the ~~armed service~~ 16306  
uniformed services or overseas absent voter's ballots are mailed 16307  
to the elector shall have ~~two parallel lines, each one quarter of~~ 16308  
~~an inch in width, printed across its face, paralleling the top,~~ 16309  
~~with an intervening space of one quarter of an inch between such~~ 16310  
~~lines. The top line shall be one and one quarter inches from the~~ 16311

~~top of the envelope. Between the parallel lines shall be printed~~ 16312  
~~on it: "official armed service absent voter's balloting~~ 16313  
~~material via air mail~~ OFFICIAL UNIFORMED SERVICES OR OVERSEAS 16314  
ABSENT VOTER'S BALLOTING MATERIAL - FIRST CLASS MAIL." The 16315  
appropriate return address of the director of the board of 16316  
elections shall be printed in the upper left corner on the face of 16317  
such envelope. Several blank lines shall be printed on the face of 16318  
such envelope in the lower right portion, ~~below the bottom~~ 16319  
~~parallel line,~~ for writing in the name and address of the elector 16320  
to whom such envelope is ~~mailed~~ sent. 16321

16322

**Sec. 3511.08.** The director of the board of elections shall 16323  
keep a record of the name and address of each person to whom ~~he~~ 16324  
the director mails, sends, or delivers ~~armed service~~ uniformed 16325  
services or overseas absent voter's ballots, the kinds of ballots 16326  
so mailed, sent, or delivered, and the name and address of the 16327  
person who made the application for ~~such~~ those ballots. After ~~he~~ 16328  
the director has mailed, sent, or delivered such ballots ~~he~~ the 16329  
director shall not mail, send, or deliver additional ballots of 16330  
the same kind to such person pursuant to a subsequent request 16331  
unless such subsequent request contains the statement that an 16332  
earlier request had been sent to the director prior to the 16333  
thirtieth day before the election and that the ~~armed service~~ 16334  
uniformed services or overseas absent voter's ballots so requested 16335  
had not been received by such person prior to the fifteenth day 16336  
before the election, and provided that the director has not 16337  
received an identification envelope purporting to contain marked 16338  
~~armed service~~ uniformed services or overseas absent voter's 16339  
ballots from such person. 16340

**Sec. 3511.09.** (A) When an elector receives a uniformed 16341  
services or overseas absent voter's ballot pursuant to the 16342

elector's application or request, the elector shall, before 16343  
placing any marks on the ballot, note whether there are any voting 16344  
marks on it. If there are any voting marks, the ballot shall be 16345  
returned immediately to the board of elections; otherwise, the 16346  
elector shall cause the ballot to be marked, folded in a manner 16347  
that the stub on it is visible, and placed and sealed within the 16348  
identification envelope received from the director of elections 16349  
for that purpose. Then, the elector shall cause the statement of 16350  
voter on the outside of the identification envelope to be 16351  
completed, under penalty of election falsification. 16352

(B) Unless the elector is a first-time mail-in registrant, 16354  
the elector shall provide the elector's Ohio driver's license 16355  
number or the last four digits of the elector's social security 16356  
number on the statement of voter on the identification envelope. 16357  
If the elector does not provide the elector's Ohio driver's 16358  
license number or the last four digits of the elector's social 16359  
security number on the statement of voter, the elector shall 16360  
include in the return envelope with the identification envelope a 16361  
copy of the elector's identification. If the elector is a 16362  
first-time mail-in registrant, the elector shall include a copy of 16363  
the elector's first-time mail-in registrant identification. 16364

(C)(1) Only the elector or a person authorized by the elector 16365  
may transport that elector's completed uniformed services or 16366  
overseas absent voter's ballot to the office of the board of 16367  
elections from which it was received or to another location 16368  
established by the board for the purposes of casting uniformed 16369  
services or overseas absent voter's ballots, provided that the 16370  
voter must seal the ballot in the identification envelope, 16371  
complete the identification envelope, and seal the identification 16372  
envelope in the return envelope. 16373

Only the elector or a person authorized by the elector may 16374

transport that elector's completed uniformed services or overseas 16375  
absent voter's ballot to the United States postal service or to a 16376  
commercial delivery service for delivery to the board of 16377  
elections, provided that the voter must seal the ballot in the 16378  
identification envelope, complete the identification envelope, and 16379  
seal the identification envelope in the return envelope. Any 16380  
postage or delivery cost must be pre-paid and affixed by the 16381  
voter. 16382

Other than the methods described in this section, the return 16383  
envelope shall be transmitted to the director in no other manner, 16384  
except as provided in section 3509.08 of the Revised Code. 16385

(2)(a) No person shall accept or provide anything of value 16387  
for the collection of a completed uniformed services or overseas 16388  
absent voter's ballot for transport to the board of elections or 16389  
other location designated by a board of elections or to the United 16390  
States postal service or other commercial delivery service. 16391

(b) No candidate or official member of a campaign committee 16393  
may solicit to complete an elector's identification envelope or 16394  
solicit to collect and transport an elector's completed uniformed 16395  
services or overseas absent voter's ballot. 16396

(3) No otherwise valid uniformed services or overseas absent 16397  
voter's ballot shall be rejected due to the failure of a person to 16398  
comply with division (C) of this section. 16399

(D) Each elector who will be outside the United States on the 16400  
day of the election shall check the box on the return envelope 16401  
indicating this fact. 16402

**Sec. 3511.10.** If, after the ~~thirty-fifth~~ forty-fifth day and 16403  
before the close of the polls on the day of a general or primary 16404

election, a valid application for ~~armed-service~~ uniformed services 16405  
or overseas absent voter's ballots is delivered to the director of 16406  
the board of elections at the office of the board by a person 16407  
making the application ~~in his~~ on the person's own behalf, the 16408  
director shall forthwith deliver to the person all ~~armed-service~~ 16409  
uniformed services or overseas absent voter's ballots then ready 16410  
for use, together with an identification envelope. The person 16411  
shall then immediately retire to a voting booth in the office of 16412  
the board, and mark the ballots. ~~He~~ The person shall then fold 16413  
each ballot separately so as to conceal ~~his~~ the person's markings 16414  
thereon, and deposit all of the ballots in the identification 16415  
envelope and securely seal it. Thereupon ~~he~~ the person shall fill 16416  
in answers to the questions on the face of the identification 16417  
envelope, and by writing ~~his~~ the person's usual signature in the 16418  
proper place thereon, ~~he~~ the person shall declare under penalty of 16419  
election falsification that the answers to those questions are 16420  
true and correct to the best of ~~his~~ that person's knowledge and 16421  
belief. ~~He~~ The person shall then deliver the identification 16422  
envelope to the director. If thereafter, and before the third day 16423  
preceding such election, the board provides additional separate 16424  
official issue or special election ballots, as provided for in 16425  
section 3511.04 of the Revised Code, the director shall promptly, 16426  
and not later than twelve noon of the third day preceding the day 16427  
of election, mail or otherwise send such additional ballots to 16428  
such person at the address specified by ~~him~~ that person for that 16429  
purpose. 16430

In the event any person serving in the armed forces of the 16431  
United States is discharged after the closing date of 16432  
registration, and ~~he~~ that person or ~~his~~ that person's spouse, or 16433  
both, meets all the other qualifications set forth in section 16434  
3511.01 of the Revised Code, ~~he or she~~ the person or spouse shall 16435  
be permitted to vote prior to the date of the election in the 16436  
office of the board in ~~his~~ the person's or spouse's county, as set 16437

forth in this section. 16438

**Sec. 3511.11.** (A) Upon receipt of any return envelope bearing 16439  
the designation "Official Election ~~Armed Service Uniformed~~ 16440  
Services or Overseas Absent Voter's Ballot" prior ~~to the~~ 16441  
~~twenty first day after the day of a presidential primary election~~ 16442  
~~or prior~~ to the eleventh day after the day of any ~~other~~ election, 16443  
~~the director of the board of elections~~ a bipartisan team shall 16444  
inspect the postmark and verify the date the board received the 16445  
uniformed services or overseas absent voter's ballot. If either 16446  
the postmark, if applicable, or the date of receipt do not meet 16447  
the applicable deadlines for that election established in division 16448  
(C) or (D) of this section, the ballot shall not be counted. The 16449  
identification envelope shall not be opened, and it shall be 16450  
endorsed "not counted" with the reasons the ballot was not 16451  
counted. 16452

If the postmark, if applicable, and the date of receipt for a 16453  
return envelope purporting to contain voted uniformed services or 16454  
overseas absent voter's ballots meets the applicable deadlines for 16455  
that election established in division (C) or (D) of this section, 16456  
the bipartisan team shall open it but shall not open the 16457  
identification envelope contained in it. If, upon so opening the 16458  
return envelope, the ~~director~~ bipartisan team finds ballots in it 16459  
that are not enclosed in and properly sealed in the identification 16460  
envelope, the ~~director~~ bipartisan team shall not look at the 16461  
markings upon the ballots and shall promptly place them in the 16462  
identification envelope and promptly seal it. If, upon so opening 16463  
the return envelope, the ~~director~~ bipartisan team finds that 16464  
ballots are enclosed in the identification envelope but that it is 16465  
not properly sealed, the ~~director~~ bipartisan team shall not look 16466  
at the markings upon the ballots and shall promptly seal the 16467  
identification envelope. 16468

16469



(B) ~~Armed service~~ Uniformed services or overseas absent voter's ballots delivered to the director not later than the close of the polls on election day shall be processed and counted in the manner provided in division (F) of this section 3509.06 of the Revised Code.

(C) A return envelope that indicates that the voter will be outside of the United States on the day of an election is not required to be postmarked in order for ~~an armed service a~~ uniformed services or overseas absent voter's ballot contained in it to be valid. Except as otherwise provided in this division, whether or not the return envelope containing the ballot is postmarked or contains an illegible postmark, ~~an armed service a~~ uniformed services or overseas absent voter's ballot that is received after the close of the polls on election day through the tenth day after the election day ~~or, if the election was a presidential primary election, through the twentieth day after the election day,~~ and that is delivered in a return envelope that indicates that the voter will be outside the United States on the day of the election shall be counted on the eleventh day after the election day ~~or, if the election was a presidential primary election, on the twenty first day after the election day,~~ at the office of the board of elections in the manner provided in ~~divisions (C) and (D)~~ division (F) of this section 3509.06 of the Revised Code. However, if a return envelope containing ~~an armed service a~~ uniformed services or overseas absent voter's ballot is so received and so indicates, but it is postmarked, or the identification envelope in it is signed, after the close of the polls on election day, the ~~armed service~~ uniformed services or overseas absent voter's ballot shall not be counted. The identification envelope shall not be opened and it shall be endorsed "not counted" with the reasons the ballot was not counted.

(D)(1) Except as otherwise provided in division (D)(2) of 16502  
this section, any return envelope containing ~~an armed service a~~ 16503  
~~uniformed services or overseas~~ absent voter's ballot that is 16504  
postmarked within the United States prior to the close of the 16505  
polls on election day of the election shall be delivered to the 16506  
director prior to the eleventh day after the election. ~~Armed~~ 16507  
~~service~~ Uniformed services or overseas absent voter's ballots 16508  
delivered in envelopes postmarked prior to the close of the polls 16509  
on election day of the election that are received after the close 16510  
of the polls on election day through the tenth day thereafter 16511  
shall be counted on the eleventh day at the board of elections in 16512  
the manner provided in ~~divisions (C) and (D)~~ division (F) of this 16513  
section ~~3509.06 of the Revised Code~~. Any such ~~ballots~~ ballot that 16514  
~~are~~ is received by the director later than the tenth day following 16515  
the election shall not be counted, but shall be kept by the board 16516  
in the sealed identification ~~envelopes~~ envelope as provided in 16517  
division (A) of this section. The identification envelope shall 16518  
not be opened and it shall be endorsed "not counted" with the 16519  
reasons the ballot was not counted. 16520

(2) Division (D)(1) of this section shall not apply to any 16522  
mail that is postmarked using a postage evidencing system, 16523  
including a postage meter, as defined in 39 C.F.R. 501.1. 16524

(E) ~~The following types of armed service absent voter's~~ 16525  
~~ballots shall not be counted:~~ 16526

~~(1) Armed service absent voter's ballots contained in return~~ 16527  
~~envelopes that bear the designation "Official Election Armed~~ 16528  
~~Service Absent Voter's Ballots," that are received by the director~~ 16529  
~~after the close of the polls on the day of the election, and that~~ 16530  
~~either are postmarked, or contain an identification envelope that~~ 16531  
~~is signed, on or after election day;~~ 16532

~~(2) Armed service absent voter's ballots contained in return~~ 16533

~~envelopes that bear that designation, that do not indicate they 16534  
are from voters who will be outside the United States on the day 16535  
of the election, and that are received after the tenth day 16536  
following the election or, if the election was a presidential 16537  
primary election, after the twentieth day following the election;~~ 16538

~~(3) Armed service absent voter's ballots contained in return 16539  
envelopes that bear that designation, that are received by the 16540  
director within ten days after the day of the election, and that 16541  
were postmarked before the day of the election using a postage 16542  
evidencing system, including a postage meter, as defined in 39 16543  
C.F.R. 501.1. 16544~~

~~The uncounted ballots shall be preserved in their 16545  
identification envelopes unopened until the time provided by 16546  
section 3505.31 of the Revised Code for the destruction of all 16547  
other ballots used at the election for which ballots were 16548  
provided, at which time they shall be destroyed. The board of 16549  
elections shall appoint special election judges for the purpose of 16550  
processing and counting uniformed services or overseas absent 16551  
voter's ballots. The votes so cast shall be added to the vote 16552  
totals by the board, and the uniformed services or overseas absent 16553  
voter's ballots shall be preserved separately by the board, in the 16554  
same manner and for the same length of time as provided by section 16555  
3505.31 of the Revised Code. 16556~~

~~(F)(1) Each of the identification envelopes purporting to 16557  
contain uniformed services or overseas absent voter's ballots 16558  
delivered to the special judge appointed by the board of elections 16559  
shall be processed and counted as follows: 16560~~

~~(a) The election officials shall inspect the statement 16561  
accompanying a uniformed services or overseas absent voter's 16562  
ballot to determine if the voter's signature has been provided and 16563  
that the signature substantially conforms to the voter's signature 16564  
in the voter's registration record. 16565~~

(b) The election officials shall compare the signature of the voter as provided on the statement accompanying the uniformed services or overseas absent voter's ballot with the signature contained in the voter registration records. 16566  
16567  
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(c) If the election officials find that the voter's valid signature has been provided and that the voter is registered and eligible to cast a ballot in the election, the election officials shall open the envelope and determine if the stub is attached to or enclosed with the ballot. If the stub is attached to or enclosed with the ballot, the election officials shall count that ballot not earlier than the day of the election. If the stub is not attached to or enclosed with the ballot, the uniformed services or overseas absent voter's ballot shall not be counted. The ballot shall be placed in its accompanying identification envelope, which shall be endorsed "not counted" with the reasons the ballot was not counted. 16570  
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(d) If the election officials find that voter did not sign the statement of voter on the identification envelope or if the election officials are unable to determine the identity of the voter who returned the ballot, the election officials shall use any information provided on the identification envelope or, if necessary, cross-reference the unique stub number placed on the identification envelope with the registration records to identify the voter for notification under division (J) of this section. 16582  
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(e) If the voter did not sign the statement of voter on the identification envelope and if the voter fails to correct that defect within ten days after the day of the election in accordance with division (J) of this section, or if the election officials find that the voter is not registered or not eligible to cast a ballot in the election, the voter's uniformed services or overseas absent voter's ballot shall not be counted. The identification envelope shall not be opened and it shall be endorsed "not 16590  
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counted" with the reasons the ballot was not counted. 16598

(2) The board of elections may process uniformed services or 16599  
overseas absent voter's ballots under division (F)(1) of this 16600  
section during the ten days prior to the day of an election but 16601  
shall not reveal or cause to be revealed the marks on any ballots. 16602  
The board shall not count any uniformed services or overseas 16603  
absent voter's ballot prior to the day of the election. 16604

(3) Any ballots that are not eligible to be counted under 16605  
division (C), (F)(1)(c), or (F)(1)(e) of this section shall be 16606  
preserved in their identification envelopes until the time 16607  
provided by section 3505.31 of the Revised Code for the 16608  
destruction of all other ballots used at the election for which 16609  
ballots were provided, at which time they shall be destroyed. 16610

(G) The registration record of each person voting a uniformed 16611  
services or overseas absent voter's ballot shall be marked to 16612  
indicate that the person has voted. The date of such election 16613  
shall also be entered on the elector's registration record. 16614

(H) Special election judges, employees or members of the 16615  
board of elections, or observers shall not disclose the count or 16616  
any portion of the count of uniformed services or overseas absent 16617  
voter's ballots prior to the time of the closing of the polling 16618  
places. No person shall recklessly disclose the count or any 16619  
portion of the count of uniformed services or overseas absent 16620  
voter's ballots in such a manner as to jeopardize the secrecy of 16621  
any individual ballot. 16622

(I) Observers may be appointed under section 3505.21 of the 16623  
Revised Code to witness the processing of identification envelopes 16624  
and the counting of uniformed services or overseas absent voters' 16625  
ballots under this section. 16626

(J)(1) If the voter did not sign the statement of voter on 16627  
the identification envelope or if the election officials are 16628

unable to determine the identity of the voter who returned the 16629  
ballot, the board of elections shall notify the voter, by whatever 16630  
means of contact the voter has provided on the identification 16631  
envelope or using any available contact information in the voter's 16632  
registration record, of the defect and request the voter to verify 16633  
the voter's identity for the purpose of processing that uniformed 16634  
services or overseas absent voter's ballot. 16635

(2) The voter may verify that the voter was the person who 16636  
returned the uniformed services or overseas absent voter's ballot 16637  
in any of the following ways: 16638

(a) By confirming by mail, electronic mail, telephone, or 16639  
facsimile transmission, or through the internet the voter's date 16640  
of birth and residence address in a manner that substantially 16641  
conforms with the records of the board of elections; 16642

(b) By providing a statement by mail, electronic mail, or 16643  
facsimile transmission, or through the internet that the voter 16644  
submitted the ballot and by attaching the voter's signature to 16645  
that statement. A signature attached to a statement made under 16646  
this division shall be considered the voter's signature on the 16647  
identification envelope for the purposes of verifying the validity 16648  
of that ballot. 16649

(c) By appearing in person at the office of the board of 16650  
elections and signing the identification envelope. 16651

(3) The secretary of state shall prescribe uniform standards 16652  
for processing additional information by mail, electronic mail, 16653  
telephone, facsimile transmission, through the internet, or in 16654  
person at the office of the board of elections under division (J) 16655  
of this section. 16656

(4) If the voter provides the required information within ten 16657  
days after the day of the election, the election officials shall 16658  
complete the processing of the uniformed services or overseas 16659

absent voter's ballot under division (F) of this section in the 16660  
same manner as if that information had been included on the 16661  
statement of voter at the time the ballot was returned. 16662

(K) As used in this section, "bipartisan team" and 16663  
"processing" a ballot have the same meanings as in section 3509.06 16664  
of the Revised Code. 16665

**Sec. 3511.13.** (A) The poll list or signature pollbook for 16666  
each precinct shall identify each registered elector in that 16667  
precinct who has requested ~~an armed service~~ a uniformed services 16668  
or overseas absent voter's ballot for that election. 16669

(B)(1) If a registered elector appears to vote in that 16670  
precinct and that elector has requested ~~an armed service~~ a 16671  
uniformed services or overseas absent voter's ballot for that 16672  
election but the director has not received a sealed identification 16673  
envelope purporting to contain that elector's voted ~~armed service~~ 16674  
uniformed services or overseas absent voter's ballots for that 16675  
election, the elector shall be permitted to cast a provisional 16676  
ballot under section 3505.181 of the Revised Code in that precinct 16677  
on the day of that election. 16678

(2) If a registered elector appears to vote in that precinct 16679  
and that elector has requested ~~an armed service~~ a uniformed 16680  
services or overseas absent voter's ballot for that election and 16681  
the director has received a sealed identification envelope 16682  
purporting to contain that elector's voted ~~armed service~~ uniformed 16683  
services or overseas absent voter's ballots for that election, the 16684  
elector shall be permitted to cast a provisional ballot under 16685  
section 3505.181 of the Revised Code in that precinct on the day 16686  
of that election. 16687

(C)(1) In processing and counting ~~armed service~~ uniformed 16688  
services or overseas absent voter's ballots under section 3511.11 16689  
of the Revised Code, the board of elections shall compare the 16690

signature of each elector from whom the director has received a 16691  
sealed identification envelope purporting to contain that 16692  
elector's voted ~~armed-service~~ uniformed services or overseas 16693  
absent voter's ballots for that election to the signature on the 16694  
elector's registration ~~form~~ record. Except as otherwise provided 16695  
in division (C)(3) of this section, if the board of elections 16696  
determines that the ~~armed-service~~ uniformed services or overseas 16697  
absent voter's ballot in the sealed identification envelope is 16698  
valid, it shall be counted. If the board of elections determines 16699  
that the signature on the sealed identification envelope 16700  
purporting to contain the elector's voted ~~armed-service~~ uniformed 16701  
services or overseas absent voter's ballot does not match the 16702  
signature on the elector's registration ~~form~~ record, the ballot 16703  
shall be set aside and the board shall examine, during the time 16704  
prior to the beginning of the official canvass, the poll list or 16705  
signature pollbook from the precinct in which the elector is 16706  
registered to vote to determine if the elector also cast a 16707  
provisional ballot under section 3505.181 of the Revised Code in 16708  
that precinct on the day of the election. 16709

(2) The board of elections shall count the provisional 16710  
ballot, instead of the ~~armed-service~~ uniformed services or 16711  
overseas absent voter's ballot, of an elector from whom the 16712  
director has received an identification envelope purporting to 16713  
contain that elector's voted ~~armed-service~~ uniformed services or 16714  
overseas absent voter's ballots, if both of the following apply: 16715

(a) The board of elections determines that the signature of 16716  
the elector on the outside of the identification envelope in which 16717  
the ~~armed-service~~ uniformed services or overseas absent voter's 16718  
ballots are enclosed does not match the signature of the elector 16719  
on the elector's registration form; 16720

(b) The elector cast a provisional ballot in the precinct on 16721  
the day of the election. 16722



(3) If the board of elections does not receive the sealed 16723  
identification envelope purporting to contain the elector's voted 16724  
~~armed service~~ uniformed services or overseas absent voter's ballot 16725  
by the applicable deadline established under section 3511.11 of 16726  
the Revised Code, the provisional ballot cast under section 16727  
3505.181 of the Revised Code in that precinct on the day of the 16728  
election shall be counted as valid, if that provisional ballot is 16729  
otherwise determined to be valid pursuant to section 3505.183 of 16730  
the Revised Code. 16731

(D) If the board of elections counts a provisional ballot 16732  
under division (C)(2) ~~or (3)~~ of this section, the returned 16733  
identification envelope of that elector shall not be opened, and 16734  
the ballot within that envelope shall not be counted. The 16735  
identification envelope shall be endorsed "Not Counted" with the 16736  
reason the ballot was not counted. 16737

**Sec. 3511.14.** A board of elections shall accept and process 16738  
federal write-in ballots for all elections as required under "The 16739  
Uniformed and Overseas Citizens Absentee Voting Act," Pub. L. No. 16740  
99-410, 100 Stat. 924, 42 U.S.C. 1973ff, et seq., as amended. 16741

**Sec. 3513.01.** (A) Except as otherwise provided in this 16742  
section, on the first Tuesday after the first Monday in March of 16743  
2000 and every fourth year thereafter, and on the first Tuesday 16744  
after the first Monday in May of every other year, primary 16745  
elections shall be held for the purpose of nominating persons as 16746  
candidates of political parties for election to offices to be 16747  
voted for at the succeeding general election. 16748

(B) The manner of nominating persons as candidates for 16749  
election as officers of a municipal corporation having a 16750  
population of two thousand or more, as ascertained by the most 16751  
recent federal census, shall be the same as the manner in which 16752

candidates were nominated for election as officers in the 16753  
municipal corporation in 1989 unless the manner of nominating such 16754  
candidates is changed under division (C), (D), or (E) of this 16755  
section. 16756

(C) Primary elections shall not be held for the nomination of 16757  
candidates for election as officers of any township, or any 16758  
municipal corporation having a population of less than two 16759  
thousand, unless a majority of the electors of any such township 16760  
or municipal corporation, as determined by the total number of 16761  
votes cast in such township or municipal corporation for the 16762  
office of governor at the most recent regular state election, 16763  
files with the board of elections of the county within which such 16764  
township or municipal corporation is located, or within which the 16765  
major portion of the population thereof is located, if the 16766  
municipal corporation is situated in more than one county, not 16767  
later than one hundred ~~five~~ fifteen days before the day of a 16768  
primary election, a petition signed by such electors asking that 16769  
candidates for election as officers of such township or municipal 16770  
corporation be nominated as candidates of political parties, in 16771  
which event primary elections shall be held in such township or 16772  
municipal corporation for the purpose of nominating persons as 16773  
candidates of political parties for election as officers of such 16774  
township or municipal corporation to be voted for at the 16775  
succeeding regular municipal election. In a township or municipal 16776  
corporation where a majority of the electors have filed a petition 16777  
asking that candidates for election as officers of the township or 16778  
municipal corporation be nominated as candidates of political 16779  
parties, the nomination of candidates for a nonpartisan election 16780  
may be reestablished in the manner prescribed in division (E) of 16781  
this section. 16782

(D)(1) The electors in a municipal corporation having a 16783  
population of two thousand or more, in which municipal officers 16784

were nominated in the most recent election by nominating petition 16785  
and elected by nonpartisan election, may place on the ballot in 16786  
the manner prescribed in division (D)(2) of this section the 16787  
question of changing to the primary-election method of nominating 16788  
persons as candidates for election as officers of the municipal 16789  
corporation. 16790

(2) The board of elections of the county within which the 16791  
municipal corporation is located, or, if the municipal corporation 16792  
is located in more than one county, of the county within which the 16793  
major portion of the population of the municipal corporation is 16794  
located, shall, upon receipt of a petition signed by electors of 16795  
the municipal corporation equal in number to at least ten per cent 16796  
of the vote cast at the most recent regular municipal election, 16797  
submit to the electors of the municipal corporation the question 16798  
of changing to the primary-election method of nominating persons 16799  
as candidates for election as officers of the municipal 16800  
corporation. The ballot language shall be substantially as 16801  
follows: 16802

"Shall candidates for election as officers of ..... 16803  
(name of municipal corporation) in the county of ..... 16804  
(name of county) be nominated as candidates of political parties? 16805  
..... yes 16806  
..... no" 16807

The question shall be placed on the ballot at the next 16808  
general election in an even-numbered year occurring at least 16809  
~~seventy-five~~ eighty-five days after the petition is filed with the 16810  
board. If a majority of the electors voting on the question vote 16811  
in the affirmative, candidates for election as officers of the 16812  
municipal corporation shall thereafter be nominated as candidates 16813  
of political parties in primary elections, under division (A) of 16814  
this section, unless a change in the manner of nominating persons 16815

as candidates for election as officers of the municipal 16816  
corporation is made under division (E) of this section. 16817

(E)(1) The electors in a township or municipal corporation in 16818  
which the township or municipal officers are nominated as 16819  
candidates of political parties in a primary election may place on 16820  
the ballot, in the manner prescribed in division (E)(2) of this 16821  
section, the question of changing to the nonpartisan method of 16822  
nominating persons as candidates for election as officers of the 16823  
township or municipal corporation. 16824

(2) The board of elections of the county within which the 16825  
township or municipal corporation is located, or, if the municipal 16826  
corporation is located in more than one county, of the county 16827  
within which the major portion of the population of the municipal 16828  
corporation is located, shall, upon receipt of a petition signed 16829  
by electors of the township or municipal corporation equal in 16830  
number to at least ten per cent of the vote cast at the most 16831  
recent regular township or municipal election, as appropriate, 16832  
submit to the electors of the township or municipal corporation, 16833  
as appropriate, the question of changing to the nonpartisan method 16834  
of nominating persons as candidates for election as officers of 16835  
the township or municipal corporation. The ballot language shall 16836  
be substantially as follows: 16837

"Shall candidates for election as officers of ..... 16838  
(name of the township or municipal corporation) in the county of 16839  
..... (name of county) be nominated as candidates by 16840  
nominating petition and be elected only in a nonpartisan election? 16841  
..... yes 16842  
..... no" 16843

The question shall appear on the ballot at the next general 16844  
election in an even-numbered year occurring at least ~~seventy-five~~ 16845  
eighty-five days after the petition is filed with the board. If a 16846

majority of electors voting on the question vote in the 16847  
affirmative, candidates for officer of the township or municipal 16848  
corporation shall thereafter be nominated by nominating petition 16849  
and be elected only in a nonpartisan election, unless a change in 16850  
the manner of nominating persons as candidates for election as 16851  
officers of the township or municipal corporation is made under 16852  
division (C) or (D) of this section. 16853

**Sec. 3513.02.** If, in any odd-numbered year, no valid 16854  
declaration of candidacy is filed for nomination as a candidate of 16855  
a political party for election to any of the offices to be voted 16856  
for at the general election to be held in such year, or if the 16857  
number of persons filing such declarations of candidacy for 16858  
nominations as candidates of one political party for election to 16859  
such offices does not exceed, as to any such office, the number of 16860  
candidates which such political party is entitled to nominate as 16861  
its candidates for election to such office, then no primary 16862  
election shall be held for the purpose of nominating party 16863  
candidates of such party for election to offices to be voted for 16864  
at such general election and no primary ballots shall be provided 16865  
for such party. If, however, the only office for which there are 16866  
more valid declarations of candidacy filed than the number to be 16867  
nominated by a political party, is the office of ~~councilman~~ 16868  
councilperson in a ward, a primary election shall be held for such 16869  
party only in the ward or wards in which there is a contest, and 16870  
only the names of the candidates for the office of ~~councilman~~ 16871  
councilperson in such ward shall appear on the primary ballot of 16872  
such political party. 16873

The election officials whose duty it would have been to 16874  
provide for and conduct the holding of such primary election, 16875  
declare the results thereof, and issue certificates of nomination 16876  
to the persons entitled thereto if such primary election had been 16877  
held shall declare each of such persons to be nominated as of the 16878

date of the ~~seventy-fifth~~ eighty-fifth day before the primary 16879  
election, issue appropriate certificates of nomination to each of 16880  
them, and certify their names to the proper election officials, in 16881  
order that their names may be printed on the official ballots 16882  
provided for use in the succeeding general election in the same 16883  
manner as though such primary election had been held and such 16884  
persons had been nominated at such election. 16885

**Sec. 3513.041.** A write-in space shall be provided on the 16886  
ballot for every office, except in an election for which the board 16887  
of elections has received no valid declarations of intent to be a 16888  
write-in candidate under this section. Write-in votes shall not be 16889  
counted for any candidate who has not filed a declaration of 16890  
intent to be a write-in candidate pursuant to this section. A 16891  
qualified person who has filed a declaration of intent may receive 16892  
write-in votes at either a primary or general election. Any 16893  
candidate shall file a declaration of intent to be a write-in 16894  
candidate before four p.m. of the ~~sixty-second~~ seventy-second day 16895  
preceding the election at which such candidacy is to be 16896  
considered. If the election is to be determined by electors of a 16897  
county or a district or subdivision within the county, such 16898  
declaration shall be filed with the board of elections of that 16899  
county. If the election is to be determined by electors of a 16900  
subdivision located in more than one county, such declaration 16901  
shall be filed with the board of elections of the county in which 16902  
the major portion of the population of such subdivision is 16903  
located. If the election is to be determined by electors of a 16904  
district comprised of more than one county but less than all of 16905  
the counties of the state, such declaration shall be filed with 16906  
the board of elections of the most populous county in such 16907  
district. Any candidate for an office to be voted upon by electors 16908  
throughout the entire state shall file a declaration of intent to 16909  
be a write-in candidate with the secretary of state before four 16910

p.m. of the ~~sixty-second~~ seventy-second day preceding the election 16911  
at which such candidacy is to be considered. In addition, 16912  
candidates for president and vice-president of the United States 16913  
shall also file with the secretary of state by that ~~sixty-second~~ 16914  
seventy-second day a slate of presidential electors sufficient in 16915  
number to satisfy the requirements of the United States 16916  
constitution. 16917

A board of elections shall not accept for filing the 16918  
declaration of intent to be a write-in candidate of a person 16919  
seeking to become a candidate if that person, for the same 16920  
election, has already filed a declaration of candidacy, a 16921  
declaration of intent to be a write-in candidate, or a nominating 16922  
petition, or has become a candidate through party nomination at a 16923  
primary election or by the filling of a vacancy under section 16924  
3513.30 or 3513.31 of the Revised Code, for any federal, state, or 16925  
county office, if the declaration of intent to be a write-in 16926  
candidate is for a state or county office, or for any municipal or 16927  
township office, for member of a city, local, or exempted village 16928  
board of education, or for member of a governing board of an 16929  
educational service center, if the declaration of intent to be a 16930  
write-in candidate is for a municipal or township office, or for 16931  
member of a city, local, or exempted village board of education, 16932  
or for member of a governing board of an educational service 16933  
center. 16934

No person shall file a declaration of intent to be a write-in 16935  
candidate for the office of governor unless the declaration also 16936  
shows the intent of another person to be a write-in candidate for 16937  
the office of lieutenant governor. No person shall file a 16938  
declaration of intent to be a write-in candidate for the office of 16939  
lieutenant governor unless the declaration also shows the intent 16940  
of another person to be a write-in candidate for the office of 16941  
governor. No person shall file a declaration of intent to be a 16942

write-in candidate for the office of governor or lieutenant 16943  
governor if the person has previously filed a declaration of 16944  
intent to be a write-in candidate to the office of governor or 16945  
lieutenant governor at the same primary or general election. A 16946  
write-in vote for the two candidates who file such a declaration 16947  
shall be counted as a vote for them as joint candidates for the 16948  
offices of governor and lieutenant governor. 16949

The secretary of state shall not accept for filing the 16950  
declaration of intent to be a write-in candidate of a person for 16951  
the office of governor unless the declaration also shows the 16952  
intent of another person to be a write-in candidate for the office 16953  
of lieutenant governor, shall not accept for filing the 16954  
declaration of intent to be a write-in candidate of a person for 16955  
the office of lieutenant governor unless the declaration also 16956  
shows the intent of another person to be a write-in candidate for 16957  
the office of governor, and shall not accept for filing the 16958  
declaration of intent to be a write-in candidate of a person to 16959  
the office of governor or lieutenant governor if that person, for 16960  
the same election, has already filed a declaration of candidacy, a 16961  
declaration of intent to be a write-in candidate, or a nominating 16962  
petition, or has become a candidate through party nomination at a 16963  
primary election or by the filling of a vacancy under section 16964  
3513.30 or 3513.31 of the Revised Code, for any other state office 16965  
or any federal or county office. 16966

Protests against the candidacy of any person filing a 16967  
declaration of intent to be a write-in candidate may be filed by 16968  
any qualified elector who is eligible to vote in the election at 16969  
which the candidacy is to be considered. The protest shall be in 16970  
writing and shall be filed not later than four p.m. of the 16971  
~~fifty-seventh~~ sixty-seventh day before the day of the election. 16972  
The protest shall be filed with the board of elections with which 16973  
the declaration of intent to be a write-in candidate was filed. 16974



Upon the filing of the protest, the board with which it is filed 16975  
shall promptly fix the time for hearing it and shall proceed in 16976  
regard to the hearing in the same manner as for hearings set for 16977  
protests filed under section 3513.05 of the Revised Code. At the 16978  
time fixed, the board shall hear the protest and determine the 16979  
validity or invalidity of the declaration of intent to be a 16980  
write-in candidate. If the board finds that the candidate is not 16981  
an elector of the state, district, county, or political 16982  
subdivision in which the candidate seeks election to office or has 16983  
not fully complied with the requirements of Title XXXV of the 16984  
Revised Code in regard to the candidate's candidacy, the 16985  
candidate's declaration of intent to be a write-in candidate shall 16986  
be determined to be invalid and shall be rejected; otherwise, it 16987  
shall be determined to be valid. The determination of the board is 16988  
final. 16989

The secretary of state shall prescribe the form of the 16990  
declaration of intent to be a write-in candidate. 16991

**Sec. 3513.05.** Each person desiring to become a candidate for 16992  
a party nomination or for election to an office or position to be 16993  
voted for at a primary election, except persons desiring to become 16994  
joint candidates for the offices of governor and lieutenant 16995  
governor and except as otherwise provided in section 3513.051 of 16996  
the Revised Code, shall, not later than four p.m. of the 16997  
~~seventy-fifth~~ eighty-fifth day before the day of the primary 16998  
election, ~~or if the primary election is a presidential primary~~ 16999  
~~election, not later than four p.m. of the sixtieth day before the~~ 17000  
~~day of the presidential primary election,~~ file a declaration of 17001  
candidacy and petition and pay the fees required under divisions 17002  
(A) and (B) of section 3513.10 of the Revised Code. The 17003  
declaration of candidacy and all separate petition papers shall be 17004  
filed at the same time as one instrument. When the offices are to 17005  
be voted for at a primary election, persons desiring to become 17006

joint candidates for the offices of governor and lieutenant 17007  
governor shall, not later than four p.m. of the ~~seventy-fifth~~ 17008  
eighty-fifth day before the day of the primary election, comply 17009  
with section 3513.04 of the Revised Code. The prospective joint 17010  
candidates' declaration of candidacy and all separate petition 17011  
papers of candidacies shall be filed at the same time as one 17012  
instrument. The secretary of state or a board of elections shall 17013  
not accept for filing a declaration of candidacy and petition of a 17014  
person seeking to become a candidate if that person, for the same 17015  
election, has already filed a declaration of candidacy or a 17016  
declaration of intent to be a write-in candidate, or has become a 17017  
candidate by the filling of a vacancy under section 3513.30 of the 17018  
Revised Code for any federal, state, or county office, if the 17019  
declaration of candidacy is for a state or county office, or for 17020  
any municipal or township office, if the declaration of candidacy 17021  
is for a municipal or township office. 17022

If the declaration of candidacy declares a candidacy which is 17023  
to be submitted to electors throughout the entire state, the 17024  
petition, including a petition for joint candidates for the 17025  
offices of governor and lieutenant governor, shall be signed by at 17026  
least one thousand qualified electors who are members of the same 17027  
political party as the candidate or joint candidates, and the 17028  
declaration of candidacy and petition shall be filed with the 17029  
secretary of state; provided that the secretary of state shall not 17030  
accept or file any such petition appearing on its face to contain 17031  
signatures of more than three thousand electors. 17032

Except as otherwise provided in this paragraph, if the 17033  
declaration of candidacy is of one that is to be submitted only to 17034  
electors within a district, political subdivision, or portion 17035  
thereof, the petition shall be signed by not less than fifty 17036  
qualified electors who are members of the same political party as 17037  
the political party of which the candidate is a member. If the 17038

declaration of candidacy is for party nomination as a candidate 17039  
for member of the legislative authority of a municipal corporation 17040  
elected by ward, the petition shall be signed by not less than 17041  
twenty-five qualified electors who are members of the political 17042  
party of which the candidate is a member. 17043

No such petition, except the petition for a candidacy that is 17044  
to be submitted to electors throughout the entire state, shall be 17045  
accepted for filing if it appears to contain on its face 17046  
signatures of more than three times the minimum number of 17047  
signatures. When a petition of a candidate has been accepted for 17048  
filing by a board of elections, the petition shall not be deemed 17049  
invalid if, upon verification of signatures contained in the 17050  
petition, the board of elections finds the number of signatures 17051  
accepted exceeds three times the minimum number of signatures 17052  
required. A board of elections may discontinue verifying 17053  
signatures on petitions when the number of verified signatures 17054  
equals the minimum required number of qualified signatures. 17055

If the declaration of candidacy declares a candidacy for 17056  
party nomination or for election as a candidate of ~~an intermediate~~ 17057  
~~or a~~ minor party, the minimum number of signatures on such 17058  
petition is one-half the minimum number provided in this section, 17059  
except that, when the candidacy is one for election as a member of 17060  
the state central committee or the county central committee of a 17061  
political party, the minimum number shall be the same for ~~an~~ 17062  
~~intermediate or a~~ minor party as for a major party. 17063

If a declaration of candidacy is one for election as a member 17064  
of the state central committee or the county central committee of 17065  
a political party, the petition shall be signed by five qualified 17066  
electors of the district, county, ward, township, or precinct 17067  
within which electors may vote for such candidate. The electors 17068  
signing such petition shall be members of the same political party 17069  
as the political party of which the candidate is a member. 17070

For purposes of signing or circulating a petition of 17071  
candidacy for party nomination or election, an elector is 17072  
considered to be a member of a political party if the elector 17073  
voted in that party's primary election within the preceding two 17074  
calendar years, or if the elector did not vote in any other 17075  
party's primary election within the preceding two calendar years. 17076

If the declaration of candidacy is of one that is to be 17077  
submitted only to electors within a county, or within a district 17078  
or subdivision or part thereof smaller than a county, the petition 17079  
shall be filed with the board of elections of the county. If the 17080  
declaration of candidacy is of one that is to be submitted only to 17081  
electors of a district or subdivision or part thereof that is 17082  
situated in more than one county, the petition shall be filed with 17083  
the board of elections of the county within which the major 17084  
portion of the population thereof, as ascertained by the next 17085  
preceding federal census, is located. 17086

A petition shall consist of separate petition papers, each of 17087  
which shall contain signatures of electors of only one county. 17088  
Petitions or separate petition papers containing signatures of 17089  
electors of more than one county shall not thereby be declared 17090  
invalid. In case petitions or separate petition papers containing 17091  
signatures of electors of more than one county are filed, the 17092  
board shall determine the county from which the majority of 17093  
signatures came, and only signatures from such county shall be 17094  
counted. Signatures from any other county shall be invalid. 17095

Each separate petition paper shall be circulated by one 17096  
person only, who shall be the candidate or a joint candidate or a 17097  
member of the same political party as the candidate or joint 17098  
candidates, and each separate petition paper shall be governed by 17099  
the rules set forth in section 3501.38 of the Revised Code. 17100

The secretary of state shall promptly transmit to each board 17101  
such separate petition papers of each petition accompanying a 17102

declaration of candidacy filed with the secretary of state as 17103  
purport to contain signatures of electors of the county of such 17104  
board. The board of the most populous county of a district shall 17105  
promptly transmit to each board within such district such separate 17106  
petition papers of each petition accompanying a declaration of 17107  
candidacy filed with it as purport to contain signatures of 17108  
electors of the county of each such board. The board of a county 17109  
within which the major portion of the population of a subdivision, 17110  
situated in more than one county, is located, shall promptly 17111  
transmit to the board of each other county within which a portion 17112  
of such subdivision is located such separate petition papers of 17113  
each petition accompanying a declaration of candidacy filed with 17114  
it as purport to contain signatures of electors of the portion of 17115  
such subdivision in the county of each such board. 17116

All petition papers so transmitted to a board and all 17117  
petitions accompanying declarations of candidacy filed with a 17118  
board shall, under proper regulations, be open to public 17119  
inspection until four p.m. of the ~~seventieth~~ eightieth day before 17120  
the day of the next primary election, ~~or if that next primary~~ 17121  
~~election is a presidential primary election, the fifty fifth day~~ 17122  
~~before that presidential primary election.~~ Each board shall, not 17123  
later than the ~~sixty eighth~~ seventy-eighth day before the day of 17124  
that primary election, ~~or if the primary election is a~~ 17125  
~~presidential primary election, not later than the fifty third day~~ 17126  
~~before such presidential primary election,~~ examine and determine 17127  
the validity or invalidity of the signatures on the petition 17128  
papers so transmitted to or filed with it and shall return to the 17129  
secretary of state all petition papers transmitted to it by the 17130  
secretary of state, together with its certification of its 17131  
determination as to the validity or invalidity of signatures 17132  
thereon, and shall return to each other board all petition papers 17133  
transmitted to it by such board, together with its certification 17134  
of its determination as to the validity or invalidity of the 17135

signatures thereon. All other matters affecting the validity or 17136  
invalidity of such petition papers shall be determined by the 17137  
secretary of state or the board with whom such petition papers 17138  
were filed. 17139

Protests against the candidacy of any person filing a 17140  
declaration of candidacy for party nomination or for election to 17141  
an office or position, as provided in this section, may be filed 17142  
by any qualified elector who is a member of the same political 17143  
party as the candidate and who is eligible to vote at the primary 17144  
election for the candidate whose declaration of candidacy the 17145  
elector objects to, or by the controlling committee of that 17146  
political party. The protest shall be in writing, and shall be 17147  
filed not later than four p.m. of the ~~sixty-fourth~~ seventy-fourth 17148  
day before the day of the primary election, ~~or if the primary~~ 17149  
~~election is a presidential primary election, not later than four~~ 17150  
~~p.m. of the forty-ninth day before the day of the presidential~~ 17151  
~~primary election.~~ The protest shall be filed with the election 17152  
officials with whom the declaration of candidacy and petition was 17153  
filed. Upon the filing of the protest, the election officials with 17154  
whom it is filed shall promptly fix the time for hearing it, and 17155  
shall forthwith mail notice of the filing of the protest and the 17156  
time fixed for hearing to the person whose candidacy is so 17157  
protested. They shall also forthwith mail notice of the time fixed 17158  
for such hearing to the person who filed the protest. At the time 17159  
fixed, such election officials shall hear the protest and 17160  
determine the validity or invalidity of the declaration of 17161  
candidacy and petition. If they find that such candidate is not an 17162  
elector of the state, district, county, or political subdivision 17163  
in which the candidate seeks a party nomination or election to an 17164  
office or position, or has not fully complied with this chapter, 17165  
the candidate's declaration of candidacy and petition shall be 17166  
determined to be invalid and shall be rejected; otherwise, it 17167  
shall be determined to be valid. That determination shall be 17168

final. 17169

A protest against the candidacy of any persons filing a 17170  
declaration of candidacy for joint party nomination to the offices 17171  
of governor and lieutenant governor shall be filed, heard, and 17172  
determined in the same manner as a protest against the candidacy 17173  
of any person filing a declaration of candidacy singly. 17174

The secretary of state shall, on the ~~sixtieth~~ seventieth day 17175  
before the day of a primary election, ~~or if the primary election~~ 17176  
~~is a presidential primary election, on the forty fifth day before~~ 17177  
~~the day of the presidential primary election,~~ certify to each 17178  
board in the state the forms of the official ballots to be used at 17179  
the primary election, together with the names of the candidates to 17180  
be printed on the ballots whose nomination or election is to be 17181  
determined by electors throughout the entire state and who filed 17182  
valid declarations of candidacy and petitions. 17183

17184

The board of the most populous county in a district comprised 17185  
of more than one county but less than all of the counties of the 17186  
state shall, on the ~~sixtieth~~ seventieth day before the day of a 17187  
primary election, ~~or if the primary election is a presidential~~ 17188  
~~primary election, on the forty fifth day before the day of a~~ 17189  
~~presidential primary election,~~ certify to the board of each county 17190  
in the district the names of the candidates to be printed on the 17191  
official ballots to be used at the primary election, whose 17192  
nomination or election is to be determined only by electors within 17193  
the district and who filed valid declarations of candidacy and 17194  
petitions. 17195

The board of a county within which the major portion of the 17196  
population of a subdivision smaller than the county and situated 17197  
in more than one county is located shall, on the ~~sixtieth~~ 17198  
seventieth day before the day of a primary election, ~~or if the~~ 17199  
~~primary election is a presidential primary election, on the~~ 17200

~~forty fifth day before the day of a presidential primary election,~~ 17201  
certify to the board of each county in which a portion of that 17202  
subdivision is located the names of the candidates to be printed 17203  
on the official ballots to be used at the primary election, whose 17204  
nomination or election is to be determined only by electors within 17205  
that subdivision and who filed valid declarations of candidacy and 17206  
petitions. 17207

**Sec. 3513.052.** (A) No person shall seek nomination or 17208  
election to any of the following offices or positions at the same 17209  
election by filing a declaration of candidacy and petition, a 17210  
declaration of intent to be a write-in candidate, or a nominating 17211  
petition, or by becoming a candidate through party nomination in a 17212  
primary election, or by the filling of a vacancy under section 17213  
3513.30 or 3513.31 of the Revised Code: 17214

(1) Two or more state offices; 17215

(2) Two or more county offices; 17216

(3) A state office and a county office; 17217

(4) A federal office and a state or county office; 17218

(5) Any combination of two or more municipal or township 17219  
offices, positions as a member of a city, local, or exempted 17220  
village board of education, or positions as a member of a 17221  
governing board of an educational service center. 17222

(B) The secretary of state or a board of elections shall not 17223  
accept for filing a declaration of candidacy and petition, a 17224  
declaration of intent to be a write-in candidate, or a nominating 17225  
petition of a person seeking to become a candidate if that person, 17226  
for the same election, has already filed a declaration of 17227  
candidacy, a declaration of intent to be a write-in candidate, or 17228  
a nominating petition, or has become a candidate through party 17229  
nomination at a primary election or by the filling of a vacancy 17230



under section 3513.30 or 3513.31 of the Revised Code for: 17231

(1) Any federal, state, or county office, if the declaration 17232  
of candidacy, declaration of intent to be a write-in candidate, or 17233  
nominating petition is for a state or county office; 17234

(2) Any municipal or township office, or for member of a 17235  
city, local, or exempted village board of education, or for member 17236  
of a governing board of an educational service center, if the 17237  
declaration of candidacy, declaration of intent to be a write-in 17238  
candidate, or nominating petition is for a municipal or township 17239  
office, or for member of a city, local, or exempted village board 17240  
of education, or for member of a governing board of an educational 17241  
service center. 17242

(C)(1) If the secretary of state determines, before the day 17243  
of the primary election, that a person is seeking nomination to 17244  
more than one office at that election in violation of division (A) 17245  
of this section, the secretary of state shall do one of the 17246  
following: 17247

(a) If each office or the district for each office for which 17248  
the person is seeking nomination is wholly within a single county 17249  
and none of those offices is a federal office, the secretary of 17250  
state shall notify the board of elections of that county. The 17251  
board then shall determine the date on which the person first 17252  
sought to become a candidate for each of those offices by filing a 17253  
declaration of candidacy or a declaration of intent to be a 17254  
write-in candidate or by the filling of a vacancy under section 17255  
3513.30 of the Revised Code. The board shall vote promptly to 17256  
disqualify that person as a candidate for each office for which 17257  
the person sought to become a candidate after the date on which 17258  
the person first sought to become a candidate for any of those 17259  
offices. If the board determines that the person sought to become 17260  
a candidate for more than one of those offices on the same date, 17261  
the board shall vote promptly to disqualify that person as a 17262

candidate for each office that would be listed on the ballot below 17263  
the highest office for which that person seeks nomination, 17264  
according to the ballot order prescribed under section 3505.03 of 17265  
the Revised Code. 17266

(b) If one or more of the offices for which the person is 17267  
seeking nomination is a state office or an office with a district 17268  
larger than a single county and none of the offices for which the 17269  
person is seeking nomination is a federal office, the secretary of 17270  
state shall determine the date on which the person first sought to 17271  
become a candidate for each of those offices by filing a 17272  
declaration of candidacy or a declaration of intent to be a 17273  
write-in candidate or by the filling of a vacancy under section 17274  
3513.30 of the Revised Code. The secretary of state shall order 17275  
the board of elections of each county in which the person is 17276  
seeking to appear on the ballot to disqualify that person as a 17277  
candidate for each office for which the person sought to become a 17278  
candidate after the date on which the person first sought to 17279  
become a candidate for any of those offices. If the secretary of 17280  
state determines that the person sought to become a candidate for 17281  
more than one of those offices on the same date, the secretary of 17282  
state shall order the board of elections of each county in which 17283  
the person is seeking to appear on the ballot to disqualify that 17284  
person as a candidate for each office that would be listed on the 17285  
ballot below the highest office for which that person seeks 17286  
nomination, according to the ballot order prescribed under section 17287  
3505.03 of the Revised Code. Each board of elections so notified 17288  
shall vote promptly to disqualify the person as a candidate in 17289  
accordance with the order of the secretary of state. 17290

(c) If each office or the district for each office for which 17291  
the person is seeking nomination is wholly within a single county 17292  
and any of those offices is a federal office, the secretary of 17293  
state shall notify the board of elections of that county. The 17294

board then shall vote promptly to disqualify that person as a 17295  
candidate for each office that is not a federal office. 17296

(d) If one or more of the offices for which the person is 17297  
seeking nomination is a state office and any of the offices for 17298  
which the person is seeking nomination is a federal office, the 17299  
secretary of state shall order the board of elections of each 17300  
county in which the person is seeking to appear on the ballot to 17301  
disqualify that person as a candidate for each office that is not 17302  
a federal office. Each board of elections so notified shall vote 17303  
promptly to disqualify the person as a candidate in accordance 17304  
with the order of the secretary of state. 17305

(2) If a board of elections determines, before the day of the 17306  
primary election, that a person is seeking nomination to more than 17307  
one office at that election in violation of division (A) of this 17308  
section, the board shall do one of the following: 17309

(a) If each office or the district for each office for which 17310  
the person is seeking nomination is wholly within that county and 17311  
none of those offices is a federal office, the board shall 17312  
determine the date on which the person first sought to become a 17313  
candidate for each of those offices by filing a declaration of 17314  
candidacy or a declaration of intent to be a write-in candidate or 17315  
by the filling of a vacancy under section 3513.30 of the Revised 17316  
Code. The board shall vote promptly to disqualify that person as a 17317  
candidate for each office for which the person sought to become a 17318  
candidate after the date on which the person first sought to 17319  
become a candidate for any of those offices. If the board 17320  
determines that the person sought to become a candidate for more 17321  
than one of those offices on the same date, the board shall vote 17322  
promptly to disqualify that person as a candidate for each office 17323  
that would be listed on the ballot below the highest office for 17324  
which that person seeks nomination, according to the ballot order 17325  
prescribed under section 3505.03 of the Revised Code. 17326

(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 each county in which the person is seeking to appear on the ballot 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 secretary of state determines that the person sought to become a candidate for more than one of those offices on the same date, 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 nomination, 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.

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

(d) If one or more of the offices for which the person is seeking nomination is a state office and any of the offices for

which the person is seeking nomination is a federal office, the 17359  
board shall notify the secretary of state. The secretary of state 17360  
then shall order the board of elections of each county in which 17361  
the person is seeking to appear on the ballot to disqualify that 17362  
person as a candidate for each office that is not a federal 17363  
office. Each board of elections so notified shall vote promptly to 17364  
disqualify the person as a candidate in accordance with the order 17365  
of the secretary of state. 17366

(D)(1) If the secretary of state determines, after the day of 17367  
the primary election and before the day of the general election, 17368  
that a person is seeking election to more than one office at that 17369  
election in violation of division (A) of this section, the 17370  
secretary of state shall do one of the following: 17371

(a) If each office or the district for each office for which 17372  
the person is seeking election is wholly within a single county 17373  
and none of those offices is a federal office, the secretary of 17374  
state shall notify the board of elections of that county. The 17375  
board then shall determine the offices for which the person seeks 17376  
to appear as a candidate on the ballot. The board shall vote 17377  
promptly to disqualify that person as a candidate for each office 17378  
that would be listed on the ballot below the highest office for 17379  
which that person seeks election, according to the ballot order 17380  
prescribed under section 3505.03 of the Revised Code. If the 17381  
person sought nomination at a primary election and has not yet 17382  
been issued a certificate of nomination, the board shall not issue 17383  
that certificate for that person for any office that would be 17384  
listed on the ballot below the highest office for which that 17385  
person seeks election, according to the ballot order prescribed 17386  
under section 3505.03 of the Revised Code. 17387

(b) If one or more of the offices for which the person is 17388  
seeking election is a state office or an office with a district 17389  
larger than a single county and none of the offices for which the 17390

person is seeking election is a federal office, the secretary of 17391  
state shall promptly investigate and determine the offices for 17392  
which the person seeks to appear as a candidate on the ballot. The 17393  
secretary of state shall order the board of elections of each 17394  
county in which the person is seeking to appear on the ballot to 17395  
disqualify that person as a candidate for each office that would 17396  
be listed on the ballot below the highest office for which that 17397  
person seeks election, according to the ballot order prescribed 17398  
under section 3505.03 of the Revised Code. Each board of elections 17399  
so notified shall vote promptly to disqualify the person as a 17400  
candidate in accordance with the order of the secretary of state. 17401  
If the person sought nomination at a primary election and has not 17402  
yet been issued a certificate of nomination, the board shall not 17403  
issue that certificate for that person for any office that would 17404  
be listed on the ballot below the highest office for which that 17405  
person seeks election, according to the ballot order prescribed 17406  
under section 3505.03 of the Revised Code. 17407

(c) If each office or the district for each office for which 17408  
the person is seeking election is wholly within a single county 17409  
and any of those offices is a federal office, the secretary of 17410  
state shall notify the board of elections of that county. The 17411  
board then shall vote promptly to disqualify that person as a 17412  
candidate for each office that is not a federal office. If the 17413  
person sought nomination at a primary election and has not yet 17414  
been issued a certificate of nomination, the board shall not issue 17415  
that certificate for that person for any office that is not a 17416  
federal office. 17417

(d) If one or more of the offices for which the person is 17418  
seeking election is a state office and any of the offices for 17419  
which the person is seeking election is a federal office, the 17420  
secretary of state shall order the board of elections of each 17421  
county in which the person is seeking to appear on the ballot to 17422

disqualify that person as a candidate for each office that is not 17423  
a federal office. Each board of elections so notified shall vote 17424  
promptly to disqualify the person as a candidate in accordance 17425  
with the order of the secretary of state. If the person sought 17426  
nomination at a primary election and has not yet been issued a 17427  
certificate of nomination, the board shall not issue that 17428  
certificate for that person for any office that is not a federal 17429  
office. 17430

(2) If a board of elections determines, after the day of the 17431  
primary election and before the day of the general election, that 17432  
a person is seeking election to more than one office at that 17433  
election in violation of division (A) of this section, the board 17434  
of elections shall do one of the following: 17435

(a) If each office or the district for each office for which 17436  
the person is seeking election is wholly within that county and 17437  
none of those offices is a federal office, the board shall 17438  
determine the offices for which the person seeks to appear as a 17439  
candidate on the ballot. The board shall vote promptly to 17440  
disqualify that person as a candidate for each office that would 17441  
be listed on the ballot below the highest office for which that 17442  
person seeks election, according to the ballot order prescribed 17443  
under section 3505.03 of the Revised Code. If the person sought 17444  
nomination at a primary election and has not yet been issued a 17445  
certificate of nomination, the board shall not issue that 17446  
certificate for that person for any office that would be listed on 17447  
the ballot below the highest office for which that person seeks 17448  
election, according to the ballot order prescribed under section 17449  
3505.03 of the Revised Code. 17450

(b) If one or more of the offices for which the person is 17451  
seeking election is a state office or an office with a district 17452  
larger than a single county and none of the offices for which the 17453  
person is seeking election is a federal office, the board shall 17454

notify the secretary of state. The secretary of state promptly 17455  
shall investigate and determine the offices for which the person 17456  
seeks to appear as a candidate on the ballot. The secretary of 17457  
state shall order the board of elections of each county in which 17458  
the person is seeking to appear on the ballot to disqualify that 17459  
person as a candidate for each office that would be listed on the 17460  
ballot below the highest office for which that person seeks 17461  
election, according to the ballot order prescribed under section 17462  
3505.03 of the Revised Code. Each board of elections so notified 17463  
shall vote promptly to disqualify the person as a candidate in 17464  
accordance with the order of the secretary of state. If the person 17465  
sought nomination at a primary election and has not yet been 17466  
issued a certificate of nomination, the board shall not issue that 17467  
certificate for that person for any office that would be listed on 17468  
the ballot below the highest office for which that person seeks 17469  
election, according to the ballot order prescribed under section 17470  
3505.03 of the Revised Code. 17471

(c) If each office or the district for each office for which 17472  
the person is seeking election is wholly within that county and 17473  
any of those offices is a federal office, the board shall vote 17474  
promptly to disqualify that person as a candidate for each office 17475  
that is not a federal office. If the person sought nomination at a 17476  
primary election and has not yet been issued a certificate of 17477  
nomination, the board shall not issue that certificate for that 17478  
person for any office that is not a federal office. 17479

(d) If one or more of the offices for which the person is 17480  
seeking election is a state office and any of the offices for 17481  
which the person is seeking election is a federal office, the 17482  
board shall notify the secretary of state. The secretary of state 17483  
shall order the board of elections of each county in which the 17484  
person is seeking to appear on the ballot to disqualify that 17485  
person as a candidate for each office that is not a federal 17486



office. Each board of elections so notified shall vote promptly to 17487  
disqualify the person as a candidate in accordance with the order 17488  
of the secretary of state. If the person sought nomination at a 17489  
primary election and has not yet been issued a certificate of 17490  
nomination, the board shall not issue that certificate for that 17491  
person for any office that is not a federal office. 17492

(E) When a person is disqualified as a candidate under 17493  
division (C) or (D) of this section, on or before the ~~sixtieth~~ 17494  
seventieth day before the day of the applicable election, ~~or, if~~ 17495  
~~the election is a presidential primary election, on or before the~~ 17496  
~~forty fifth day before the day of the presidential primary~~ 17497  
~~election,~~ the board of elections shall remove the person's name 17498  
from the ballot for any office for which that person has been 17499  
disqualified as a candidate according to the directions of the 17500  
secretary of state. When a person is disqualified as a candidate 17501  
under division (C) or (D) of this section after the ~~sixtieth~~ 17502  
seventieth day before the day of the applicable election, ~~or, if~~ 17503  
~~the election is a presidential primary election, after the~~ 17504  
~~forty fifth day before the day of the presidential primary~~ 17505  
~~election,~~ the board of elections shall not remove the person's 17506  
name from the ballot for any office for which that person has been 17507  
disqualified as a candidate. The board of elections shall post a 17508  
notice at each polling location on the day of the applicable 17509  
election, and shall enclose with each absent voter's ballot given 17510  
or mailed after the candidate is disqualified, a notice that votes 17511  
for the person for the office for which the person has been 17512  
disqualified as a candidate will be void and will not be counted. 17513  
If the name is not removed from the ballots before the day of the 17514  
election, the votes for the disqualified candidate are void and 17515  
shall not be counted. 17516

(F) Any vacancy created by the disqualification of a person 17517  
as a candidate under division (C) or (D) of this section may be 17518

filled in the manner provided for in sections 3513.30 and 3513.31 17519  
of the Revised Code. 17520

(G) Nothing in this section or section 3513.04, 3513.041, 17521  
3513.05, 3513.251, 3513.253, 3513.254, 3513.255, 3513.257, 17522  
3513.259, or 3513.261 of the Revised Code prohibits, and the 17523  
secretary of state or a board of elections shall not disqualify, a 17524  
person from being a candidate for an office, if that person timely 17525  
withdraws as a candidate for any offices specified in division (A) 17526  
of this section for which that person first sought to become a 17527  
candidate by filing a declaration of candidacy and petition, a 17528  
declaration of intent to be a write-in candidate, or a nominating 17529  
petition, by party nomination in a primary election, or by the 17530  
filling of a vacancy under section 3513.30 or 3513.31 of the 17531  
Revised Code. 17532

(H) As used in this section: 17533

(1) "State office" means the offices of governor, lieutenant 17534  
governor, secretary of state, auditor of state, treasurer of 17535  
state, attorney general, member of the state board of education, 17536  
member of the general assembly, chief justice of the supreme 17537  
court, and justice of the supreme court. 17538

(2) "Timely withdraws" means either of the following: 17539

(a) Withdrawing as a candidate before the applicable deadline 17540  
for filing a declaration of candidacy, declaration of intent to be 17541  
a write-in candidate, or nominating petition for the subsequent 17542  
office for which the person is seeking to become a candidate at 17543  
the same election; 17544

(b) Withdrawing as a candidate before the applicable deadline 17545  
for the filling of a vacancy under section 3513.30 or 3513.31 of 17546  
the Revised Code, if the person is seeking to become a candidate 17547  
for a subsequent office at the same election under either of those 17548  
sections. 17549

Sec. 3513.121. (A) Any candidate for the presidency of the 17550  
United States who is eligible to receive payments under the 17551  
"Presidential Primary Matching Payment Account Act," 88 Stat. 1297 17552  
(1974), 26 U.S.C.A. 9031, et seq., as amended, may file with the 17553  
secretary of state a declaration of candidacy not later than four 17554  
p.m. of the ~~sixtieth~~ eighty-fifth day before the presidential 17555  
primary election held in the same year the candidate is eligible 17556  
to receive such payments. The candidate shall indicate on ~~his~~ the 17557  
candidate's declaration of candidacy the congressional districts 17558  
in this state where ~~his~~ the candidate's candidacy is to be 17559  
submitted to the electors. Any candidate who files a declaration 17560  
of candidacy pursuant to this division shall also file, or shall 17561  
cause to be filed by a person authorized in writing to represent 17562  
~~him~~ the candidate, not later than four p.m. of the ~~sixtieth~~ 17563  
eighty-fifth day before the same primary election, a list of 17564  
candidates for district delegate and alternate to the national 17565  
convention of ~~his~~ the candidate's political party who have been 17566  
selected in accordance with rules adopted by the state central 17567  
committee of ~~his~~ the candidate's political party. The candidates 17568  
for district delegate and alternate whose names appear on this 17569  
list shall be represented on the ballot in accordance with section 17570  
3513.151 of the Revised Code in every congressional district that 17571  
the presidential candidate named in ~~his~~ the presidential 17572  
candidate's declaration of candidacy, provided that such 17573  
candidates meet the other requirements of this section. 17574

(B) Candidates for delegate at large and alternate at large 17575  
to the national convention of a political party for a presidential 17576  
candidate who submits a declaration of candidacy in accordance 17577  
with division (A) of this section shall be selected in accordance 17578  
with rules adopted by the state central committee of the 17579  
presidential candidate's political party. 17580

(C) Each candidate for district delegate and alternate to the 17581

national convention of a political party selected pursuant to 17582  
division (A) of this section shall file or shall cause to be filed 17583  
with the secretary of state, not later than four p.m. of the 17584  
~~sixtieth~~ eighty-fifth day before the presidential primary election 17585  
in which ~~he~~ the person is a candidate, both of the following: 17586

(1) A declaration of candidacy in the form prescribed in 17587  
section 3513.07 of the Revised Code, but not the petition 17588  
prescribed in that section; 17589

(2) A statement in writing signed by the candidate in which 17590  
~~he~~ the candidate states ~~his~~ the candidate's first and second 17591  
choices for nomination as the candidate of ~~his~~ the candidate's 17592  
party for the presidency of the United States. 17593

(D) A declaration of candidacy filed pursuant to division (A) 17594  
of this section shall be in substantially the form prescribed in 17595  
section 3513.07 of the Revised Code except that the secretary of 17596  
state shall modify that form to include spaces for a presidential 17597  
candidate to indicate in which congressional districts ~~he~~ the 17598  
candidate wishes ~~his~~ the candidate's candidacy to be submitted to 17599  
the electors and shall modify it in any other ways necessary to 17600  
adapt it to use by presidential candidates. A candidate who files 17601  
a declaration of candidacy pursuant to division (A) of this 17602  
section shall not file the petition prescribed in section 3513.07 17603  
of the Revised Code. 17604

(E) Section 3513.151 of the Revised Code applies in regard to 17605  
candidates for delegate and alternate to the national convention 17606  
of a political party selected pursuant to this section. The state 17607  
central committee of the political party of any presidential 17608  
candidate who files a declaration of candidacy pursuant to 17609  
division (A) of this section shall file with the secretary of 17610  
state the rules of its political party in accordance with division 17611  
(E) of section 3513.151 of the Revised Code. 17612

(F) The procedures for the selection of candidates for delegate and alternate to the national convention of a political party set forth in this section and in section 3513.12 of the Revised Code are alternative procedures, and if the procedures of this section are followed, the procedures of section 3513.12 of the Revised Code need not be followed.

**Sec. 3513.122.** Political parties shall be eligible to elect delegates and alternates to national conventions or conferences of their respective political parties, other than conventions provided for in section 3513.12 of the Revised Code, if they notify the secretary of state that they will elect such delegates. Such notification must be made prior to the ~~ninetieth~~ one hundredth day before the day of the primary election which occurs in any year at which national convention or conference delegates and alternates are elected.

Petitions of candidacy for such delegates shall be filed in the form and manner provided by the secretary of state.

Any political party electing delegates to a national convention or conference under this section in an odd-numbered year in which a statewide primary election is not otherwise required shall pay all expenses of that election.

**Sec. 3513.151.** (A) Candidates for delegate and alternate to the national convention of a political party shall be represented on the ballot, or their names shall appear on the ballot, in accordance with this section, but only in a manner that enables an elector to record the vote in the space provided for it by the name of the first choice for president so that the recording of the vote is counted as a vote cast for each candidate for delegate or alternate who has declared such person as that candidate's first choice for president.

(B) The names of candidates for delegate at large and 17643  
alternate at large to the national convention of a political party 17644  
shall not appear on the ballot. Such candidates shall be 17645  
represented on the ballot by their stated first choice for 17646  
president. 17647

(C) The state central committee of each major political 17648  
party, through its chairperson, not later than ~~sixty~~ eighty-five 17649  
days prior to the date of the presidential primary election, shall 17650  
file with the secretary of state a statement that stipulates, in 17651  
accordance with rules adopted by each state central committee at a 17652  
meeting open to all members of the committee's party, whether or 17653  
not the names of candidates for district delegate and district 17654  
alternate to the national convention of that ~~chairpersons's~~ 17655  
chairperson's party are to be printed on the ballot. The secretary 17656  
of state shall prescribe the form of the ballot for the election 17657  
of district delegates and district alternates of each political 17658  
party in accordance with such statement. If the state central 17659  
committee of a political party fails to so provide such statement, 17660  
the secretary of state shall prescribe a form of ballot on which 17661  
the names of candidates for delegate and alternate to such 17662  
national convention do not appear on the ballot. Only the names of 17663  
the presidential first choices of such candidates for delegates 17664  
and alternates shall appear on the ballot. If only the names of 17665  
presidential first choices are printed, the ballot shall provide 17666  
the opportunity for an elector to record the vote in the 17667  
appropriate space provided beside such names and such a vote cast 17668  
shall be counted as a vote for each candidate for delegate and 17669  
alternate who has declared such person as that candidate's first 17670  
choice for president. 17671

If the number of candidates for district delegate or for 17672  
district alternate to the national convention of a political party 17673  
exceeds the number to be elected, the names of such candidates, 17674

when required to appear on the ballot, shall not be rotated, but 17675  
shall be printed in a group on the ballot in alphabetical order 17676  
immediately below or beside first choice for president. This form 17677  
of the ballot shall be prescribed by the secretary so that the 17678  
recording of the vote in the space provided beside the name of 17679  
such choice for president shall be a vote for each candidate whose 17680  
name is included in the grouping. 17681

(D) Candidates, grouped by first choice for president, shall 17682  
be rotated in the same manner as though each grouping were a 17683  
separate candidate. As many series of ballots shall be printed as 17684  
the number of groups to be rotated, with the total number of 17685  
ballots to be printed divided by the number of series to be 17686  
printed in order to determine the number of ballots to be printed 17687  
of each series. On the first series of ballots, the candidates 17688  
shall be alphabetically grouped by their first choice for 17689  
president. On each succeeding series, the group of candidates that 17690  
was the first in the preceding series shall be last and each of 17691  
the other groups shall be moved up one place. The ballots shall be 17692  
rotated and printed as provided in section 3505.03 of the Revised 17693  
Code, except that no indication of membership in or affiliation 17694  
with a political party shall be printed after or under the 17695  
candidate's name. 17696

(E) The state central committee of each major political 17697  
party, through its chairperson, not later than the fifteenth day 17698  
prior to the date of the presidential primary election, shall file 17699  
with the secretary of state the rules of its political party 17700  
adopted by the state central committee at a meeting open to all 17701  
members of the committee's party, which affect the issuance of 17702  
certificates of election to candidates for delegate or alternate 17703  
to its party nominating convention, and the secretary of state 17704  
shall issue certificates of election in accordance with such 17705  
rules. 17706

(F) If party rules prescribe that fewer than all such 17707  
candidates for delegate and alternate are to be elected, 17708  
certificates of election shall be issued in the order preferred by 17709  
the first choice for president and in such numbers that the number 17710  
of delegates and alternates certified as elected reflects, as 17711  
nearly as possible, the proportion to be elected under the party 17712  
rules. 17713

(G) If the state central committee of a political party fails 17714  
to file the rules with the secretary of state pursuant to this 17715  
section, certificates of election shall be issued to the 17716  
candidates for delegate and alternate receiving the highest number 17717  
of votes. 17718

**Sec. 3513.19.** ~~(A) It is the duty of any judge of elections,~~ 17719  
~~whenever any judge of elections doubts that a person attempting to~~ 17720  
~~vote at a primary election is legally entitled to vote at that~~ 17721  
~~election, to challenge the right of that person to vote. The right~~ 17722  
~~of a Any person offering to vote at a primary election may be~~ 17723  
~~challenged upon at the polling place by any judge of elections on~~ 17724  
~~any of the following grounds:~~ 17725

~~(1) That the person whose right to vote is challenged is not~~ 17726  
~~a legally qualified elector;~~ 17727

~~(2) That the person has received or has been promised some~~ 17728  
~~valuable reward or consideration for the person's vote;~~ 17729

~~(3) That the person is not a citizen of the United States;~~ 17730

~~(2) That the person is not a resident of the precinct in~~ 17731  
~~which the person offers to vote;~~ 17732

~~(3) That the person is not eighteen years of age or older;~~ 17733

~~(4) That the person is not a qualified elector for that~~ 17734  
~~election;~~ 17735

~~(5) That the person is not affiliated with or is not a member~~ 17736



of the political party whose ballot the person desires to vote; 17737

(6) That the person is not the elector that the person 17738  
purports to be. Such 17739

Challenges shall be made only if the challenger knows or 17740  
reasonably believes that the challenged elector is not qualified 17741  
and entitled to vote. 17742

If the board of elections has ruled on the question presented 17743  
by a challenge prior to election day, its finding and decision 17744  
shall be final, the presiding judge shall be notified in writing, 17745  
and the judges of elections shall not challenge the elector on 17746  
that ground. If any person is challenged as unqualified to vote, 17747  
the presiding judge shall tender the person the following oath: 17748  
"You do swear or affirm under penalty of election falsification 17749  
that you will fully and truly answer all of the following 17750  
questions put to you concerning your qualifications as an elector 17751  
at this election." 17752

A challenge may only be upheld if a majority of the judges of 17753  
elections for the precinct at which the person offers to vote find 17754  
by clear and convincing evidence that the person challenged is not 17755  
eligible to vote a regular ballot on the grounds so challenged. 17756

(B) If the person is challenged as unqualified on the ground 17757  
that the person is not a citizen, the judges shall put the 17758  
question: "Are you a citizen of the United States?" 17759

If the person answers in the affirmative, the challenge shall 17760  
be denied. If the judges are unable to verify the person's 17761  
eligibility to cast a ballot in the election, the judges shall 17762  
provide to the person, and the person may vote, a provisional 17763  
ballot under section 3505.181 of the Revised Code. 17764

(C) If the person is challenged as unqualified on the ground 17765  
that the person is not a resident of the precinct where the person 17766  
offers to vote, the judges shall put the following questions: 17767

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(1) Do you reside in this precinct?

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(2) When did you move into this precinct?

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(3) When you came into this precinct, did you come for a temporary purpose merely or for the purpose of making it your home?

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(4) What is your current mailing address?

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(5) Do you have some official identification containing your current address in this precinct? Please provide that identification.

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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?

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(7) Have you applied for any absent voter's ballot in any state for this election?

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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 individual refuses to go to the appropriate polling place, or if the judges are unable to verify the person's eligibility to cast a ballot in the election, the judges shall provide to the person, and the person may vote, a provisional ballot under section 3505.181 of the Revised Code.

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

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(1) Are you eighteen years of age or more?

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(2) What is your date of birth?

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

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If the judges are unable to verify the person's age and

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eligibility to cast a ballot in the election, the judges shall 17797  
provide to the person, and the person may vote, a provisional 17798  
ballot under section 3505.181 of the Revised Code. 17799

(E) If the person is challenged as unqualified on the ground 17800  
that the person is not a qualified elector for the applicable 17801  
election, the judges shall put the following questions: 17802

(1) Have you resided in this state for thirty days 17803  
immediately preceding the day of this election? If so, where have 17804  
you resided? 17805

(2) Did you properly register to vote? 17806

(3) Can you provide some form of identification containing 17807  
your current mailing address in this precinct? Please provide that 17808  
identification. 17809

(4) Have you voted or attempted to vote at any other location 17810  
in this or in any other state at this election? 17811

(5) Have you applied for an absent voter's ballot in any 17812  
state for this election? 17813

If the judges are unable to verify the person's eligibility 17814  
to cast a ballot in the election, the judges shall provide to the 17815  
person, and the person may vote, a provisional ballot under 17816  
section 3505.181 of the Revised Code. 17817

(F) If the person is challenged as unqualified on the ground 17818  
that the person is not affiliated with or is not a member of the 17819  
political party whose ballot the person has requested, the 17820  
person's party affiliation shall be determined by examining the 17821  
elector's voting record for the current year and in the 17822  
immediately preceding two calendar years as shown on the voter's 17823  
registration card, using the standards of affiliation specified in 17824  
the seventh paragraph of section 3513.05 of the Revised Code 17825  
record. Division (A)(3) of this section and the seventh paragraph 17826

~~of section 3513.05 of the Revised Code do not prohibit a person 17827  
who holds an elective office for which candidates are nominated at 17828  
a party primary election from doing any of the following: 17829~~

~~(a) If the person voted as a member of a different political 17830  
party at any primary election within the current year and the 17831  
immediately preceding two calendar years, being a candidate for 17832  
nomination at a party primary held during the times specified in 17833  
division (C)(2) of section 3513.191 of the Revised Code provided 17834  
that the person complies with the requirements of that section; 17835~~

~~(b) Circulating the person's own petition of candidacy for 17836  
party nomination in the primary election. 17837~~

~~(B) When the right of a person to vote is challenged upon the 17838  
ground set forth in division (A)(3) of this section, membership in 17839  
or political affiliation with a political party shall be 17840  
determined by the person's statement, made under penalty of 17841  
election falsification, that the person desires to be affiliated 17842  
with and supports the principles of the political party whose 17843  
primary ballot the person desires to vote If the challenge is not 17844  
denied upon examination of the person's voting record, membership 17845  
in or political affiliation with a political party shall be 17846  
determined by the person's statement, made under penalty of 17847  
election falsification, that the person desires to be affiliated 17848  
with and supports the principles of the political party whose 17849  
primary election ballot the person desires to vote. If the person 17850  
refuses to make such a statement, the judges shall provide to the 17851  
person, and the person may vote, a provisional ballot under 17852  
section 3505.181 of the Revised Code. 17853~~

~~(G) If the person is challenged as unqualified on the ground 17854  
that the person is not the elector that the person purports to be, 17855  
the judges shall put the following questions: 17856~~

~~(1) What is your full name, date of birth, and address for 17857~~

voting purposes? 17858

(2) Can you sign your name on this paper so that we can 17859  
compare it with the voter registration records? Please sign this 17860  
paper. 17861

If the judges are unable to verify the person's eligibility 17862  
to cast a ballot in the election, the judges shall provide to the 17863  
person, and the person may vote, a provisional ballot under 17864  
section 3505.181 of the Revised Code. 17865

(H) The person challenging an elector's right to vote bears 17866  
the burden of proving, by clear and convincing evidence, that the 17867  
challenged elector's registration should be canceled. 17868

**Sec. 3513.251.** Nominations of candidates for election as 17869  
officers of a municipal corporation having a population of less 17870  
than two thousand as ascertained by the next preceding federal 17871  
census shall be made only by nominating petition and their 17872  
election shall occur only in nonpartisan elections, unless a 17873  
majority of the electors of such municipal corporation have 17874  
petitioned for a primary election. Nominations of candidates for 17875  
election as officers of a municipal corporation having a 17876  
population of two thousand or more shall be made either by primary 17877  
election in conjunction with a partisan general election or by 17878  
nominating petition in conjunction with a nonpartisan general 17879  
election, as determined under section 3513.01 of the Revised Code. 17880

The nominating petitions of nonpartisan candidates for 17881  
election as officers of a municipal corporation having a 17882  
population of less than two thousand, as ascertained by the most 17883  
recent federal census, shall be signed by not less than ten 17884  
qualified electors of the municipal corporation. Any nominating 17885  
petition filed under this section shall be filed with the board of 17886  
elections not later than four p.m. of the ~~seventy-fifth~~ 17887  
eighty-fifth day before the day of the general election, provided 17888

that no such nominating petition shall be accepted for filing if 17889  
it appears to contain signatures aggregating in number more than 17890  
three times the minimum number of signatures required by this 17891  
section. A board of elections shall not accept for filing a 17892  
nominating petition of a person if that person, for the same 17893  
election, has already filed a declaration of candidacy, a 17894  
declaration of intent to be a write-in candidate, or a nominating 17895  
petition, or has become a candidate through party nomination at a 17896  
primary election or by the filling of a vacancy under section 17897  
3513.30 or 3513.31 of the Revised Code for any other municipal 17898  
office, or for a township office, for member of a city, local, or 17899  
exempted village board of education, or for member of a governing 17900  
board of an educational service center. When a petition of a 17901  
candidate has been accepted for filing by a board of elections, 17902  
the petition shall not be deemed invalid if, upon verification of 17903  
signatures contained in the petition, the board of elections finds 17904  
the number of signatures accepted exceeds three times the minimum 17905  
number of signatures required. A board of elections may 17906  
discontinue verifying signatures when the number of verified 17907  
signatures on a petition equals the minimum required number of 17908  
qualified signatures. 17909

Nomination of nonpartisan candidates for election as officers 17910  
of a municipal corporation having a population of two thousand or 17911  
more, as ascertained by the next preceding federal census, shall 17912  
be made only by nominating petition. Nominating petitions of 17913  
nonpartisan candidates for election as officers of a municipal 17914  
corporation having a population of two thousand or more but less 17915  
than five thousand, as ascertained by the next preceding federal 17916  
census, shall be signed by not less than fifty qualified electors 17917  
of the municipal corporation or ward thereof in the case of the 17918  
nominating petition of a candidate for election as ~~councilman~~ 17919  
councilperson from such ward. Nominating petitions of nonpartisan 17920  
candidates for election as officers of a municipal corporation 17921

having a population of five thousand or more, as ascertained by 17922  
the next preceding federal census, shall be signed by not less 17923  
than fifty qualified electors of the municipal corporation or ward 17924  
thereof in the case of the nominating petition of a candidate for 17925  
election as councilperson from such ward. 17926

**Sec. 3513.253.** Nominations of candidates for election as 17927  
officers of a township shall be made only by nominating petitions, 17928  
unless a majority of the electors of such township have petitioned 17929  
for a primary election. The nominating petitions of nonpartisan 17930  
candidates for township trustee and township fiscal officer shall 17931  
be signed by not less than twenty-five qualified electors of the 17932  
township. Such petition shall be filed with the board of elections 17933  
not later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day 17934  
before the day of the general election, provided that no such 17935  
nominating petition shall be accepted for filing if it appears to 17936  
contain signatures aggregating in number more than three times the 17937  
minimum number of signatures required by this section. A board of 17938  
elections shall not accept for filing a nominating petition of a 17939  
person if that person, for the same election, has already filed a 17940  
declaration of candidacy, a declaration of intent to be a write-in 17941  
candidate, or a nominating petition, or has become a candidate 17942  
through party nomination at a primary election or by the filling 17943  
of a vacancy under section 3513.30 or 3513.31 of the Revised Code 17944  
for any other township office, or for a municipal office, for 17945  
member of a city, local, or exempted village board of education, 17946  
or for member of a governing board of an educational service 17947  
center. When a petition of a candidate has been accepted for 17948  
filing by a board of elections, the petition shall not be deemed 17949  
invalid if, upon verification of signatures contained in the 17950  
petition, the board of elections finds the number of signatures 17951  
accepted exceeds three times the minimum number of signatures 17952  
required. A board of elections may discontinue verifying 17953

signatures when the number of verified signatures on a petition 17954  
equals the minimum required number of qualified signatures. 17955

**Sec. 3513.254.** (A) The name of each candidate for member of a 17956  
city, local, or exempted village board of education shall appear 17957  
on the nonpartisan ballot. Nominating petitions of candidates for 17958  
member of a board of education of a local or exempted village 17959  
school district shall be signed by twenty-five qualified electors 17960  
of the school district. Nominating petitions for candidates for 17961  
member of a board of education of a city school district having a 17962  
population of less than twenty thousand, as ascertained by the 17963  
next preceding federal census, shall be signed by twenty-five 17964  
qualified electors of the school district. Nominating petitions 17965  
for candidates for member of a board of education of a city school 17966  
district having a population of twenty thousand or more but less 17967  
than fifty thousand, as ascertained by the next preceding federal 17968  
census, shall be signed by seventy-five qualified electors of the 17969  
school district. Nominating petitions for candidates for member of 17970  
a board of education of a city school district having a population 17971  
of fifty thousand or more but less than one hundred thousand, as 17972  
ascertained by the next preceding federal census, shall be signed 17973  
by one hundred fifty qualified electors of the school district. 17974  
Nominating petitions for candidates for member of a board of 17975  
education of a city school district having a population of one 17976  
hundred thousand or more, as ascertained by the next preceding 17977  
federal census, shall be signed by three hundred qualified 17978  
electors of the school district. 17979

(B) Nominating petitions shall be filed with the board of 17980  
elections not later than four p.m. of the ~~seventy-fifth~~ 17981  
eighty-fifth day before the day of the general election, provided 17982  
that no such petition shall be accepted for filing if it appears 17983  
to contain signatures aggregating in number more than three times 17984  
the minimum number of signatures required by this section. A board 17985



of elections shall not accept for filing a nominating petition of 17986  
a person if that person, for the same election, has already filed 17987  
a declaration of candidacy, a declaration of intent to be a 17988  
write-in candidate, or a nominating petition, or has become a 17989  
candidate through party nomination at a primary election or by the 17990  
filling of a vacancy under section 3513.30 or 3513.31 of the 17991  
Revised Code for any other position as a member of a city, local, 17992  
or exempted village board of education or position as a member of 17993  
a governing board of an educational service center, or for a 17994  
municipal or township office. When a petition of a candidate has 17995  
been accepted for filing by a board of elections, the petition 17996  
shall not be deemed invalid if, upon verification of signatures 17997  
contained in the petition, the board of elections finds the number 17998  
of signatures accepted exceeds three times the minimum number of 17999  
signatures required. A board of elections may discontinue 18000  
verifying petitions when the number of verified signatures equals 18001  
the minimum required number of qualified signatures. 18002

(C) This section is subject to section 3513.256 of the 18003  
Revised Code. 18004

**Sec. 3513.255.** This section is subject to section 3513.256 of 18005  
the Revised Code. The name of each candidate for election as a 18006  
member of a governing board of an educational service center shall 18007  
appear on the nonpartisan ballot. Each nominating petition shall 18008  
be signed by fifty qualified electors who reside in one of the 18009  
following, as applicable: 18010

(A) The school districts over which the educational service 18011  
center governing board has jurisdiction, in the case of any 18012  
candidate running for a position on any educational service center 18013  
governing board other than a governing board established in 18014  
accordance with section 3311.054 of the Revised Code; 18015

(B) The subdistrict in which the candidate is running, in the 18016

case of a position on a governing board of an educational service center established in accordance with section 3311.054 of the Revised Code.

Each nominating petition shall be filed with the board of elections of the county in which the central administrative offices of the educational service center governing board are located not later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before the day of the general election, provided that no such petition shall be accepted for filing if it appears to contain signatures aggregating in number more than three times the minimum number of signatures required by this section. A board of elections shall not accept for filing a nominating petition of a person if that person, for the same election, has already filed a declaration of candidacy, a declaration of intent to be a write-in candidate, or a nominating petition, or has become a candidate through party nomination at a primary election or by the filling of a vacancy under section 3513.30 or 3513.31 of the Revised Code for any other position as a member of a governing board of an educational service center or position as a member of a city, local, or exempted village board of education, or for a municipal or township office. 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 signatures contained in the petition, the board of elections finds the number of signatures accepted exceeds three times the minimum signatures required. A board of elections may discontinue verifying petitions when the number of verified signatures equals the minimum required number of qualified signatures.

**Sec. 3513.256.** (A) Notwithstanding any provision of the Revised Code to the contrary, for the purpose of nominating candidates for a position as a member of the board of education of a city, local, or exempted village school district or a position

as a member of a governing board of an educational service center, 18049  
the board may adopt, by resolution upon a three-fifths majority 18050  
vote of its total membership, procedures for a nonpartisan primary 18051  
election. Such procedures shall specify the following: 18052

(1) That the primary election for nominating candidates for a 18053  
position as a member of that board shall be held on the same day 18054  
as the primary election for nominating all other candidates for 18055  
public office in that year; 18056

(2) That nominating petitions shall be filed with the board 18057  
of elections not later than four p.m. of the ~~seventy-fifth~~ 18058  
eighty-fifth day before the day of the primary election; 18059

(3) That the primary election shall take place only if the 18060  
number of candidates for nomination for a position on that board, 18061  
as verified by the board of elections, is at least one more than 18062  
two times the number of available positions on that board at the 18063  
general election; 18064

(4) That the number of candidates advancing from the primary 18065  
election to the general election shall equal two times the number 18066  
of available positions on that board at the general election. 18067

The board shall notify the board of elections upon adoption 18068  
of a resolution under this division. No such resolution shall 18069  
apply for a particular election unless the resolution is adopted 18070  
at least one hundred twenty days prior to the deadline specified 18071  
in the resolution to become a candidate for nomination at that 18072  
election. Subject to division (B) of this section, the resolution 18073  
shall apply to all subsequent nominations for a position as a 18074  
member of that board. 18075

(B) Not earlier than five years after the adoption of a 18076  
resolution under division (A) of this section, the board of 18077  
education of a city, local, or exempted village school district or 18078  
the governing board of an educational service center may rescind 18079

that resolution by subsequent resolution upon a three-fifths 18080  
majority vote of its total membership. 18081

The board shall notify the board of elections of any 18082  
resolution adopted under this division. No such resolution shall 18083  
apply to a particular election unless the resolution is adopted at 18084  
least one hundred twenty days prior to the deadline to become a 18085  
candidate for nomination at that election under the nomination 18086  
procedures the resolution is rescinding. Subject to division (D) 18087  
of this section, the requirements of Chapter 3513. of the Revised 18088  
Code shall apply to all subsequent nominations for a position as a 18089  
member of that board. 18090

(C) Any candidate nominated pursuant to a resolution adopted 18091  
under division (A) of this section shall appear on the nonpartisan 18092  
ballot at the general election as prescribed in sections 3505.04, 18093  
3513.254, and 3513.255 of the Revised Code. 18094

(D) Nothing in this section prohibits or shall be construed 18095  
to prohibit the board of education of a city, local, or exempted 18096  
village school district or the governing board of an educational 18097  
service center that has rescinded a resolution under division (B) 18098  
of this section from subsequently adopting the same or different 18099  
procedures for a nonpartisan primary election by adopting a 18100  
resolution under division (A) of this section. 18101

**Sec. 3513.257.** Each person desiring to become an independent 18102  
candidate for an office for which candidates may be nominated at a 18103  
primary election, except persons desiring to become independent 18104  
joint candidates for the offices of governor and lieutenant 18105  
governor and for the offices of president and vice-president of 18106  
the United States, shall file no later than four p.m. of the day 18107  
before the day of the primary election immediately preceding the 18108  
general election at which such candidacy is to be voted for by the 18109  
voters, a statement of candidacy and nominating petition as 18110

provided in section 3513.261 of the Revised Code. Persons desiring 18111  
to become independent joint candidates for the offices of governor 18112  
and lieutenant governor shall file, not later than four p.m. of 18113  
the day before the day of the primary election, one statement of 18114  
candidacy and one nominating petition for the two of them. Persons 18115  
desiring to become independent joint candidates for the offices of 18116  
president and vice-president of the United States shall file, not 18117  
later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before 18118  
the day of the general election at which the president and 18119  
vice-president are to be elected, one statement of candidacy and 18120  
one nominating petition for the two of them. The prospective 18121  
independent joint candidates' statement of candidacy shall be 18122  
filed with the nominating petition as one instrument. 18123

The statement of candidacy and separate petition papers of 18124  
each candidate or pair of joint candidates shall be filed at the 18125  
same time as one instrument. 18126

The nominating petition shall contain signatures of qualified 18127  
electors of the district, political subdivision, or portion of a 18128  
political subdivision in which the candidacy is to be voted on in 18129  
an amount to be determined as follows: 18130

(A) If the candidacy is to be voted on by electors throughout 18131  
the entire state, the nominating petition, including the 18132  
nominating petition of independent joint candidates for the 18133  
offices of governor and lieutenant governor, shall be signed by no 18134  
less than five thousand qualified electors, provided that no 18135  
petition shall be accepted for filing if it purports to contain 18136  
more than fifteen thousand signatures. 18137

(B) If the candidacy is to be voted on by electors in any 18138  
district, political subdivision, or part thereof in which less 18139  
than five thousand electors voted for the office of governor at 18140  
the most recent election for that office, the nominating petition 18141  
shall contain signatures of not less than twenty-five qualified 18142

electors of the district, political subdivision, or part thereof, 18143  
or a number of qualified signatures equal to at least five per 18144  
cent of that vote, if this number is less than twenty-five. 18145

(C) If the candidacy is to be voted on by electors in any 18146  
district, political subdivision, or part thereof in which five 18147  
thousand or more electors voted for the office of governor at the 18148  
most recent election for that office, the nominating petition 18149  
shall contain a number of signatures equal to at least one per 18150  
cent of those electors. 18151

All nominating petitions of candidates for offices to be 18152  
voted on by electors throughout the entire state shall be filed in 18153  
the office of the secretary of state. No nominating petition for 18154  
the offices of president and vice-president of the United States 18155  
shall be accepted for filing unless there is submitted to the 18156  
secretary of state, at the time of filing the petition, a slate of 18157  
presidential electors sufficient in number to satisfy the 18158  
requirement of the United States Constitution. The secretary of 18159  
state shall not accept for filing the statement of candidacy of a 18160  
person who desires to be an independent candidate for the office 18161  
of governor unless it also shows the joint candidacy of a person 18162  
who desires to be an independent candidate for the office of 18163  
lieutenant governor, shall not accept for filing the statement of 18164  
candidacy of a person who desires to be an independent candidate 18165  
for the office of lieutenant governor unless it also shows the 18166  
joint candidacy of a person who desires to be an independent 18167  
candidate for the office of governor, and shall not accept for 18168  
filing the statement of candidacy of a person who desires to be an 18169  
independent candidate to the office of governor or lieutenant 18170  
governor who, for the same election, has already filed a 18171  
declaration of candidacy, a declaration of intent to be a write-in 18172  
candidate, or a statement of candidacy, or has become a candidate 18173  
by the filling of a vacancy under section 3513.30 of the Revised 18174

Code for any other state office or any federal or county office. 18175

Nominating petitions of candidates for offices to be voted on 18176  
by electors within a district or political subdivision comprised 18177  
of more than one county but less than all counties of the state 18178  
shall be filed with the boards of elections of that county or part 18179  
of a county within the district or political subdivision which had 18180  
a population greater than that of any other county or part of a 18181  
county within the district or political subdivision according to 18182  
the last federal decennial census. 18183

Nominating petitions for offices to be voted on by electors 18184  
within a county or district smaller than a county shall be filed 18185  
with the board of elections for such county. 18186

No petition other than the petition of a candidate whose 18187  
candidacy is to be considered by electors throughout the entire 18188  
state shall be accepted for filing if it appears on its face to 18189  
contain more than three times the minimum required number of 18190  
signatures. A board of elections shall not accept for filing a 18191  
nominating petition of a person seeking to become a candidate if 18192  
that person, for the same election, has already filed a 18193  
declaration of candidacy, a declaration of intent to be a write-in 18194  
candidate, or a nominating petition, or has become a candidate by 18195  
the filling of a vacancy under section 3513.30 of the Revised Code 18196  
for any federal, state, or county office, if the nominating 18197  
petition is for a state or county office, or for any municipal or 18198  
township office, for member of a city, local, or exempted village 18199  
board of education, or for member of a governing board of an 18200  
educational service center, if the nominating petition is for a 18201  
municipal or township office, or for member of a city, local, or 18202  
exempted village board of education, or for member of a governing 18203  
board of an educational service center. When a petition of a 18204  
candidate has been accepted for filing by a board of elections, 18205  
the petition shall not be deemed invalid if, upon verification of 18206

signatures contained in the petition, the board of elections finds 18207  
the number of signatures accepted exceeds three times the minimum 18208  
number of signatures required. A board of elections may 18209  
discontinue verifying signatures when the number of verified 18210  
signatures on a petition equals the minimum required number of 18211  
qualified signatures. 18212

Any nonjudicial candidate who files a nominating petition may 18213  
request, at the time of filing, that the candidate be designated 18214  
on the ballot as a nonparty candidate or as an other-party 18215  
candidate, or may request that the candidate's name be placed on 18216  
the ballot without any designation. Any such candidate who fails 18217  
to request a designation either as a nonparty candidate or as an 18218  
other-party candidate shall have the candidate's name placed on 18219  
the ballot without any designation. 18220

The purpose of establishing a filing deadline for independent 18221  
candidates prior to the primary election immediately preceding the 18222  
general election at which the candidacy is to be voted on by the 18223  
voters is to recognize that the state has a substantial and 18224  
compelling interest in protecting its electoral process by 18225  
encouraging political stability, ensuring that the winner of the 18226  
election will represent a majority of the community, providing the 18227  
electorate with an understandable ballot, and enhancing voter 18228  
education, thus fostering informed and educated expressions of the 18229  
popular will in a general election. The filing deadline for 18230  
independent candidates required in this section prevents 18231  
splintered parties and unrestrained factionalism, avoids political 18232  
fragmentation, and maintains the integrity of the ballot. The 18233  
deadline, one day prior to the primary election, is the least 18234  
drastic or restrictive means of protecting these state interests. 18235  
The general assembly finds that the filing deadline for 18236  
independent candidates in primary elections required in this 18237  
section is reasonably related to the state's purpose of ensuring 18238



fair and honest elections while leaving unimpaired the political, 18239  
voting, and associational rights secured by the first and 18240  
fourteenth amendments to the United States Constitution. 18241

**Sec. 3513.259.** Nominations of candidates for the office of 18242  
member of the state board of education shall be made only by 18243  
nominating petition. The nominating petition of a candidate for 18244  
the office of member of the state board of education shall be 18245  
signed by not less than one hundred qualified electors. 18246

No such nominating petition shall be accepted for filing if 18247  
it appears on its face to contain signatures aggregating in number 18248  
more than three times the minimum number of signatures required by 18249  
this section. A board of elections shall not accept for filing a 18250  
nominating petition of a person if that person, for the same 18251  
election, has already filed a declaration of candidacy, a 18252  
declaration of intent to be a write-in candidate, or a nominating 18253  
petition, or has become a candidate through party nomination at a 18254  
primary election or by the filling of a vacancy under section 18255  
3513.30 or 3513.31 of the Revised Code, to be a candidate for any 18256  
other state office or any federal or county office. When a 18257  
petition of a candidate has been accepted for filing by a board of 18258  
elections, the petition shall not be deemed invalid if, upon 18259  
verification of signatures contained in the petition, the board of 18260  
elections finds the number of signatures accepted exceeds three 18261  
times the minimum number of signatures required. A board of 18262  
elections may discontinue verifying signatures when the number of 18263  
verified signatures equals the minimum required number of 18264  
signatures. Such petition shall be filed with the board of 18265  
elections of the most populous county in such district not later 18266  
than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before the 18267  
day of the general election at which state board of education 18268  
members are elected. 18269

Each nominating petition shall be signed by qualified 18270  
electors residing in the district in which the candidate 18271  
designated therein would be a candidate for election to the office 18272  
of member of the state board of education. Each candidate shall be 18273  
a qualified elector residing in the district in which the 18274  
candidate seeks election to such office. 18275

As the word "district" is used in this section, it refers to 18276  
a district created under section 3301.01 of the Revised Code. 18277

**Sec. 3513.263.** The nominating petitions of all candidates 18278  
required to be filed before four p.m. of the ~~seventy-fifth~~ 18279  
eighty-fifth day before the day of the general election, shall be 18280  
processed as follows: 18281

If such petition is filed with the secretary of state, ~~he~~ the 18282  
secretary of state shall promptly transmit to each board such 18283  
separate petition papers as purports to contain signatures of 18284  
electors of the county of such board. 18285

If such petition is filed with the board of a county in which 18286  
the major portion of the population of a subdivision is located, 18287  
such board shall promptly transmit to the board of each county in 18288  
which other portions of such subdivision are located such separate 18289  
petition papers of the petition as purport to contain signatures 18290  
of electors of such county. 18291

All petition papers so transmitted to a board of elections, 18292  
and all nominating petitions filed with a board of elections 18293  
shall, under proper regulation, be open to public inspection until 18294  
four p.m. of the ~~seventieth~~ eightieth day before the day of such 18295  
general election. Each board shall, not later than the 18296  
~~sixty-eighth~~ seventy-eighth day before the day of such general 18297  
election examine and determine the sufficiency of the signatures 18298  
on the petition papers transmitted to or filed with it and the 18299  
validity or invalidity of petitions filed with it, and shall 18300

return to each other board all petition papers transmitted to it 18301  
by such other board, together with its certification of its 18302  
determination as to the validity or invalidity of signatures 18303  
thereon. All other matters affecting the validity or invalidity of 18304  
such petition papers shall be determined by the board with whom 18305  
such petition papers were filed. 18306

Written protests against such nominating petitions may be 18307  
filed by any qualified elector eligible to vote for the candidate 18308  
whose nominating petition ~~he~~ the elector objects to, not later 18309  
than the ~~sixty-fourth~~ seventy-fourth day before the general 18310  
election. Such protests shall be filed with the election officials 18311  
with whom the nominating petition was filed. Upon the filing of 18312  
such protests, the election officials with whom it is filed shall 18313  
promptly fix the time and place for hearing it, and shall 18314  
forthwith mail notice of the filing of such protest and the time 18315  
and place for hearing it to the person whose nomination is 18316  
protested. They shall also forthwith mail notice of the time and 18317  
place fixed for the hearing to the person who filed the protest. 18318  
At the time and place fixed, such election officials shall hear 18319  
the protest and determine the ~~validity~~ validity or invalidity of 18320  
the petition. Such determination shall be final. 18321

**Sec. 3513.30.** (A)(1) If only one valid declaration of 18322  
candidacy is filed for nomination as a candidate of a political 18323  
party for an office and that candidate dies prior to the tenth day 18324  
before the primary election, both of the following may occur: 18325

(a) The political party whose candidate died may fill the 18326  
vacancy so created as provided in division (A)(2) of this section. 18327

(b) Any ~~major~~ political party other than the one whose 18328  
candidate died may select a candidate as provided in division 18329  
(A)(2) of this section under either of the following 18330  
circumstances: 18331

(i) No person has filed a valid declaration of candidacy for nomination as that party's candidate at the primary election. 18332  
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(ii) Only one person has filed a valid declaration of candidacy for nomination as that party's candidate at the primary election, that person has withdrawn, died, or been disqualified under section 3513.052 of the Revised Code, and the vacancy so created has not been filled. 18334  
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(2) A vacancy may be filled under division (A)(1)(a) and a selection may be made under division (A)(1)(b) of this section by the appropriate committee of the political party in the same manner as provided in divisions (A) to (E) of section 3513.31 of the Revised Code for the filling of similar vacancies created by withdrawals or disqualifications under section 3513.052 of the Revised Code after the primary election, except that the certification required under that section may not be filed with the secretary of state, or with a board of the most populous county of a district, or with the board of a county in which the major portion of the population of a subdivision is located, later than four p.m. of the tenth day before the day of such primary election, or with any other board later than four p.m. of the fifth day before the day of such primary election. 18339  
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(3) If only one valid declaration of candidacy is filed for nomination as a candidate of a political party for an office and that candidate dies on or after the tenth day before the day of the primary election, that candidate is considered to have received the nomination of that candidate's political party at that primary election, and, for purposes of filling the vacancy so created, that candidate's death shall be treated as if that candidate died on the day after the day of the primary election. 18353  
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(B) Any person filing a declaration of candidacy may withdraw as such candidate at any time prior to the primary election, ~~or,~~ if the primary election is a presidential primary election, at any 18361  
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~~time prior to the fiftieth day before the presidential primary~~ 18364  
~~election.~~ The withdrawal shall be effected and the statement of 18365  
withdrawal shall be filed in accordance with the procedures 18366  
prescribed in division (D) of this section for the withdrawal of 18367  
persons nominated in a primary election or by nominating petition. 18368

(C) A person who is the first choice for president of the 18369  
United States by a candidate for delegate or alternate to a 18370  
national convention of a political party may withdraw consent for 18371  
the selection of the person as such first choice no later than 18372  
four p.m. of the ~~thirtieth~~ fortieth day before the day of the 18373  
presidential primary election. Withdrawal of consent shall be for 18374  
the entire slate of candidates for delegates and alternates who 18375  
named such person as their presidential first choice and shall 18376  
constitute withdrawal from the primary election by such delegates 18377  
and alternates. The withdrawal shall be made in writing and 18378  
delivered to the secretary of state. If the withdrawal is 18379  
delivered to the secretary of state on or before the ~~sixtieth~~ 18380  
seventieth day before the day of the primary election, ~~or, if the~~ 18381  
~~election is a presidential primary election, on or before the~~ 18382  
~~forty fifth day before the day of the presidential primary~~ 18383  
~~election,~~ the boards of elections shall remove both the name of 18384  
the withdrawn first choice and the names of such withdrawn 18385  
candidates from the ballots according to the directions of the 18386  
secretary of state. If the withdrawal is delivered to the 18387  
secretary of state after the ~~sixtieth~~ seventieth day before the 18388  
day of the primary election, ~~or, if the election is a presidential~~ 18389  
~~primary election, after the forty fifth day before the day of the~~ 18390  
~~presidential primary election,~~ the board of elections shall not 18391  
remove the name of the withdrawn first choice and the names of the 18392  
withdrawn candidates from the ballots. The board of elections 18393  
shall post a notice at each polling location on the day of the 18394  
primary election, and shall enclose with each absent voter's 18395  
ballot given or mailed after the candidate withdraws, a notice 18396

that votes for the withdrawn first choice or the withdrawn candidates will be void and will not be counted. If such names are not removed from all ballots before the day of the election, the votes for the withdrawn first choice or the withdrawn candidates are void and shall not be counted.

(D) Any person nominated in a primary election, pursuant to section 3513.02 of the Revised Code, or by nominating petition as a candidate for election at the next general election may withdraw as such candidate at any time prior to the general election. Such withdrawal may be effected by the filing of a written statement by such candidate announcing the candidate's withdrawal and requesting that the candidate's name not be printed on the ballots. If such candidate's declaration of candidacy or nominating petition was filed with the secretary of state, the candidate's statement of withdrawal shall be addressed to and filed with the secretary of state. If such candidate's declaration of candidacy or nominating petition was filed with a board of elections, the candidate's statement of withdrawal shall be addressed to and filed with such board.

(E) When a person withdraws under division (B) or (D) of this section on or before the ~~sixtieth~~ seventieth day before the day of the primary election or the general 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 board of elections shall remove the name of the withdrawn candidate from the ballots according to the directions of the secretary of state. When a person withdraws under division (B) or (D) of this section after the ~~sixtieth~~ seventieth day before the day of the primary election or the general 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 candidate

from the ballots. The board of elections shall post a notice at 18429  
each polling place on the day of the ~~primary~~ election, and shall 18430  
enclose with each absent voter's ballot given or mailed after the 18431  
candidate withdraws, a notice that votes for the withdrawn 18432  
candidate will be void and will not be counted. If the name is not 18433  
removed from all ballots before the day of the election, the votes 18434  
for the withdrawn candidate are void and shall not be counted. 18435

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**Sec. 3513.31.** (A) If a person nominated in a primary election 18437  
as a candidate for election at the next general election, whose 18438  
candidacy is to be submitted to the electors of the entire state, 18439  
withdraws as that candidate or is disqualified as that candidate 18440  
under section 3513.052 of the Revised Code, the vacancy in the 18441  
party nomination so created may be filled by the state central 18442  
committee of the major political party that made the nomination at 18443  
the primary election, if the committee's chairperson and secretary 18444  
certify the name of the person selected to fill the vacancy by the 18445  
time specified in this division, at a meeting called for that 18446  
purpose. The meeting shall be called by the chairperson of that 18447  
committee, who shall give each member of the committee at least 18448  
two days' notice of the time, place, and purpose of the meeting. 18449  
If a majority of the members of the committee are present at the 18450  
meeting, a majority of those present may select a person to fill 18451  
the vacancy. The chairperson and secretary of the meeting shall 18452  
certify in writing and under oath to the secretary of state, not 18453  
later than the ~~seventy-sixth~~ eighty-sixth day before the day of 18454  
the general election, the name of the person selected to fill the 18455  
vacancy. The certification must be accompanied by the written 18456  
acceptance of the nomination by the person whose name is 18457  
certified. A vacancy that may be filled by ~~an intermediate or a~~ 18458  
minor political party shall be filled in accordance with the 18459  
party's rules by authorized officials of the party. Certification 18460

must be made as in the manner provided for a major political party. 18461  
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(B) If a person nominated in a primary election as a party candidate for election at the next general election, whose candidacy is to be submitted to the electors of a district comprised of more than one county but less than all of the counties of the state, withdraws as that candidate or is disqualified as that candidate under section 3513.052 of the Revised Code, the vacancy in the party nomination so created may be filled by a district committee of the major political party that made the nomination at the primary election, if the committee's chairperson and secretary certify the name of the person selected to fill the vacancy by the time specified in this division, at a meeting called for that purpose. The district committee shall consist of the chairperson and secretary of the county central committee of such political party in each county in the district. The district committee shall be called by the chairperson of the county central committee of such political party of the most populous county in the district, who shall give each member of the district committee at least two days' notice of the time, place, and purpose of the meeting. If a majority of the members of the district committee are present at the district committee meeting, a majority of those present may select a person to fill the vacancy. The chairperson and secretary of the meeting shall certify in writing and under oath to the board of elections of the most populous county in the district, not later than four p.m. of the ~~seventy-sixth~~ eighty-sixth day before the day of the general election, the name of the person selected to fill the vacancy. The certification must be accompanied by the written acceptance of the nomination by the person whose name is certified. A vacancy that may be filled by ~~an intermediate or a~~ minor political party shall be filled in accordance with the party's rules by authorized officials of the party. Certification

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must be made as in the manner provided for a major political party. 18494  
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(C) If a person nominated in a primary election as a party candidate for election at the next general election, whose candidacy is to be submitted to the electors of a county, withdraws as that candidate or is disqualified as that candidate under section 3513.052 of the Revised Code, the vacancy in the party nomination so created may be filled by the county central committee of the major political party that made the nomination at the primary election, or by the county executive committee if so authorized, if the committee's chairperson and secretary certify the name of the person selected to fill the vacancy by the time specified in this division, at a meeting called for that purpose. The meeting shall be called by the chairperson of that committee, who shall give each member of the committee at least two days' notice of the time, place, and purpose of the meeting. If a majority of the members of the committee are present at the meeting, a majority of those present may select a person to fill the vacancy. The chairperson and secretary of the meeting shall certify in writing and under oath to the board of that county, not later than four p.m. of the ~~seventy-sixth~~ eighty-sixth day before the day of the general election, the name of the person selected to fill the vacancy. The certification must be accompanied by the written acceptance of the nomination by the person whose name is certified. A vacancy that may be filled by ~~an intermediate or a~~ minor political party shall be filled in accordance with the party's rules by authorized officials of the party. Certification must be made as in the manner provided for a major political party. 18496  
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(D) If a person nominated in a primary election or pursuant to section 3513.02 of the Revised Code as a party candidate for election at the next general election, whose candidacy is to be 18523  
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submitted to the electors of a district within a county, withdraws 18526  
as that candidate or is disqualified as that candidate under 18527  
section 3513.052 of the Revised Code, the vacancy in the party 18528  
nomination so created may be filled by a district committee 18529  
consisting of those members of the county central committee or, if 18530  
so authorized, those members of the county executive committee in 18531  
that county of the major political party that made the nomination 18532  
at the primary election who represent the precincts or the wards 18533  
and townships within the district, if the committee's chairperson 18534  
and secretary certify the name of the person selected to fill the 18535  
vacancy by the time specified in this division, at a meeting 18536  
called for that purpose. The district committee meeting shall be 18537  
called by the chairperson of the county central committee or 18538  
executive committee, as appropriate, who shall give each member of 18539  
the district committee at least two days' notice of the time, 18540  
place, and purpose of the meeting. If a majority of the members of 18541  
the district committee are present at the district committee 18542  
meeting, a majority of those present may select a person to fill 18543  
the vacancy. The chairperson and secretary of the district 18544  
committee meeting shall certify in writing and under oath to the 18545  
board of the county, not later than four p.m. of the ~~seventy-sixth~~ 18546  
eighty-sixth day before the day of the general election, the name 18547  
of the person selected to fill the vacancy. The certification must 18548  
be accompanied by the written acceptance of the nomination by the 18549  
person whose name is certified. A vacancy that may be filled by ~~an~~ 18550  
~~intermediate~~ or a minor political party shall be filled in 18551  
accordance with the party's rules by authorized officials of the 18552  
party. Certification must be made as in the manner provided for a 18553  
major political party. 18554

(E) If a person nominated in a primary election or pursuant 18555  
to section 3513.02 of the Revised Code as a party candidate for 18556  
election at the next general election, whose candidacy is to be 18557  
submitted to the electors of a subdivision within a county, 18558

withdraws as that candidate or is disqualified as that candidate 18559  
under section 3513.052 of the Revised Code, the vacancy in the 18560  
party nomination so created may be filled by a subdivision 18561  
committee consisting of those members of the county central 18562  
committee or, if so authorized, those members of the county 18563  
executive committee in that county of the major political party 18564  
that made the nomination at that primary election who represent 18565  
the precincts or the wards and townships within that subdivision, 18566  
if the committee's chairperson and secretary certify the name of 18567  
the person selected to fill the vacancy by the time specified in 18568  
this division, at a meeting called for that purpose. 18569

The subdivision committee meeting shall be called by the 18570  
chairperson of the county central committee or executive 18571  
committee, as appropriate, who shall give each member of the 18572  
subdivision committee at least two days' notice of the time, 18573  
place, and purpose of the meeting. If a majority of the members of 18574  
the subdivision committee are present at the subdivision committee 18575  
meeting, a majority of those present may select a person to fill 18576  
the vacancy. The chairperson and secretary of the subdivision 18577  
committee meeting shall certify in writing and under oath to the 18578  
board of the county, not later than four p.m. of the ~~seventy-sixth~~ 18579  
eighty-sixth day before the day of the general election, the name 18580  
of the person selected to fill the vacancy. The certification must 18581  
be accompanied by the written acceptance of the nomination by the 18582  
person whose name is certified. A vacancy that may be filled by ~~an~~ 18583  
~~intermediate or~~ a minor political party shall be filled in 18584  
accordance with the party's rules by authorized officials of the 18585  
party. Certification must be made in the manner provided for a 18586  
major political party. 18587

(F) If a person nominated by petition as an independent or 18588  
nonpartisan candidate for election at the next general election 18589  
withdraws as that candidate or is disqualified as that candidate 18590

under section 3513.052 of the Revised Code, the vacancy so created 18591  
may be filled by a majority of the committee of five, as 18592  
designated on the candidate's nominating petition, if a member of 18593  
that committee certifies in writing and under oath to the election 18594  
officials with whom the candidate filed the candidate's nominating 18595  
petition, not later than the ~~seventy-sixth~~ eighty-sixth day before 18596  
the day of the general election, the name of the person selected 18597  
to fill the vacancy. The certification shall be accompanied by the 18598  
written acceptance of the nomination by the person whose name is 18599  
certified and shall be made in the manner provided for a major 18600  
political party. 18601

(G) If a person nominated in a primary election or pursuant 18602  
to section 3513.02 of the Revised Code as a party candidate for 18603  
election at the next general election dies, the vacancy so created 18604  
may be filled by the same committee in the same manner as provided 18605  
in this section for the filling of similar vacancies created by 18606  
withdrawals or disqualifications under section 3513.052 of the 18607  
Revised Code, except that the certification, when filling a 18608  
vacancy created by death, may not be filed with the secretary of 18609  
state, or with a board of the most populous county of a district, 18610  
or with the board of a county in which the major portion of the 18611  
population of a subdivision is located, later than four p.m. of 18612  
the tenth day before the day of such general election, or with any 18613  
other board later than four p.m. of the fifth day before the day 18614  
of such general election. 18615

(H) If a person nominated by petition as an independent or 18616  
nonpartisan candidate for election at the next general election 18617  
dies prior to the tenth day before the day of that general 18618  
election, the vacancy so created may be filled by a majority of 18619  
the committee of five designated in the nominating petition to 18620  
represent the candidate named in it. To fill the vacancy a member 18621  
of the committee shall, not later than four p.m. of the fifth day 18622

before the day of the general election, file with the election 18623  
officials with whom the petition nominating the person was filed, 18624  
a certificate signed and sworn to under oath by a majority of the 18625  
members, designating the person they select to fill the vacancy. 18626  
The certification must be accompanied by the written acceptance of 18627  
the nomination by the person whose name is so certified. 18628

(I) If a person holding an elective office for which a 18629  
candidate may be nominated by a political party at a primary 18630  
election or pursuant to section 3513.02 of the Revised Code dies 18631  
or resigns subsequent to the ~~one-hundredth~~ one hundred tenth day 18632  
before the day of a primary election and prior to the 18633  
~~seventy-sixth~~ eighty-sixth day before the day of the next general 18634  
election, and if, under the laws of this state, a person may be 18635  
elected at that general election to fill the unexpired term of the 18636  
person who has died or resigned, the appropriate committee of each 18637  
political party, acting as in the case of a vacancy in a party 18638  
nomination, as provided in divisions (A) to (D) of this section, 18639  
may select a person as the party candidate for election for such 18640  
unexpired term at that general election, and certify the person's 18641  
name to the appropriate election official not later than four p.m. 18642  
on the ~~seventy-sixth~~ eighty-sixth day before the day of that 18643  
general election, or on the tenth day following the day on which 18644  
the vacancy occurs, whichever is later. When the vacancy occurs on 18645  
or subsequent to the ~~seventy-sixth~~ eighty-sixth day and six or 18646  
more days prior to the ~~fortieth~~ fiftieth day before the general 18647  
election, the appropriate committee may select a person as the 18648  
party candidate and certify the person's name, as provided in the 18649  
preceding sentence, not later than four p.m. on the tenth day 18650  
following the day on which the vacancy occurs. When the vacancy 18651  
occurs fewer than six days before the ~~fortieth~~ fiftieth day before 18652  
the general election, the deadline for filing shall be four p.m. 18653  
on the ~~thirty-sixth~~ forty-sixth day before the general election. 18654  
Thereupon the name shall be printed as the party candidate under 18655

proper titles and in the proper place on the proper ballots for 18656  
use at the election. If a person has been nominated in a primary 18657  
election, the authorized committee of that political party shall 18658  
not select and certify a person as the party candidate. 18659

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(J) Each person desiring to become an independent candidate 18661  
to fill the unexpired term for an office for which a candidate may 18662  
be nominated by a political party at a primary election or 18663  
pursuant to section 3513.02 of the Revised Code shall file a 18664  
statement of candidacy and nominating petition, as provided in 18665  
section 3513.261 of the Revised Code, with the appropriate 18666  
election official not later than four p.m. on the tenth day 18667  
following the day on which the vacancy occurs, provided that when 18668  
the vacancy occurs fewer than six days before the ~~fortieth~~ 18669  
fiftieth day before the general election, the deadline for filing 18670  
shall be four p.m. on the ~~thirty-sixth~~ forty-sixth day before the 18671  
general election. The nominating petition shall contain at least 18672  
seven hundred fifty signatures and no more than one thousand five 18673  
hundred signatures of qualified electors of the district, 18674  
political subdivision, or portion of a political subdivision in 18675  
which the office is to be voted upon, or the amount provided for 18676  
in section 3513.257 of the Revised Code, whichever is less. 18677

(K) When a person nominated as a candidate by a political 18678  
party in a primary election, pursuant to section 3513.02 of the 18679  
Revised Code, or by nominating petition for an elective office for 18680  
which candidates are nominated at a party primary election 18681  
withdraws, dies, or is disqualified under section 3513.052 of the 18682  
Revised Code prior to the general election, the appropriate 18683  
committee of any other ~~major~~ political party or committee of five 18684  
that has not nominated a candidate for that office, or whose 18685  
nominee as a candidate for that office has withdrawn, died, or 18686  
been disqualified without the vacancy so created having been 18687

filled, may, acting as in the case of a vacancy in a party 18688  
nomination or nomination by petition as provided in divisions (A) 18689  
to (F) of this section, whichever is appropriate, select a person 18690  
as a candidate of that party or of that committee of five for 18691  
election to the office. 18692

**Sec. 3513.311.** (A) If a candidate for lieutenant governor 18693  
dies, withdraws, or is disqualified as a candidate prior to the 18694  
~~sixtieth~~ seventieth day before the day of a primary election, the 18695  
vacancy on the ballot shall be filled by appointment by the joint 18696  
candidate for the office of governor. Such candidate for governor 18697  
shall certify in writing and under oath to the secretary of state 18698  
not later than the ~~fifty-fifth~~ sixty-fifth day before the day of 18699  
such election the name and residence address of the person 18700  
selected to fill such vacancy. 18701

(B) If a candidate for governor dies, withdraws, or is 18702  
disqualified as a candidate prior to the ~~sixtieth~~ seventieth day 18703  
before the day of a primary election, the vacancy on the ballot 18704  
shall be filled by appointment by the joint candidate for the 18705  
office of lieutenant governor. Such candidate for lieutenant 18706  
governor shall certify in writing and under oath to the secretary 18707  
of state not later than the ~~fifty-fifth~~ sixty-fifth day before the 18708  
day of such election the name and residence address of the person 18709  
selected to fill such vacancy. 18710

(C) If a candidate for the office of lieutenant governor dies 18711  
on or after the ~~sixtieth~~ seventieth day, but prior to the tenth 18712  
day, before a primary election, the vacancy so created shall be 18713  
filled by appointment by the joint candidate for the office of 18714  
governor. Such candidate for governor shall certify in writing and 18715  
under oath to the secretary of state not later than the fifth day 18716  
before the day of such election the name and residence address of 18717  
the person selected to fill such vacancy. 18718

(D) If a candidate for the office of governor dies on or 18719  
after the ~~sixtieth~~ seventieth day, but prior to the tenth day, 18720  
before a primary election, the vacancy so created shall be filled 18721  
by appointment by the joint candidate for the office of lieutenant 18722  
governor. Such candidate for lieutenant governor shall certify in 18723  
writing and under oath to the secretary of state not later than 18724  
the fifth day before the day of such election the name and 18725  
residence address of the person selected to fill such vacancy. 18726

(E) If a person nominated in a primary election as a 18727  
candidate for election to the office of governor or lieutenant 18728  
governor at the next general election withdraws as such candidate 18729  
prior to the ~~eightieth~~ ninetieth day before the day of the general 18730  
election or dies prior to the tenth day before the day of such 18731  
general election, the vacancy so created shall be filled in the 18732  
manner provided for by section 3513.31 of the Revised Code. 18733

(F) If a person nominated by petition as a candidate for 18734  
election to the office of governor or lieutenant governor 18735  
withdraws as such candidate prior to the ~~eightieth~~ ninetieth day 18736  
before the day of the general election or dies prior to the tenth 18737  
day before the day of such general election, the vacancy so 18738  
created shall be filled by the candidates' committee in the manner 18739  
provided for, as in the case of death, by section 3513.31 of the 18740  
Revised Code, except that, in the case of withdrawal of candidacy, 18741  
the name and residence address of the replacement candidate shall 18742  
be certified in writing and under oath to the secretary of state 18743  
not later than the ~~seventy-sixth~~ eighty-sixth day before the day 18744  
of the general election. 18745

(G) If the vacancy in a joint candidacy for governor and 18746  
lieutenant governor can be filled in accordance with this section 18747  
and is not so filled, the joint candidacy which has not been 18748  
vacated shall be invalidated and shall not be presented for 18749  
election. 18750



(H) Any replacement candidate appointed or selected pursuant 18751  
to this section shall be one who has the qualifications of an 18752  
elector. 18753

**Sec. 3513.312.** (A) Notwithstanding section 3513.31 of the 18754  
Revised Code, if a person nominated in a primary election as a 18755  
party candidate for the office of representative to congress for 18756  
election at the next general election withdraws as such candidate 18757  
prior to the ~~eightieth~~ ninetieth day before the day of such 18758  
general election, or dies prior to the ~~eightieth~~ ninetieth day 18759  
before the day of such general election, the vacancy in the party 18760  
nomination so created shall be filled by a special election held 18761  
in accordance with division (B) of this section. 18762

(B) The boards of elections of all the counties contained in 18763  
whole or in part within the congressional district in which a 18764  
vacancy occurs as described in division (A) of this section shall, 18765  
as soon as reasonably practicable, conduct the special election 18766  
and give notice of the time and places of holding such election as 18767  
provided in section 3501.03 of the Revised Code. Such election 18768  
shall be held and conducted and returns thereof made as in the 18769  
case of a primary election. 18770

(C) The state shall pay all costs of any special election 18771  
held pursuant to this section. 18772

**Sec. 3517.01.** (A)(1) A political party within the meaning of 18773  
Title XXXV of the Revised Code is any group of voters that, at 18774  
either of the two most recent regular state ~~election~~ elections, 18775  
polled for its candidate for any of the offices of governor, 18776  
secretary of state, auditor of state, treasurer of state, attorney 18777  
general, or United States senator in the this state or nominees 18778  
for presidential electors at least ~~five~~ one per cent of the entire 18779  
vote cast for ~~that office~~ any of those offices or that filed with 18780

the secretary of state, subsequent to any ~~election~~ two successive 18781  
regular state elections in which it received less than ~~five~~ one 18782  
per cent of ~~that~~ the vote for any of those offices, a petition 18783  
signed by qualified electors equal in number to at least 18784  
one-quarter of one per cent of the total vote for governor ~~or~~ 18785  
~~nominees for presidential electors~~ at the most recent regular 18786  
state election, declaring their intention of organizing a 18787  
political party, the name of which shall be stated in the 18788  
declaration, and of participating in the succeeding primary 18789  
election, held in even-numbered years, that occurs more than ~~one~~ 18790  
~~hundred twenty~~ seventy-five days after the date of filing. No such 18791  
group of electors shall assume a name or designation that is 18792  
similar, in the opinion of the secretary of state, to that of an 18793  
existing political party as to confuse or mislead the voters at an 18794  
election. If any political party fails to cast ~~five~~ one per cent 18795  
of the total vote cast at ~~an election~~ two successive regular state 18796  
elections for one of the ~~office of governor or president~~ offices 18797  
specified in this division, it shall cease to be a political 18798  
party. 18799

(2) A campaign committee shall be legally liable for any 18800  
debts, contracts, or expenditures incurred or executed in its 18801  
name. 18802

(B) Notwithstanding the definitions found in section 3501.01 18803  
of the Revised Code, as used in this section and sections 3517.08 18804  
to 3517.14, 3517.99, and 3517.992 of the Revised Code: 18805

(1) "Campaign committee" means a candidate or a combination 18806  
of two or more persons authorized by a candidate under section 18807  
3517.081 of the Revised Code to receive contributions and make 18808  
expenditures. 18809

(2) "Campaign treasurer" means an individual appointed by a 18810  
candidate under section 3517.081 of the Revised Code. 18811

(3) "Candidate" has the same meaning as in division (H) of 18812  
section 3501.01 of the Revised Code and also includes any person 18813  
who, at any time before or after an election, receives 18814  
contributions or makes expenditures or other use of contributions, 18815  
has given consent for another to receive contributions or make 18816  
expenditures or other use of contributions, or appoints a campaign 18817  
treasurer, for the purpose of bringing about the person's 18818  
nomination or election to public office. When two persons jointly 18819  
seek the offices of governor and lieutenant governor, "candidate" 18820  
means the pair of candidates jointly. "Candidate" does not include 18821  
candidates for election to the offices of member of a county or 18822  
state central committee, presidential elector, and delegate to a 18823  
national convention or conference of a political party. 18824

(4) "Continuing association" means an association, other than 18825  
a campaign committee, political party, legislative campaign fund, 18826  
political contributing entity, or labor organization, that is 18827  
intended to be a permanent organization that has a primary purpose 18828  
other than supporting or opposing specific candidates, political 18829  
parties, or ballot issues, and that functions on a regular basis 18830  
throughout the year. "Continuing association" includes 18831  
organizations that are determined to be not organized for profit 18832  
under subsection 501 and that are described in subsection 18833  
501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code. 18834

(5) "Contribution" means a loan, gift, deposit, forgiveness 18835  
of indebtedness, donation, advance, payment, or transfer of funds 18836  
or anything of value, including a transfer of funds from an inter 18837  
vivos or testamentary trust or decedent's estate, and the payment 18838  
by any person other than the person to whom the services are 18839  
rendered for the personal services of another person, which 18840  
contribution is made, received, or used for the purpose of 18841  
influencing the results of an election. Any loan, gift, deposit, 18842  
forgiveness of indebtedness, donation, advance, payment, or 18843

transfer of funds or of anything of value, including a transfer of 18844  
funds from an inter vivos or testamentary trust or decedent's 18845  
estate, and the payment by any campaign committee, political 18846  
action committee, legislative campaign fund, political party, 18847  
political contributing entity, or person other than the person to 18848  
whom the services are rendered for the personal services of 18849  
another person, that is made, received, or used by a state or 18850  
county political party, other than moneys a state or county 18851  
political party receives from the Ohio political party fund 18852  
pursuant to section 3517.17 of the Revised Code and the moneys a 18853  
state or county political party may receive under sections 18854  
3517.101, 3517.1012, and 3517.1013 of the Revised Code, shall be 18855  
considered to be a "contribution" for the purpose of section 18856  
3517.10 of the Revised Code and shall be included on a statement 18857  
of contributions filed under that section. 18858

"Contribution" does not include any of the following: 18859

(a) Services provided without compensation by individuals 18860  
volunteering a portion or all of their time on behalf of a person; 18861

(b) Ordinary home hospitality; 18862

(c) The personal expenses of a volunteer paid for by that 18863  
volunteer campaign worker; 18864

(d) Any gift given to a state or county political party 18865  
pursuant to section 3517.101 of the Revised Code. As used in 18866  
division (B)(5)(d) of this section, "political party" means only a 18867  
major political party; 18868

(e) Any contribution as defined in section 3517.1011 of the 18869  
Revised Code that is made, received, or used to pay the direct 18870  
costs of producing or airing an electioneering communication; 18871

(f) Any gift given to a state or county political party for 18872  
the party's restricted fund under division (A)(2) of section 18873  
3517.1012 of the Revised Code; 18874

(g) Any gift given to a state political party for deposit in a Levin account pursuant to section 3517.1013 of the Revised Code. As used in this division, "Levin account" has the same meaning as in that section.

(6) "Expenditure" means the disbursement or use of a contribution for the purpose of influencing the results of an election or of making a charitable donation under division (G) of section 3517.08 of the Revised Code. Any disbursement or use of a contribution by a state or county political party is an 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 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, a political contributing entity, or a legislative campaign fund. "Political action committee" does not include either of the following:

(a) A continuing association that makes disbursements for the direct costs of producing or airing electioneering communications and that does not engage in express advocacy;

(b) A political club that is formed primarily for social purposes and that consists of one hundred members or less, has officers and periodic meetings, has less than two thousand five hundred dollars in its treasury at all times, and makes an aggregate total contribution of one thousand dollars or less per calendar year.

(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 18937  
representatives or all of the members of the senate of the general 18938  
assembly who are members of the same political party. 18939

(15) "Legislative campaign fund" means a fund that is 18940  
established as an auxiliary of a state political party and 18941  
associated with one of the houses of the general assembly. 18942

(16) "In-kind contribution" means anything of value other 18943  
than money that is used to influence the results of an election or 18944  
is transferred to or used in support of or in opposition to a 18945  
candidate, campaign committee, legislative campaign fund, 18946  
political party, political action committee, or political 18947  
contributing entity and that is made with the consent of, in 18948  
coordination, cooperation, or consultation with, or at the request 18949  
or suggestion of the benefited candidate, committee, fund, party, 18950  
or entity. The financing of the dissemination, distribution, or 18951  
republication, in whole or part, of any broadcast or of any 18952  
written, graphic, or other form of campaign materials prepared by 18953  
the candidate, the candidate's campaign committee, or their 18954  
authorized agents is an in-kind contribution to the candidate and 18955  
an expenditure by the candidate. 18956

(17) "Independent expenditure" means an expenditure by a 18957  
person advocating the election or defeat of an identified 18958  
candidate or candidates, that is not made with the consent of, in 18959  
coordination, cooperation, or consultation with, or at the request 18960  
or suggestion of any candidate or candidates or of the campaign 18961  
committee or agent of the candidate or candidates. As used in 18962  
division (B)(17) of this section: 18963

(a) "Person" means an individual, partnership, unincorporated 18964  
business organization or association, political action committee, 18965  
political contributing entity, separate segregated fund, 18966  
association, or other organization or group of persons, but not a 18967  
labor organization or a corporation unless the labor organization 18968

or corporation is a political contributing entity. 18969

(b) "Advocating" means any communication containing a message 18970  
advocating election or defeat. 18971

(c) "Identified candidate" means that the name of the 18972  
candidate appears, a photograph or drawing of the candidate 18973  
appears, or the identity of the candidate is otherwise apparent by 18974  
unambiguous reference. 18975

(d) "Made in coordination, cooperation, or consultation with, 18976  
or at the request or suggestion of, any candidate or the campaign 18977  
committee or agent of the candidate" means made pursuant to any 18978  
arrangement, coordination, or direction by the candidate, the 18979  
candidate's campaign committee, or the candidate's agent prior to 18980  
the publication, distribution, display, or broadcast of the 18981  
communication. An expenditure is presumed to be so made when it is 18982  
any of the following: 18983

(i) Based on information about the candidate's plans, 18984  
projects, or needs provided to the person making the expenditure 18985  
by the candidate, or by the candidate's campaign committee or 18986  
agent, with a view toward having an expenditure made; 18987

(ii) Made by or through any person who is, or has been, 18988  
authorized to raise or expend funds, who is, or has been, an 18989  
officer of the candidate's campaign committee, or who is, or has 18990  
been, receiving any form of compensation or reimbursement from the 18991  
candidate or the candidate's campaign committee or agent; 18992

(iii) Except as otherwise provided in division (D) of section 18993  
3517.105 of the Revised Code, made by a political party in support 18994  
of a candidate, unless the expenditure is made by a political 18995  
party to conduct voter registration or voter education efforts. 18996

(e) "Agent" means any person who has actual oral or written 18997  
authority, either express or implied, to make or to authorize the 18998  
making of expenditures on behalf of a candidate, or means any 18999



person who has been placed in a position with the candidate's 19000  
campaign committee or organization such that it would reasonably 19001  
appear that in the ordinary course of campaign-related activities 19002  
the person may authorize expenditures. 19003

(18) "Labor organization" means a labor union; an employee 19004  
organization; a federation of labor unions, groups, locals, or 19005  
other employee organizations; an auxiliary of a labor union, 19006  
employee organization, or federation of labor unions, groups, 19007  
locals, or other employee organizations; or any other bona fide 19008  
organization in which employees participate and that exists for 19009  
the purpose, in whole or in part, of dealing with employers 19010  
concerning grievances, labor disputes, wages, hours, and other 19011  
terms and conditions of employment. 19012

(19) "Separate segregated fund" means a separate segregated 19013  
fund established pursuant to the Federal Election Campaign Act. 19014

(20) "Federal Election Campaign Act" means the "Federal 19015  
Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et 19016  
seq., as amended. 19017

(21) "Restricted fund" means the fund a state or county 19018  
political party must establish under division (A)(1) of section 19019  
3517.1012 of the Revised Code. 19020

(22) "Electioneering communication" has the same meaning as 19021  
in section 3517.1011 of the Revised Code. 19022

(23) "Express advocacy" means a communication that contains 19023  
express words advocating the nomination, election, or defeat of a 19024  
candidate or that contains express words advocating the adoption 19025  
or defeat of a question or issue, as determined by a final 19026  
judgment of a court of competent jurisdiction. 19027

(24) "Political committee" has the same meaning as in section 19028  
3517.1011 of the Revised Code. 19029

(25) "Political contributing entity" means any entity, 19030  
including a corporation or labor organization, that may lawfully 19031  
make contributions and expenditures and that is not an individual 19032  
or a political action committee, continuing association, campaign 19033  
committee, political party, legislative campaign fund, designated 19034  
state campaign committee, or state candidate fund. For purposes of 19035  
this division, "lawfully" means not prohibited by any section of 19036  
the Revised Code, or authorized by a final judgment of a court of 19037  
competent jurisdiction. 19038

**Sec. 3517.012.** When a petition meeting the requirements of 19039  
section 3517.01 of the Revised Code declaring the intention to 19040  
organize a political party is filed with the secretary of state, 19041  
the new party comes into legal existence on the date of filing and 19042  
is entitled to hold a primary election as set out in section 19043  
3513.01 of the Revised Code, at the primary election, held in 19044  
even-numbered years that occurs more than ~~one hundred twenty~~ 19045  
seventy-five days after the date of filing. If the secretary of 19046  
state determines that the petition is invalid or insufficient, no 19047  
primary election shall be held for the political party named in 19048  
the petition, and any declaration of candidacy that was filed by 19049  
any candidate seeking that party's nomination at the primary 19050  
election shall be invalid. 19051

**Sec. 3517.02.** All members of controlling committees of a 19052  
major ~~or intermediate~~ political party shall be elected by direct 19053  
vote of the members of the party, except as otherwise provided in 19054  
section 3517.05 of the Revised Code. Their names shall be placed 19055  
upon the official ballot, and, notwithstanding division (B) of 19056  
section 3513.23 of the Revised Code, the persons receiving the 19057  
highest number of votes for committeepersons shall be the members 19058  
of those controlling committees. Each member of a controlling 19059  
committee shall be a resident and qualified elector of the 19060

district, ward, or precinct that the member is elected to 19061  
represent. All members of controlling committees of a minor 19062  
political party shall be determined in accordance with party 19063  
rules. 19064

Each political party shall file with the office of the 19065  
secretary of state a copy of its constitution and bylaws, if any, 19066  
within thirty days of adoption or amendment. Each party shall also 19067  
file with the office of the secretary of state a list of members 19068  
of its controlling committees and other party officials within 19069  
thirty days of their election or appointment. 19070

**Sec. 3517.03.** The controlling committees of each major 19071  
political party or organization shall be a state central committee 19072  
consisting of two members, one a man and one a woman, representing 19073  
either each congressional district in the state or each senatorial 19074  
district in the state, as the outgoing committee determines; a 19075  
county central committee consisting of one member from each 19076  
election precinct in the county, or of one member from each ward 19077  
in each city and from each township in the county, as the outgoing 19078  
committee determines; and such district, city, township, or other 19079  
committees as the rules of the party provide. 19080

All the members of such committees shall be members of the 19081  
party and shall be elected for terms of either two or four years, 19082  
as determined by party rules, by direct vote at the primary held 19083  
in an even-numbered year. Except as otherwise provided in section 19084  
3517.02 of the Revised Code, candidates for election as state 19085  
central committee members shall be elected at primaries in the 19086  
same manner as provided in sections 3513.01 to 3513.32 of the 19087  
Revised Code for the nomination of candidates for office in a 19088  
county. Candidates for election as members of the county central 19089  
committee shall be elected at primaries in the same manner as 19090  
provided in those sections for the nomination of candidates for 19091

county offices, except as otherwise provided in sections 3513.051 19092  
and 3517.02 of the Revised Code. 19093

Each major party controlling committee shall elect an 19094  
executive committee that shall have the powers granted to it by 19095  
the party controlling committee, and provided to it by law. When a 19096  
judicial, senatorial, or congressional district is comprised of 19097  
more than one county, the chairperson and secretary of the county 19098  
central committee from each county in that district shall 19099  
constitute the judicial, senatorial, or congressional committee of 19100  
the district. When a judicial, senatorial, or congressional 19101  
district is included within a county, the county central committee 19102  
shall constitute the judicial, senatorial, or congressional 19103  
committee of the district. 19104

~~The controlling committee of each intermediate political 19105  
party or organization shall be a state central committee 19106  
consisting of two members, one a man and one a woman, from each 19107  
congressional district in the state. All members of the committee 19108  
shall be members of the party and shall be elected by direct vote 19109  
at the primary held in the even numbered years. Except as 19110  
otherwise provided in section 3517.02 of the Revised Code, 19111  
candidates for election shall be elected at the primary in the 19112  
same manner as provided in sections 3513.01 to 3513.32 of the 19113  
Revised Code. An intermediate political party may have such other 19114  
party organization as its rules provide. Each intermediate party 19115  
shall file the names and addresses of its officers with the 19116  
secretary of state. 19117~~

A minor political party may elect controlling committees at a 19118  
primary election in the even-numbered year by filing a plan for 19119  
party organization with the secretary of state on or before the 19120  
ninetieth day before the day of the primary election. The plan 19121  
shall specify which offices are to be elected and provide the 19122  
procedure for qualification of candidates for those offices. 19123

Candidates to be elected pursuant to the plan shall be designated 19124  
and qualified on or before the ninetieth day before the day of the 19125  
election. Such parties may, in lieu of electing a controlling 19126  
committee or other officials, choose such committee or other 19127  
officials in accordance with party rules. Each such party shall 19128  
file the names and addresses of members of its controlling 19129  
committee and party officers with the secretary of state. 19130

**Sec. 3519.08.** (A) Notwithstanding division (I)(2) of section 19131  
3501.38 of the Revised Code, at any time prior to the ~~sixtieth~~ 19132  
seventieth day before the day of an election at which an 19133  
initiative or referendum is scheduled to appear on the ballot, a 19134  
majority of the members of the committee named to represent the 19135  
petitioners in the petition proposing that initiative or 19136  
referendum under section 3519.02 of the Revised Code may withdraw 19137  
the petition by giving written notice of the withdrawal to the 19138  
secretary of state. 19139

(B) After a majority of the members of the committee named to 19140  
represent the petitioners gives notice to the secretary of state 19141  
that the petition proposing the initiative or referendum is 19142  
withdrawn under division (A) of this section, all of the following 19143  
shall apply: 19144

(1) If the Ohio ballot board has not already certified the 19145  
ballot language at the time a majority of the members of the 19146  
committee gives the written notice of withdrawal, the board shall 19147  
not certify ballot language for that proposed initiative or 19148  
referendum to the secretary of state. 19149

(2) The secretary of state shall not certify a ballot form or 19150  
wording to the boards of elections under sections 3501.05 and 19151  
3505.01 of the Revised Code that includes ballot language for that 19152  
proposed initiative or referendum. 19153

(3) The proposed initiative or referendum shall not appear on 19154

the ballot. 19155

(C) No petition that has been filed, and subsequently 19156  
withdrawn under this section, may be resubmitted. 19157

**Sec. 3519.16.** The circulator of any part-petition, the 19158  
committee interested in the petition, or any elector may file with 19159  
the board of elections a protest against the board's findings made 19160  
pursuant to section 3519.15 of the Revised Code. Protests shall be 19161  
in writing and shall specify reasons for the protest. Protests for 19162  
all initiative and referendum petitions other than those to be 19163  
voted on by electors throughout the entire state shall be filed 19164  
not later than four p.m. of the ~~sixty-fourth~~ seventy-fourth day 19165  
before the day of the election. Once a protest is filed, the board 19166  
shall proceed to establish the sufficiency or insufficiency of the 19167  
signatures and of the verification of those signatures in an 19168  
action before the court of common pleas in the county. The action 19169  
shall be brought within three days after the protest is filed, and 19170  
it shall be heard forthwith by a judge of that court, whose 19171  
decision shall be certified to the board. The signatures that are 19172  
adjudged sufficient or the part-petitions that are adjudged 19173  
properly verified shall be included with the others by the board, 19174  
and those found insufficient and all those part-petitions that are 19175  
adjudged not properly verified shall not be included. 19176

The properly verified part-petitions, together with the 19177  
report of the board, shall be returned to the secretary of state 19178  
not less than ~~fifty~~ sixty days before the election, provided that, 19179  
in the case of an initiated law to be presented to the general 19180  
assembly, the boards shall promptly check and return the petitions 19181  
together with their report. The secretary of state shall notify 19182  
the chairperson of the committee in charge of the circulation as 19183  
to the sufficiency or insufficiency of the petition and the extent 19184  
of the insufficiency. 19185

If the petition is found insufficient because of an 19186  
insufficient number of valid signatures, the committee shall be 19187  
allowed ten additional days after the notification by the 19188  
secretary of state for the filing of additional signatures to the 19189  
petition. The part-petitions of the supplementary petition that 19190  
appear to the secretary of state to be properly verified, upon 19191  
their receipt by the secretary of state, shall forthwith be 19192  
forwarded to the boards of the several counties together with the 19193  
part-petitions of the original petition that have been properly 19194  
verified. They shall be immediately examined and passed upon as to 19195  
the validity and sufficiency of the signatures on them by each of 19196  
the boards and returned within five days to the secretary of state 19197  
with the report of each board. No signature on a supplementary 19198  
part-petition that is the same as a signature on an original 19199  
part-petition shall be counted. The number of signatures in both 19200  
the original and supplementary petitions, properly verified, shall 19201  
be used by the secretary of state in determining the total number 19202  
of signatures to the petition that the secretary of state shall 19203  
record and announce. If they are sufficient, the amendment, 19204  
proposed law, or law shall be placed on the ballot as required by 19205  
law. If the petition is found insufficient, the secretary of state 19206  
shall notify the committee in charge of the circulation of the 19207  
petition. 19208

**Sec. 3521.03.** When a vacancy in the office of representative 19209  
to congress occurs, the governor, upon satisfactory information 19210  
thereof, shall issue a writ of election directing that a special 19211  
election be held to fill such vacancy in the territory entitled to 19212  
fill it on a day specified in the writ. Such writ shall be 19213  
directed to the board of elections within such territory which 19214  
shall give notice of the time and places of holding such election 19215  
as provided in section 3501.03 of the Revised Code. Such election 19216  
shall be held and conducted and returns thereof made as in case of 19217

a regular state election or may be conducted as an election by 19218  
mail under Chapter 3507. of the Revised Code. The state shall pay 19219  
all costs of any special election held under this section. 19220

19221

**Sec. 3599.30.** (A) No person, organization, or political party 19222  
shall compile lists of voters to challenge on the sole basis of 19223  
any of the following: 19224

(1) Mail that was returned as undeliverable; 19225

(2) In the case of registered, certified, or other tracked 19226  
delivery, mail the receipt of which was not acknowledged by the 19227  
intended recipient; 19228

(3) Locations that have been the subject of foreclosure; 19229

(4) Discrepancies identified by means of comparing, matching, 19230  
or otherwise analyzing a voter registration list with any other 19231  
database other than those expressly prescribed by Title XXXV of 19232  
the Revised Code or federal law. 19233

(B) Whoever violates division (A) of this section is guilty 19234  
of a felony of the fourth degree. If the violator is an 19235  
organization or political party, the organization or political 19236  
party shall be fined five hundred dollars per name compiled in 19237  
violation of that division, in addition to any other penalties 19238  
that may be imposed. The fine imposed under this division shall be 19239  
remitted to the treasurer of state for use of the office of the 19240  
secretary of state. 19241

(C) As used in this section: 19242

(1) "Organization" means any for-profit or nonprofit entity 19243  
that is not a political party. 19244

(2) "Political party" means any local, state, or national 19245  
affiliate of a major or minor political party, as well as any 19246  
subcontractor, vendor, or other individual acting on behalf of a 19247



political party. 19248

**Sec. 3709.051.** Two or more contiguous city health districts 19249  
may be united to form a single city health district by a majority 19250  
affirmative vote of the legislative authority of each city 19251  
affected by the union. 19252

If at least three per cent of the qualified electors residing 19253  
within each of two or more contiguous city health districts sign a 19254  
petition proposing a union into a single city health district, an 19255  
election shall be held as provided in this section to determine 19256  
whether a single city health district shall be formed. The 19257  
petition for union may specify regarding the board of health of 19258  
the new district: 19259

(A) The qualifications for membership; 19260

(B) The term of office; 19261

(C) The number of members or a method by which the number may 19262  
be determined from time to time; 19263

(D) The method of appointment. 19264

Such petition shall be filed with the boards of county 19265  
commissioners of the respective counties affected, subject to 19266  
approval of the director of health, and such boards shall promptly 19267  
certify the text of the proposal to the boards of election for the 19268  
purpose of having the proposal placed on the ballot at the next 19269  
general election occurring more than ~~seventy-five~~ eighty-five days 19270  
after such certification. The election procedures provided in 19271  
Chapter 3505. of the Revised Code for questions and issues shall 19272  
apply to the election. If a majority of the electors voting on the 19273  
proposal in each of the health districts affected vote in favor 19274  
thereof, the union of such districts into a single city health 19275  
district shall be established on the second succeeding first day 19276  
of January. 19277

**Sec. 3709.071.** If at least three per cent of the qualified 19278  
electors residing within each of one or more city health districts 19279  
and a general health district sign a petition for union into a 19280  
single general health district, an election shall be held as 19281  
provided in this section to determine whether a single general 19282  
health district shall be formed. The petition for union may 19283  
specify regarding the board of health of the new district: 19284

(A) The qualifications for membership; 19285

(B) The term of office; 19286

(C) The number of members or a method by which the number may 19287  
be determined from time to time; 19288

(D) The method of appointment. 19289

Such petition shall be filed with the boards of county 19290  
commissioners of the respective counties affected, subject to 19291  
approval of the director of health, and such boards shall promptly 19292  
certify the text of the proposal to the boards of election for the 19293  
purpose of having the proposal placed on the ballot at the next 19294  
general election occurring more than ~~seventy-five~~ eighty-five days 19295  
after the filing of the petition with the boards of election. The 19296  
election procedures provided in Chapter 3505. of the Revised Code 19297  
for questions and issues shall be followed. If a majority of the 19298  
electors voting on the proposal in each of the health districts 19299  
affected vote in favor thereof, the union of such districts into a 19300  
single general health district shall be established on the second 19301  
succeeding January 1. 19302

When the establishment of a combined health district has been 19303  
approved by the electors of a general health district and one or 19304  
more city health districts, the ~~chairman~~ chairperson of the 19305  
district advisory council and the chief executive of each city 19306  
uniting with the general health district shall enter into a 19307

contract for the administration of health affairs in the combined 19308  
district. Such contract shall conform to the provisions of section 19309  
3709.07 of the Revised Code regarding the contract for the 19310  
administration of health affairs in a combined district, except 19311  
that the date of the change of administration shall be as provided 19312  
in this section and except for the specifications as to the board 19313  
of health of the new district contained in the petition and 19314  
submitted to the electors in the proposal to establish such 19315  
district. 19316

**Sec. 3709.29.** If the estimated amount of money necessary to 19317  
meet the expenses of a general health district program will not be 19318  
forthcoming to the board of health of such district out of the 19319  
district health fund because the taxes within the ten-mill 19320  
limitation will be insufficient, the board of health shall certify 19321  
the fact of such insufficiency to the board of county 19322  
commissioners of the county in which such district is located. 19323  
Such board of county commissioners is hereby ordained to be a 19324  
special taxing authority for the purposes of this section only, 19325  
and, notwithstanding any other law to the contrary, the board of 19326  
county commissioners of any county in which a general health 19327  
district is located is the taxing authority for such special levy 19328  
outside the ten-mill limitation. The board of county commissioners 19329  
shall thereupon, in the year preceding that in which such health 19330  
program will be effective, by vote of two-thirds of all the 19331  
members of that body, declare by resolution that the amount of 19332  
taxes which may be raised within the ten-mill limitation will be 19333  
insufficient to provide an adequate amount for the necessary 19334  
requirements of such district within the county, and that it is 19335  
necessary to levy a tax in excess of such limitation in order to 19336  
provide the board of health with sufficient funds to carry out 19337  
such health program. Such resolution shall be filed with the board 19338  
of elections not later than four p.m. of the ~~seventy-fifth~~ 19339

eighty-fifth day before the day of election. 19340

Such resolution shall specify the amount of increase in rate 19341  
which it is necessary to levy and the number of years during which 19342  
such increase shall be in effect, which shall not be for a longer 19343  
period than ten years. 19344

The resolution shall conform to section 5705.191 of the 19345  
Revised Code and be certified and submitted in the manner provided 19346  
in section 5705.25 of the Revised Code, provided that the proposal 19347  
shall be placed on the ballot at the next primary or general 19348  
election occurring more than ~~seventy-five~~ eighty-five days after 19349  
the resolution is filed with the board of elections. 19350

**Sec. 3767.05.** (A) The civil action provided for in section 19351  
3767.03 of the Revised Code shall be set down for trial at the 19352  
earliest possible time and shall have precedence over all other 19353  
cases except those involving crimes, election contests, or 19354  
injunctions regardless of the position of the proceedings on the 19355  
calendar of the court. In the civil action, evidence of the 19356  
general reputation of the place where the nuisance is alleged to 19357  
exist or an admission or finding of guilt of any person under the 19358  
criminal laws against prostitution, lewdness, assignation, or 19359  
other prohibited conduct at the place is admissible for the 19360  
purpose of proving the existence of the nuisance and is 19361  
prima-facie evidence of the nuisance and of knowledge of and of 19362  
acquiescence and participation in the nuisance on the part of the 19363  
person charged with maintaining it. 19364

(B) If the complaint for the permanent injunction is filed by 19365  
a person who is a citizen of the county, it shall not be dismissed 19366  
unless the complainant and the complainant's attorney submit a 19367  
sworn statement setting forth the reasons why the civil action 19368  
should be dismissed and the dismissal is approved by the 19369  
prosecuting attorney in writing or in open court. If the person 19370

who files the complaint for the permanent ~~injunction~~ injunction is 19371  
a citizen of the county, if that person refuses or otherwise fails 19372  
to prosecute the complaint to judgment, and if the civil action is 19373  
not dismissed pursuant to this division, then, with the approval 19374  
of the court, the attorney general, the prosecuting attorney of 19375  
the county in which the nuisance exists, or the village solicitor, 19376  
city director of law, or other similar chief legal officer of the 19377  
municipal corporation in which the nuisance exists, may be 19378  
substituted for the complainant and prosecute the civil action to 19379  
judgment. 19380

(C) If the civil action is commenced by a person who is a 19381  
citizen of the county where the nuisance is alleged to exist and 19382  
the court finds that there were no reasonable grounds or cause for 19383  
the civil action, the costs may be taxed to that person. 19384

(D) If the existence of the nuisance is established upon the 19385  
trial of the civil action, a judgment shall be entered that 19386  
perpetually enjoins the defendant and any other person from 19387  
further maintaining the nuisance at the place complained of and 19388  
the defendant from maintaining the nuisance elsewhere. 19389

(E) If the court finds that a nuisance described in division 19390  
(C)(3) of section 3767.01 of the Revised Code exists, the court 19391  
shall order the nuisance to be abated, and, in entering judgment 19392  
for nuisance, the court shall do all of the following: 19393

(1) Specify that judgment is entered pursuant to division (E) 19394  
of this section; 19395

(2) Order that no beer or intoxicating liquor may be 19396  
manufactured, sold, bartered, possessed, kept, or stored in the 19397  
room, house, building, structure, place, boat, or vehicle or any 19398  
part thereof. The court need not find that the property was being 19399  
unlawfully used at the time of the hearing on the matter if the 19400  
court finds there existed a nuisance as described in division 19401

(C)(3) of section 3767.01 of the Revised Code. 19402

(3) Order that the room, house, building, boat, vehicle, 19403  
structure, or place not be occupied or used for one year after the 19404  
judgment is rendered. The court may permit the premises to be 19405  
occupied by a person other than the defendant or a business 19406  
affiliate of the defendant in the nuisance action, or an agent of, 19407  
or entity owned in whole or part by, the defendant, if the person, 19408  
lessee, tenant, or occupant of the location posts a bond with 19409  
sufficient surety, to be approved by the court issuing the order, 19410  
in the sum of not less than one thousand nor more than five 19411  
thousand dollars, payable to the state of Ohio, on the condition 19412  
that no beer or intoxicating liquor thereafter shall be 19413  
manufactured, sold, bartered, possessed, kept, stored, 19414  
transported, or otherwise disposed of on the premises, and the 19415  
person agrees to pay all fines, costs, and damages that may be 19416  
assessed for a violation. A reasonable sum shall be allowed an 19417  
officer by the issuing court for the cost of closing and keeping 19418  
closed the premises that is the subject of the nuisance action. 19419

(4) Send notice of the judgment entered to the division of 19420  
liquor control, the liquor control commission, and the liquor 19421  
enforcement division of the department of public safety. 19422

(F) A defendant found to have maintained a nuisance as 19423  
described in division (C)(3) of section 3767.01 of the Revised 19424  
Code also is subject to liability and penalties under sections 19425  
4301.74 and 4399.09 of the Revised Code. The abatement of a 19426  
nuisance under section 4399.09 of the Revised Code is in addition 19427  
to and does not prevent the abatement of a nuisance under division 19428  
(D) or (E) of this section. 19429

(G) If a court enters judgment pursuant to division (D) or 19430  
(E) of this section finding that a nuisance exists at a liquor 19431  
permit premises or as a result of the operation of a liquor permit 19432  
premises, except in the case of a nuisance found as a result of a 19433

violation of a local zoning ordinance or resolution, the certified 19434  
copy of the judgment required under division (A) of section 19435  
4301.331 of the Revised Code shall be filed with the board of 19436  
elections in the county in which the nuisance exists, not later 19437  
than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before the 19438  
day of the next general or primary election. However, no election 19439  
shall be conducted on sales at the liquor permit premises under 19440  
section 4301.352 of the Revised Code until all appeals on the 19441  
judgment are resolved. The court of appeals shall render a 19442  
decision on any appeal of the judgment within six months after the 19443  
date of the filing of the appeal of the judgment with the clerk of 19444  
the court of appeals, and the supreme court shall render a 19445  
decision on any appeal of the judgment within six months after the 19446  
date of the filing of the appeal of the judgment with the clerk of 19447  
the supreme court. 19448

**Sec. 3769.27.** (A) If a petition is presented, not later than 19449  
four p.m. of the ~~seventy-fifth~~ eighty-fifth day before the day of 19450  
a general or primary election, to the board of elections of any 19451  
county, signed by qualified electors of the county equal in number 19452  
to at least ten per cent of the total number of votes cast in the 19453  
county for the office of governor at the preceding general 19454  
election for that office, but signed by at least five hundred 19455  
electors, requesting that there be submitted the question "shall 19456  
satellite facilities that receive simulcasts of live horse races 19457  
and that conduct wagering on those simulcasts be prohibited 19458  
throughout this county for a period of ..... (not to exceed 19459  
five) years?", the board of elections shall submit this question 19460  
to the electors of the county on the day of the next general or 19461  
primary election, whichever occurs first, in the manner provided 19462  
by law for the submission of questions and issues. The board of 19463  
elections shall notify the state racing commission of the results 19464  
of the election on the question. 19465

(B) If a majority of the electors voting on the question set forth in division (A) of this section vote "yes," the state racing commission shall have no jurisdiction thereafter to approve satellite facilities in that county for the number of years, not exceeding five, specified in the petition. If a majority of the electors voting on the question set forth in division (A) of this section vote "no," this question shall not again be submitted to a vote in the county until the expiration of the time set forth in the petition. When the board of elections of any county has received a petition and accepted it as valid, it shall so notify the commission and the commission shall not approve a satellite facility in that county between this notification and the day of the general or primary election.

(C) Once a proposed satellite facility receives the approval of the appropriate local legislative authority, a petition seeking an election under this section in the county where the proposed satellite facility will be located is invalid unless the date of signing of each signature on the petition that is counted by the board of elections to meet the number of signatures required by division (A) of this section is a date within ninety days after the date of the approval of the appropriate local legislative authority for the proposed satellite facility.

**Sec. 4301.33.** (A) The board of elections shall provide to a petitioner circulating a petition for an election for the submission of one or more of the questions specified in divisions (A) to (D) of section 4301.35 or section 4301.351 of the Revised Code, at the time of taking out the petition, the names of the streets and, if appropriate, the address numbers of residences and business establishments within the precinct in which the election is sought, and a form prescribed by the secretary of state for notifying affected permit holders and liquor agency stores of the circulation of a petition for an election for the submission of



one or more of the questions specified in divisions (A) to (D) of 19498  
section 4301.35 or section 4301.351 of the Revised Code. The 19499  
petitioner shall, not less than ~~forty-five~~ fifty-five days before 19500  
the petition-filing deadline for the election, as provided in this 19501  
section, file with the division of liquor control the information 19502  
regarding names of streets and, if appropriate, address numbers of 19503  
residences and business establishments provided by the board of 19504  
elections, and specify to the division the precinct that is 19505  
concerned and that would be affected by the results of the 19506  
election and the filing deadline. The division shall, within a 19507  
reasonable period of time and not later than ~~fifteen~~ twenty-five 19508  
days before the filing deadline, supply the petitioner with a list 19509  
of the names and addresses of permit holders and liquor agency 19510  
stores, if any, that would be affected by the election. The list 19511  
shall contain a heading with the following words: "Liquor permit 19512  
holders and liquor agency stores that would be affected by the 19513  
question(s) set forth on petition for a local option election." 19514

Within five days after a petitioner has received from the 19515  
division the list of liquor permit holders and liquor agency 19516  
stores, if any, that would be affected by the question or 19517  
questions set forth on a petition for local option election, the 19518  
petitioner shall, using the form provided by the board of 19519  
elections, notify by certified mail each permit holder and liquor 19520  
agency store whose name appears on that list. The form for 19521  
notifying affected permit holders and liquor agency stores shall 19522  
require the petitioner to state the petitioner's name and street 19523  
address and shall contain a statement that a petition is being 19524  
circulated for an election for the submission of the question or 19525  
questions specified in divisions (A) to (D) of section 4301.35 or 19526  
section 4301.351 of the Revised Code. The form shall require the 19527  
petitioner to state the question or questions to be submitted as 19528  
they appear on the petition. 19529

The petitioner shall attach a copy of the list provided by 19530  
the division to each petition paper. A part petition paper 19531  
circulated at any time without the list of affected permit holders 19532  
and liquor agency stores attached to it is invalid. 19533

At the time the petitioner files the petition with the board 19534  
of elections, the petitioner shall provide to the board the list 19535  
supplied by the division and an affidavit certifying that the 19536  
petitioner notified all affected permit holders and liquor agency 19537  
stores, if any, on the list in the manner and within the time 19538  
required in this section and that, at the time each signer of the 19539  
petition affixed the signer's signature to the petition, the 19540  
petition paper contained a copy of the list of affected permit 19541  
holders and liquor agency stores. 19542

Within five days after receiving a petition calling for an 19543  
election for the submission of one or more of the questions 19544  
specified in divisions (A) to (D) of section 4301.35 or section 19545  
4301.351 of the Revised Code, the board shall give notice by 19546  
certified mail that it has received the petition to all liquor 19547  
permit holders and liquor agency stores, if any, whose names 19548  
appear on the list of affected permit holders and liquor agency 19549  
stores filed by the petitioner. Failure of the petitioner to 19550  
supply the affidavit required by this section and a complete and 19551  
accurate list of liquor permit holders and liquor agency stores, 19552  
if any, invalidates the entire petition. The board of elections 19553  
shall provide to a permit holder or liquor agency store that would 19554  
be affected by a proposed local option election, on the permit 19555  
holder's or liquor agency store's request, the names of the 19556  
streets, and, if appropriate, the address numbers of residences 19557  
and business establishments within the precinct in which the 19558  
election is sought that would be affected by the results of the 19559  
election. The board may charge a reasonable fee for this 19560  
information when provided to the petitioner and the permit holder 19561

or liquor agency store. 19562

(B) Upon the presentation of a petition, not later than four 19563  
p.m. of the ~~seventy-fifth~~ eighty-fifth day before the day of a 19564  
general or primary election, to the board of elections of the 19565  
county where the precinct is located, designating whether it is a 19566  
petition for an election for the submission of one or more of the 19567  
questions specified in section 4301.35 of the Revised Code, or a 19568  
petition for the submission of one or more of the questions 19569  
specified in section 4301.351 of the Revised Code, designating the 19570  
particular question or questions specified in section 4301.35 or 19571  
4301.351 of the Revised Code that are to be submitted, and signed 19572  
by the qualified electors of the precinct concerned, equal in 19573  
number to thirty-five per cent of the total number of votes cast 19574  
in the precinct concerned for the office of governor at the 19575  
preceding general election for that office, the board shall submit 19576  
the question or questions specified in the petition to the 19577  
electors of the precinct concerned, on the day of the next general 19578  
or primary election, whichever occurs first and shall proceed as 19579  
follows: 19580

(1) Such board shall, not later than the ~~sixty-eighth~~ 19581  
seventy-eighth day before the day of the election for which the 19582  
question or questions on the petition would qualify for submission 19583  
to the electors of the precinct, examine and determine the 19584  
sufficiency of the signatures and review, examine, and determine 19585  
the validity of the petition and, in case of overlapping precinct 19586  
petitions presented within that period, determine which of the 19587  
petitions shall govern the further proceedings of the board. In 19588  
the case where the board determines that two or more overlapping 19589  
petitions are valid, the earlier filed petition shall govern. The 19590  
board shall certify the sufficiency and validity of any petition 19591  
determined to be valid. The board shall determine the validity of 19592  
the petition as of the time of certification as described in this 19593

division. 19594

(2) If a petition is sufficient, and, in case of overlapping 19595  
precinct petitions, after the board has determined the governing 19596  
petition, the board to which the petition has been presented shall 19597  
order the holding of a special election in the precinct for the 19598  
submission of whichever of the questions specified in section 19599  
4301.35 or 4301.351 of the Revised Code are designated in the 19600  
petition, on the day of the next general or primary election, 19601  
whichever occurs first. 19602

(3) All petitions filed with a board of elections under this 19603  
section shall be open to public inspection under rules adopted by 19604  
the board. 19605

(4) Protest against local option petitions may be filed by 19606  
any elector eligible to vote on the question or questions 19607  
described in the petitions or by a permit holder or liquor agency 19608  
store in the precinct as described in the petitions, not later 19609  
than four p.m. of the ~~sixty-fourth~~ seventy-fourth day before the 19610  
day of the general or primary election for which the petition 19611  
qualified. The protest shall be in writing and shall be filed with 19612  
the election officials with whom the petition was filed. Upon 19613  
filing of the protest, the election officials with whom it is 19614  
filed shall promptly fix the time for hearing it, and shall mail 19615  
notice of the filing of the protest and the time and place for 19616  
hearing it to the person who filed the petition and to the person 19617  
who filed the protest. At the time and place fixed, the election 19618  
officials shall hear the protest and determine the validity of the 19619  
petition. 19620

**Sec. 4301.331.** (A) The privilege of local option conferred by 19621  
section 4301.321 of the Revised Code shall be exercised if a 19622  
certified copy of the judgment issued pursuant to division (D) or 19623  
(E) of section 3767.05 of the Revised Code that is the basis for 19624

the exercise of the local option privilege is filed pursuant to 19625  
division (G) of section 3767.05 of the Revised Code indicating 19626  
that a liquor permit premises has been adjudged a nuisance. The 19627  
certified copy of the judgment shall be filed in accordance with 19628  
this section by the person or public official who brought the 19629  
action under section 3763.03 of the Revised Code. 19630

(B) The certified copy of the judgment prescribed under 19631  
division (A) of this section shall be filed with the board of 19632  
elections of the county in which the nuisance was adjudged to 19633  
exist pursuant to division (D) or (E) of section 3767.05 of the 19634  
Revised Code not later than four p.m. of the ~~seventy-fifth~~ 19635  
eighty-fifth day before the day of the next general or primary 19636  
election. 19637

(C) The statement prescribed under division (A) of this 19638  
section shall contain both of the following: 19639

(1) A notice that the statement is for the submission of the 19640  
question set forth in section 4301.352 of the Revised Code; 19641

(2) The name of a class C or D permit holder and the address 19642  
of the permit holder's permit premises. If the business conducted 19643  
by a class C or D permit holder at the permit premises has a name 19644  
different from the permit holder's personal or corporate name, the 19645  
name of the permit holder's business shall be stated along with 19646  
the permit holder's personal or corporate name. 19647

(D) Not later than five days after the certified copy of the 19648  
judgment prescribed under division (A) of this section is filed, 19649  
the board shall give notice by certified mail that it has received 19650  
the certified copy of the judgment to the liquor permit holder 19651  
whose permit would be affected by the results of the election 19652  
required by the filing of the certified copy of the judgment. 19653  
Failure of the petitioner to supply a complete and accurate 19654  
address of the liquor permit holder to the board of elections 19655

invalidates the election. 19656

For purposes of this section, "complete and accurate address" 19657  
means all of the following: 19658

(1) The address of the liquor permit premises; 19659

(2) The address of the statutory agent of the liquor permit 19660  
holder, if applicable; 19661

(3) The address of the liquor permit holder if different from 19662  
the liquor permit premises address. 19663

(E) Not later than the ~~sixty-eighth~~ seventy-eighth day before 19664  
the day of the next general or primary election, whichever occurs 19665  
first, the board shall certify the sufficiency and validity of the 19666  
certified copy of the judgment, make such determination as of the 19667  
time of certification, and order the holding of an election in the 19668  
precinct on the day of that general or primary election for the 19669  
submission of the question set forth in section 4301.352 of the 19670  
Revised Code. 19671

(F) A certified copy of the judgment filed with the board of 19672  
elections under division (A) of this section shall be open to 19673  
public inspection under rules adopted by the board. 19674

An elector who is eligible to vote on the question set forth 19675  
in section 4301.352 of the Revised Code or the permit holder named 19676  
on the certified copy of the judgment, not later than four p.m. of 19677  
the ~~sixty-fourth~~ seventy-fourth day before the day of the election 19678  
at which the question will be submitted to the electors, may file 19679  
a protest against a local option petition. The protest shall be in 19680  
writing and shall be filed with the election officials with whom 19681  
the certified copy of the judgment was filed. Upon the filing of 19682  
the protest, the election officials with whom it is filed shall 19683  
promptly fix a time and place for hearing the protest, and shall 19684  
mail notice of the time and place for hearing it to the person who 19685  
filed the certified copy of the judgment and to the person who 19686

filed the protest. At the time and place fixed, the election 19687  
officials shall hear the protest and determine the validity of the 19688  
certified copy of the judgment. 19689

**Sec. 4301.332.** (A) The board of elections shall provide to a 19690  
petitioner circulating a petition for an election for the 19691  
submission of one or more of the questions specified in section 19692  
4301.353 or 4301.354 of the Revised Code, at the time of taking 19693  
out the petition, the names of the streets and, if appropriate, 19694  
the address numbers of residences and business establishments 19695  
within the precinct that would be affected by the results of the 19696  
election, and a form prescribed by the secretary of state for 19697  
notifying affected permit holders of the circulation of a petition 19698  
for an election for the submission of one or more of the questions 19699  
specified in section 4301.353 or 4301.354 of the Revised Code. The 19700  
petitioner shall, not less than ~~forty-five~~ fifty-five days before 19701  
the petition-filing deadline for the election, as provided in this 19702  
section, file with the division of liquor control the information 19703  
regarding names of streets and, if appropriate, address numbers of 19704  
residences and business establishments provided by the board of 19705  
elections, and specify to the division the portion of the precinct 19706  
that would be affected by the results of the election and the 19707  
filing deadline. The division shall, within a reasonable period of 19708  
time and not later than ~~fifteen~~ twenty-five days before the filing 19709  
deadline, supply the petitioner with a list of the names and 19710  
addresses of permit holders, if any, who would be affected by the 19711  
election. The list shall contain a heading with the following 19712  
words: "Liquor permit holders who would be affected by the 19713  
question(s) set forth on petition for a local option election." 19714

19715  
Within five days after a petitioner has received from the 19716  
division the list of liquor permit holders, if any, who would be 19717  
affected by the question or questions set forth on a petition for 19718

local option election, the petitioner, using the form provided by 19719  
the board of elections, shall notify by certified mail each permit 19720  
holder whose name appears on that list. The form for notifying 19721  
affected permit holders shall require the petitioner to state the 19722  
petitioner's name and street address and shall contain a statement 19723  
that a petition is being circulated for an election for the 19724  
submission of the question or questions specified in section 19725  
4301.353 or 4301.354 of the Revised Code. The form shall require 19726  
the petitioner to state the question or questions to be submitted 19727  
as they appear on the petition. 19728

The petitioner shall attach a copy of the list provided by 19729  
the division to each petition paper. A part petition paper 19730  
circulated at any time without the list of affected permit holders 19731  
attached to it is invalid. 19732

At the time the petitioner files the petition with the board 19733  
of elections, the petitioner shall provide to the board the list 19734  
supplied by the division and an affidavit certifying that the 19735  
petitioner notified all affected permit holders, if any, on the 19736  
list in the manner and within the time required in this section 19737  
and that, at the time each signer of the petition affixed the 19738  
signer's signature to the petition, the petition paper contained a 19739  
copy of the list of affected permit holders. 19740

Within five days after receiving a petition calling for an 19741  
election for the submission of one or more of the questions 19742  
specified in section 4301.353 or 4301.354 of the Revised Code, the 19743  
board shall give notice by certified mail that it has received the 19744  
petition to all liquor permit holders, if any, whose names appear 19745  
on the list of affected permit holders filed by the petitioner as 19746  
furnished by the division. Failure of the petitioner to supply the 19747  
affidavit required by this section and a complete and accurate 19748  
list of liquor permit holders as furnished by the division 19749  
invalidates the entire petition. The board of elections shall 19750



provide to a permit holder who would be affected by a proposed 19751  
local option election, on the permit holder's request, the names 19752  
of the streets, and, if appropriate, the address numbers of 19753  
residences and business establishments within the portion of the 19754  
precinct that would be affected by the results of the election. 19755  
The board may charge a reasonable fee for this information when 19756  
provided to the petitioner and the permit holder. 19757

This division does not apply to an election held under 19758  
section 4301.353 or 4301.354 of the Revised Code if the results of 19759  
the election would not affect any permit holder. 19760

(B) Upon the presentation of a petition, not later than four 19761  
p.m. of the ~~seventy-fifth~~ eighty-fifth day before the day of a 19762  
general or primary election, to the board of elections of the 19763  
county where the precinct is located, designating whether it is a 19764  
petition for an election for the submission of one or both of the 19765  
questions specified in section 4301.353 of the Revised Code, or a 19766  
petition for the submission of one or more of the questions 19767  
specified in section 4301.354 of the Revised Code, designating the 19768  
particular question or questions specified in section 4301.353 or 19769  
4301.354 of the Revised Code that are to be submitted, and signed 19770  
by the qualified electors of the precinct concerned, equal in 19771  
number to thirty-five per cent of the total number of votes cast 19772  
in the precinct concerned for the office of governor at the 19773  
preceding general election for that office, the board shall submit 19774  
the question or questions specified in the petition to the 19775  
electors of the precinct concerned, on the day of the next general 19776  
or primary election, whichever occurs first and shall proceed as 19777  
follows: 19778

(1) Such board shall, not later than the ~~sixty-eighth~~ 19779  
seventy-eighth day before the day of the election for which the 19780  
question or questions on the petition would qualify for submission 19781  
to the electors of the precinct, examine and determine the 19782

sufficiency of the signatures and review, examine, and determine 19783  
the validity of the petition and, in case of overlapping precinct 19784  
petitions presented within that period, determine which of the 19785  
petitions shall govern the further proceedings of the board. In 19786  
the case where the board determines that two or more overlapping 19787  
petitions are valid, the earlier filed petition shall govern. The 19788  
board shall certify the sufficiency and validity of any petition 19789  
determined to be valid. The board shall determine the validity of 19790  
the petition as of the time of certification as described in this 19791  
division. 19792

(2) If a petition is sufficient, and, in case of overlapping 19793  
precinct petitions, after the board has determined the governing 19794  
petition, the board to which the petition has been presented shall 19795  
order the holding of a special election in the precinct for the 19796  
submission of whichever of the questions specified in section 19797  
4301.353 or 4301.354 of the Revised Code are designated in the 19798  
petition, on the day of the next general or primary election, 19799  
whichever occurs first. 19800

(C) All petitions filed with a board of elections under this 19801  
section shall be open to public inspection under rules adopted by 19802  
the board. 19803

(D) Protest against local option petitions may be filed by 19804  
any elector eligible to vote on the question or questions 19805  
described in the petitions or by a permit holder in the precinct 19806  
as described in the petitions, not later than four p.m. of the 19807  
~~sixty-fourth~~ seventy-fourth day before the day of the general or 19808  
primary election for which the petition qualified. The protest 19809  
shall be in writing and shall be filed with the election officials 19810  
with whom the petition was filed. Upon filing of the protest, the 19811  
election officials with whom it is filed shall promptly fix the 19812  
time for hearing it, and shall mail notice of the filing of the 19813  
protest and the time and place for hearing it to the person who 19814

filed the petition and to the person who filed the protest. At the 19815  
time and place fixed, the election officials shall hear the 19816  
protest and determine the validity of the petition. 19817

**Sec. 4301.333.** (A) The privilege of local option conferred by 19818  
section 4301.323 of the Revised Code may be exercised if, not 19819  
later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before 19820  
the day of a general or primary election, a petition is presented 19821  
to the board of elections of the county in which the precinct is 19822  
situated by a petitioner who is one of the following: 19823

(1) An applicant for the issuance or transfer of a liquor 19824  
permit at, or to, a particular location within the precinct; 19825

(2) The holder of a liquor permit at a particular location 19826  
within the precinct; 19827

(3) A person who operates or seeks to operate a liquor agency 19828  
store at a particular location within the precinct; 19829

(4) The designated agent for an applicant, liquor permit 19830  
holder, or liquor agency store described in division (A)(1), (2), 19831  
or (3) of this section. 19832

(B) The petition shall be signed by the electors of the 19833  
precinct equal in number to at least thirty-five per cent of the 19834  
total number of votes cast in the precinct for the office of 19835  
governor at the preceding general election for that office and 19836  
shall contain all of the following: 19837

(1) A notice that the petition is for the submission of the 19838  
question or questions set forth in section 4301.355 of the Revised 19839  
Code; 19840

(2) The name of the applicant for the issuance or transfer, 19841  
or the holder, of the liquor permit or, if applicable, the name of 19842  
the liquor agency store, including any trade or fictitious names 19843  
under which the applicant, holder, or liquor agency store either 19844

intends to do or does business at the particular location; 19845

(3) The address and proposed use of the particular location 19846  
within the election precinct to which the results of the question 19847  
or questions specified in section 4301.355 of the Revised Code 19848  
shall apply. For purposes of this division, "use" means all of the 19849  
following: 19850

(a) The type of each liquor permit applied for by the 19851  
applicant or held by the liquor permit holder as described in 19852  
sections 4303.11 to 4303.183 of the Revised Code, including a 19853  
description of the type of beer or intoxicating liquor sales 19854  
authorized by each permit as provided in those sections; 19855

(b) If a liquor agency store, the fact that the business 19856  
operated as a liquor agency store authorized to operate by this 19857  
state; 19858

(c) A description of the general nature of the business of 19859  
the applicant, liquor permit holder, or liquor agency store. 19860

(4) If the petition seeks approval of Sunday sales under 19861  
question (B)(2) as set forth in section 4301.355 of the Revised 19862  
Code, a statement indicating whether the hours of sale sought are 19863  
between ten a.m. and midnight or between eleven a.m. and midnight. 19864  
19865

(C)(1) At the time the petitioner files the petition with the 19866  
board of elections, the petitioner shall provide to the board both 19867  
of the following: 19868

(a) An affidavit that is signed by the petitioner and that 19869  
states the proposed use of the location following the election 19870  
held to authorize the sale of beer or intoxicating liquor 19871  
authorized by each permit as provided in sections 4303.11 to 19872  
4303.183 of the Revised Code; 19873

(b) Written evidence of the designation of an agent by the 19874

applicant, liquor permit holder, or liquor agency store described 19875  
in division (A)(1), (2), or (3) of this section for the purpose of 19876  
petitioning for the local option election, if the petitioner is 19877  
the designated agent of the applicant, liquor permit holder, or 19878  
liquor agency store. 19879

(2) Failure to supply the affidavit, or the written evidence 19880  
of the designation of the agent if the petitioner for the local 19881  
option election is the agent of the applicant, liquor permit 19882  
holder, or liquor agency store described in division (A)(1), (2), 19883  
or (3) of this section, at the time the petition is filed 19884  
invalidates the entire petition. 19885

(D) Not later than the ~~sixty-eighth~~ seventy-eighth day before 19886  
the day of the next general or primary election, whichever occurs 19887  
first, the board shall examine and determine the sufficiency of 19888  
the signatures and the validity of the petition. If the board 19889  
finds that the petition contains sufficient signatures and in 19890  
other respects is valid, it shall order the holding of an election 19891  
in the precinct on the day of the next general or primary 19892  
election, whichever occurs first, for the submission of the 19893  
question or questions set forth in section 4301.355 of the Revised 19894  
Code. 19895

(E) A petition filed with the board of elections under this 19896  
section shall be open to public inspection under rules adopted by 19897  
the board. 19898

(F) An elector who is eligible to vote on the question or 19899  
questions set forth in section 4301.355 of the Revised Code may 19900  
file, not later than four p.m. of the ~~sixty-fourth~~ seventy-fourth 19901  
day before the day of the election at which the question or 19902  
questions will be submitted to the electors, a protest against a 19903  
local option petition circulated and filed pursuant to this 19904  
section. The protest shall be in writing and shall be filed with 19905  
the election officials with whom the petition was filed. Upon the 19906

filing of the protest, the election officials with whom it is 19907  
filed shall promptly establish a time and place for hearing the 19908  
protest and shall mail notice of the time and place for the 19909  
hearing to the applicant for, or the holder of, the liquor permit 19910  
who is specified in the petition and to the elector who filed the 19911  
protest. At the time and place established in the notice, the 19912  
election officials shall hear the protest and determine the 19913  
validity of the petition. 19914

**Sec. 4301.334.** (A) The privilege of local option conferred by 19915  
section 4301.324 of the Revised Code may be exercised if, not 19916  
later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before 19917  
the day of a general or primary election, a petition and other 19918  
information required by division (B) of this section are presented 19919  
to the board of elections of the county in which the community 19920  
facility named in the petition is located. The petition shall be 19921  
signed by electors of the municipal corporation or unincorporated 19922  
area of the township in which the community facility is located 19923  
equal in number to at least ten per cent of the total number of 19924  
votes cast in the municipal corporation or unincorporated area of 19925  
the township in which the community facility is located for the 19926  
office of governor at the most recent general election for that 19927  
office and shall contain both of the following: 19928

(1) A notice that the petition is for the submission of the 19930  
question set forth in section 4301.356 of the Revised Code and a 19931  
statement indicating whether the hours of Sunday sales sought in 19932  
the local option election are between ten a.m. and midnight or 19933  
between eleven a.m. and midnight; 19934

(2) The name and address of the community facility for which 19935  
the local option election is sought and, if the community facility 19936  
is a community entertainment district, the boundaries of the 19937

district. 19938

(B) Upon the request of a petitioner, a board of elections of 19939  
a county shall furnish to the petitioner a copy of the 19940  
instructions prepared by the secretary of state under division (P) 19941  
of section 3501.05 of the Revised Code and, within fifteen days 19942  
after the request, a certificate indicating the number of valid 19943  
signatures that will be required on a petition to hold an election 19944  
in the municipal corporation or unincorporated area of the 19945  
township in which the community facility is located on the 19946  
question specified in section 4301.356 of the Revised Code. 19947

The petitioner shall, not less than thirty days before the 19948  
petition-filing deadline for an election on the question specified 19949  
in section 4301.356 of the Revised Code, specify to the division 19950  
of liquor control the name and address of the community facility 19951  
for which the election is sought and, if the community facility is 19952  
a community entertainment district, the boundaries of the 19953  
district, the municipal corporation or unincorporated area of a 19954  
township in which the election is sought, and the filing deadline. 19955  
The division shall, within a reasonable period of time and not 19956  
later than ten days before the filing deadline, supply the 19957  
petitioner with the name and address of any permit holder for or 19958  
within the community facility. 19959

The petitioner shall file the name and address of any permit 19960  
holder who would be affected by the election at the time the 19961  
petitioner files the petition with the board of elections. Within 19962  
five days after receiving the petition, the board shall give 19963  
notice by certified mail to any permit holder within the community 19964  
facility that it has received the petition. Failure of the 19965  
petitioner to supply the name and address of any permit holder for 19966  
or within the community facility as furnished to the petitioner by 19967  
the division invalidates the petition. 19968

(C) Not later than the ~~sixty-eighth~~ seventy-eighth day before 19969

the day of the next general or primary election, whichever occurs 19970  
first, the board shall examine and determine the sufficiency of 19971  
the signatures on the petition. If the board finds that the 19972  
petition is valid, it shall order the holding of an election in 19973  
the municipal corporation or unincorporated area of a township on 19974  
the day of the next general or primary election, whichever occurs 19975  
first, for the submission of the question set forth in section 19976  
4301.356 of the Revised Code. 19977

(D) A petition filed with a board of elections under this 19978  
section shall be open to public inspection under rules adopted by 19979  
the board. 19980

(E) An elector who is eligible to vote on the question set 19981  
forth in section 4301.356 of the Revised Code or any permit holder 19982  
for or within the community facility may, not later than four p.m. 19983  
of the ~~sixty-fourth~~ seventy-fourth day before the day of the 19984  
election at which the question will be submitted to the electors, 19985  
file a written protest against the local option petition with the 19986  
board of elections with which the petition was filed. Upon the 19987  
filing of the protest, the board shall promptly fix a time and 19988  
place for hearing the protest and shall mail notice of the time 19989  
and place to the person who filed the petition and to the person 19990  
who filed the protest. At the time and place fixed, the board 19991  
shall hear the protest and determine the validity of the petition. 19992  
19993

**Sec. 4301.356.** If a petition is filed under section 4301.334 19994  
of the Revised Code for the submission of the question set forth 19995  
in this section, an election shall be held in the municipal 19996  
corporation or unincorporated area of a township as ordered by the 19997  
board of elections under that section. 19998

Except as otherwise provided in this section, if the 19999  
legislative authority of a municipal corporation in whose 20000



territory, or the board of township trustees of a township in 20001  
whose unincorporated area, a community facility is located 20002  
submits, not later than four p.m. of the ~~seventy-fifth~~ 20003  
eighty-fifth day before the day of a primary or general election, 20004  
to the board of elections of the county in which the community 20005  
facility is located an ordinance or resolution requesting the 20006  
submission of the question set forth in this section to the 20007  
electors of the municipal corporation or unincorporated area of 20008  
the township, the board of elections shall order that an election 20009  
be held on that question in the municipal corporation or the 20010  
unincorporated area of the township on the day of the next primary 20011  
or general election, whichever occurs first. The legislative 20012  
authority or board of township trustees shall submit the name and 20013  
address of any permit holder who would be affected by the results 20014  
of the election to the board of elections at the same time it 20015  
submits the ordinance or resolution. The board of elections, 20016  
within five days after receiving the name and address, shall give 20017  
notice by certified mail to each permit holder that it has 20018  
received the ordinance or resolution. Failure of the legislative 20019  
authority or board of township trustees to supply the name and 20020  
address of each permit holder to the board of elections 20021  
invalidates the effect of the ordinance or resolution. 20022

At the election, the following question shall be submitted to 20023  
the electors of the municipal corporation or unincorporated area 20024  
of a township: 20025

"Shall the sale of beer and intoxicating liquor be permitted 20026  
on days of the week other than Sunday and between the hours of 20027  
..... (insert "ten a.m." or "eleven a.m.") and midnight on 20028  
Sunday, at ..... (insert name of community facility), a 20029  
community facility as defined by section 4301.01 of the Revised 20030  
Code, and located at ..... (insert the address of the community 20031  
facility and, if the community facility is a community 20032

entertainment district, the boundaries of the district, as set forth in the petition)?"

The board of elections shall furnish printed ballots at the election as provided under section 3505.06 of the Revised Code, except that a separate ballot shall be used for the election under this section. The question set forth in this section shall be printed on each ballot, and the board shall insert in the question appropriate words to complete it, subject to the approval of the secretary of state. Votes shall be cast as provided under section 3505.06 of the Revised Code.

**Sec. 4301.421.** (A) For the purposes of section 307.696 of the Revised Code, to pay the expenses of administering the tax, and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, or for those purposes and to provide revenues to the county for permanent improvements, the board of county commissioners may levy a tax on the sale of beer at a rate not to exceed sixteen cents per gallon, on the sale of cider at a rate not to exceed twenty-four cents per gallon, and on the sale of wine and mixed beverages at a rate not to exceed thirty-two cents per gallon. The tax shall be imposed on all beer, cider, wine, and mixed beverages sold for resale at retail in the county, and on all beer, cider, wine, and mixed beverages sold at retail in the county by the manufacturer, bottler, importer, or other person upon which the tax has not been paid. The tax shall not be levied on the sale of wine to be used for known sacramental purposes. The tax may be levied for any number of years not exceeding twenty. The tax shall be in addition to the taxes imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code. The tax shall not be considered a cost in any computation required under rules of the liquor control commission regulating minimum prices or mark-ups.

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Only one sale of the same article shall be used in computing, 20065  
reporting, and paying the amount of tax due. 20066

The tax shall be levied pursuant to a resolution of the 20067  
county commissioners approved by a majority of the electors in the 20068  
county voting on the question of levying the tax, which resolution 20069  
shall specify the rate of the tax, the number of years the tax 20070  
will be levied, and the purposes for which the tax is levied. The 20071  
election may be held on the date of a general election or special 20072  
election held not sooner than ~~seventy-five~~ eighty-five days after 20073  
the date the board certifies its resolution to the board of 20074  
elections. If approved by the electors, the tax shall take effect 20075  
on the first day of the month specified in the resolution but not 20076  
sooner than the first day of the month that is at least sixty days 20077  
after the certification of the election results by the board of 20078  
elections. A copy of the resolution levying the tax and the 20079  
certification of the board of elections shall be certified to the 20080  
tax commissioner at least sixty days prior to the date on which 20081  
the tax is to become effective. 20082

A resolution under this section may be joined on the ballot 20083  
as a single question with a resolution adopted under section 20084  
307.697 or 5743.024 of the Revised Code to levy a tax for the same 20085  
purposes and for the purpose of paying the expenses of 20086  
administering the tax. The form of the ballot in an election held 20087  
pursuant to this section shall be as prescribed in section 307.697 20088  
of the Revised Code. 20089

(B) The board of county commissioners of a county in which a 20090  
tax is imposed under this section on July 19, 1995, may levy a tax 20091  
for the purpose of section 307.673 of the Revised Code regardless 20092  
of whether or not the cooperative agreement authorized under that 20093  
section has been entered into prior to the day the resolution 20094  
adopted under division (B)(1) or (2) of this section is adopted, 20095  
and for the purpose of reimbursing a county for costs incurred in 20096

the construction of a sports facility pursuant to an agreement 20097  
entered into by the county under section 307.696 of the Revised 20098  
Code. The tax shall be levied and approved in one of the manners 20099  
prescribed by division (B)(1) or (2) of this section. 20100

(1) The tax may be levied pursuant to a resolution adopted by 20101  
a majority of the members of the board of county commissioners not 20102  
later than September 2, 1995. A board of county commissioners 20103  
approving a tax under division (B)(1) of this section may approve 20104  
a tax under division (D)(1) of section 307.697 or division (C)(1) 20105  
of section 5743.024 of the Revised Code at the same time. Subject 20106  
to the resolution being submitted to a referendum under sections 20107  
305.31 to 305.41 of the Revised Code, the resolution shall take 20108  
effect immediately, but the tax levied pursuant to the resolution 20109  
shall not be levied prior to the day following the last day the 20110  
tax levied pursuant to division (A) of this section may be levied. 20111

(2) The tax may be levied pursuant to a resolution adopted by 20112  
a majority of the members of the board of county commissioners not 20113  
later than September 2, 1995, and approved by a majority of the 20114  
electors of the county voting on the question of levying the tax 20115  
at the next succeeding general election following July 19, 1995. 20116  
The board of county commissioners shall certify a copy of the 20117  
resolution to the board of elections immediately upon adopting a 20118  
resolution under division (D)(2) of this section, and the board of 20119  
elections shall place the question of levying the tax on the 20120  
ballot at that election. The form of the ballot shall be as 20121  
prescribed by division (C) of section 307.697 of the Revised Code, 20122  
except that the phrase "paying not more than one-half of the costs 20123  
of providing a sports facility together with related redevelopment 20124  
and economic development projects" shall be replaced by the phrase 20125  
"paying the costs of constructing or renovating a sports facility 20126  
and reimbursing a county for costs incurred by the county in the 20127  
construction of a sports facility," and the phrase ", beginning 20128

..... (here insert the earliest date the tax would take effect)" shall be appended after "years." A board of county commissioners submitting the question of a tax under division (B)(2) of this section may submit the question of a tax under division (D)(2) of section 307.697 or division (C)(2) of section 5743.024 of the Revised Code as a single question, and the form of the ballot shall include each of the proposed taxes.

If approved by a majority of electors voting on the question, the tax shall take effect on the day specified on the ballot, which shall not be earlier than the day following the last day the tax levied pursuant to division (A) of this section may be levied.

The rate of a tax levied pursuant to division (B)(1) or (2) of this section shall not exceed the rate specified in division (A) of this section. A tax levied pursuant to division (B)(1) or (2) of this section may be levied for any number of years not exceeding twenty.

A board of county commissioners adopting a resolution under division (B)(1) or (2) of this section shall certify a copy of the resolution to the tax commissioner immediately upon adoption of the resolution.

(C) No tax shall be levied under this section on or after ~~the effective date of the amendment of this section by .....~~ of the ~~127th general assembly~~ September 23, 2008. This division does not prevent the collection of any tax levied under this section before that date so long as that tax remains effective.

**Sec. 4301.424.** (A) For the purpose of section 351.26 of the Revised Code and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, the board of county commissioners, in the manner prescribed by division (A) of section 351.26 of the Revised Code, may levy a tax on each gallon of spirituous liquor;

on the sale of beer; and on the sale of wine and mixed beverages. 20160  
The tax on spirituous liquor shall be imposed on spirituous liquor 20161  
sold to or purchased by liquor permit holders for resale, and sold 20162  
at retail by the division of liquor control, in the county at a 20163  
rate not greater than three dollars per gallon; the tax on beer, 20164  
wine, and mixed beverages shall be imposed on all beer, wine, and 20165  
mixed beverages sold for resale at retail in the county, and on 20166  
all beer, wine, and mixed beverages sold at retail in the county 20167  
by the manufacturer, bottler, importer, or other person and upon 20168  
which the tax has not been paid. The rate of the tax on beer shall 20169  
not exceed sixteen cents per gallon, and the rate of the tax on 20170  
wine and mixed beverages shall not exceed thirty-two cents per 20171  
gallon. Only one sale of the same article shall be used in 20172  
computing, reporting, and paying the amount of tax due. The tax 20173  
may be levied for any number of years not exceeding twenty. 20174

The tax shall be levied pursuant to a resolution of the board 20175  
of county commissioners adopted as prescribed by division (A) of 20176  
section 351.26 of the Revised Code and approved by a majority of 20177  
the electors in the county voting on the question of levying the 20178  
tax. The resolution shall specify the rates of the tax, the number 20179  
of years the tax will be levied, and the purposes for which the 20180  
tax is levied. Such election may be held on the date of a general 20181  
or special election held not sooner than ~~seventy-five~~ eighty-five 20182  
days after the date the board certifies its resolution to the 20183  
board of elections. If approved by the electors, the tax takes 20184  
effect on the first day of the month specified in the resolution 20185  
but not sooner than the first day of the month that is at least 20186  
sixty days after the certification of the election results by the 20187  
board of elections. A copy of the resolution levying the tax shall 20188  
be certified to the division of liquor control and the tax 20189  
commissioner at least sixty days prior to the date on which the 20190  
tax is to become effective. 20191

(B) A resolution under this section may be joined on the ballot as a single question with a resolution adopted under section 5743.026 of the Revised Code to levy a tax for the same purposes, and for the purpose of paying the expenses of administering that tax.

(C) The form of the ballot in an election held on the question of levying a tax proposed pursuant to this section shall be as prescribed by section 351.26 of the Revised Code.

(D) No tax shall be levied under this section on or after ~~the effective date of the amendment of this section by the capital appropriations act of the 127th general assembly September 23, 2008~~. This division does not prevent the collection of any tax levied under this section before that date so long as that tax remains effective.

**Sec. 4303.29.** (A) No permit, other than an H permit, shall be issued to a firm or partnership unless all the members of the firm or partnership are citizens of the United States. No permit, other than an H permit, shall be issued to an individual who is not a citizen of the United States. No permit, other than an E or H permit, shall be issued to any corporation organized under the laws of any country, territory, or state other than this state until it has furnished the division of liquor control with evidence that it has complied with the laws of this state relating to the transaction of business in this state.

The division may refuse to issue any permit to or refuse to renew any permit of any person convicted of any felony that is reasonably related to the person's fitness to operate a liquor permit business in this state. No holder of a permit shall sell, assign, transfer, or pledge the permit without the written consent of the division.

(B)(1) No D-3 permit shall be issued to any club unless the

club has been continuously engaged in the activity specified in 20223  
section 4303.15 of the Revised Code, as a qualification for that 20224  
class of permit, for two years at the time the permit is issued. 20225

(2)(a) Subject to division (B)(2)(b) of this section, upon 20226  
application by properly qualified persons, one C-1 and C-2 permit 20227  
shall be issued for each one thousand population or part of that 20228  
population, and one D-1 and D-2 permit shall be issued for each 20229  
two thousand population or part of that population, in each 20230  
municipal corporation and in the unincorporated area of each 20231  
township. 20232

Subject to division (B)(2)(b) of this section, not more than 20233  
one D-3, D-4, or D-5 permit shall be issued for each two thousand 20234  
population or part of that population in any municipal corporation 20235  
and in the unincorporated area of any township, except that, in 20236  
any city of a population of fifty-five thousand or more, one D-3 20237  
permit may be issued for each fifteen hundred population or part 20238  
of that population. 20239

(b)(i) Division (B)(2)(a) of this section does not prohibit 20240  
the transfer of location or the transfer of ownership and location 20241  
of a C-1, C-2, D-1, D-2, D-3, or D-5 permit from a municipal 20242  
corporation or the unincorporated area of a township in which the 20243  
number of permits of that class exceeds the number of such permits 20244  
authorized to be issued under division (B)(2)(a) of this section 20245  
to an economic development project located in another municipal 20246  
corporation or the unincorporated area of another township in 20247  
which no additional permits of that class may be issued to the 20248  
applicant under division (B)(2)(a) of this section, but the 20249  
transfer of location or transfer of ownership and location of the 20250  
permit may occur only if the applicant notifies the municipal 20251  
corporation or township to which the location of the permit will 20252  
be transferred regarding the transfer and that municipal 20253  
corporation or township acknowledges in writing to the division of 20254



liquor control, at the time the application for the transfer of 20255  
location or transfer of ownership and location of the permit is 20256  
filed, that the transfer will be to an economic development 20257  
project. This acknowledgment by the municipal corporation or 20258  
township does not prohibit it from requesting a hearing under 20259  
section 4303.26 of the Revised Code. The applicant is eligible to 20260  
apply for and receive the transfer of location of the permit under 20261  
division (B)(2)(b) of this section if all permits of that class 20262  
that may be issued under division (B)(2)(a) of this section in the 20263  
applicable municipal corporation or unincorporated area of the 20264  
township have already been issued or if the number of applications 20265  
filed for permits of that class in that municipal corporation or 20266  
the unincorporated area of that township exceed the number of 20267  
permits of that class that may be issued there under division 20268  
(B)(2)(a) of this section. 20269

A permit transferred under division (B)(2)(b) of this section 20270  
may be subsequently transferred to a different owner at the same 20271  
location, or to the same owner or a different owner at a different 20272  
location in the same municipal corporation or in the 20273  
unincorporated area of the same township, as long as the same or 20274  
new location meets the economic development project criteria set 20275  
forth in this section. 20276

(ii) Factors that shall be used to determine the designation 20277  
of an economic development project include, but are not limited 20278  
to, architectural certification of the plans and the cost of the 20279  
project, the number of jobs that will be created by the project, 20280  
projected earnings of the project, projected tax revenues for the 20281  
political subdivisions in which the project will be located, and 20282  
the amount of financial investment in the project. The 20283  
superintendent of liquor control shall determine whether the 20284  
existing or proposed business that is seeking a permit described 20285  
in division (B)(2)(b) of this section qualifies as an economic 20286

development project and, if the superintendent determines that it 20287  
so qualifies, shall designate the business as an economic 20288  
development project. 20289

(3) Nothing in this section shall be construed to restrict 20290  
the issuance of a permit to a municipal corporation for use at a 20291  
municipally owned airport at which commercial airline companies 20292  
operate regularly scheduled flights on which space is available to 20293  
the public. A municipal corporation applying for a permit for such 20294  
a municipally owned airport is exempt, in regard to that 20295  
application, from the population restrictions contained in this 20296  
section and from population quota restrictions contained in any 20297  
rule of the liquor control commission. A municipal corporation 20298  
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a 20299  
municipally owned airport is subject to section 4303.31 of the 20300  
Revised Code. 20301

(4) Nothing in this section shall be construed to prohibit 20302  
the issuance of a D permit to the board of trustees of a soldiers' 20303  
memorial for a premises located at a soldiers' memorial 20304  
established pursuant to Chapter 345. of the Revised Code. An 20305  
application for a D permit by the board for those premises is 20306  
exempt from the population restrictions contained in this section 20307  
and from the population quota restrictions contained in any rule 20308  
of the liquor control commission. The location of a D permit 20309  
issued to the board for those premises shall not be transferred. A 20310  
board of trustees of a soldiers' memorial applying for a D-1, D-2, 20311  
D-3, D-4, or D-5 permit for the soldiers' memorial is subject to 20312  
section 4303.31 of the Revised Code. 20313

(5) Nothing in this section shall be construed to restrict 20314  
the issuance of a permit for a premises located at a golf course 20315  
owned by a municipal corporation, township, or county, owned by a 20316  
park district created under Chapter 1545. of the Revised Code, or 20317  
owned by the state. The location of such a permit issued on or 20318

after September 26, 1984, for a premises located at such a golf 20319  
course shall not be transferred. Any application for such a permit 20320  
is exempt from the population quota restrictions contained in this 20321  
section and from the population quota restrictions contained in 20322  
any rule of the liquor control commission. A municipal 20323  
corporation, township, county, park district, or state agency 20324  
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a golf 20325  
course is subject to section 4303.31 of the Revised Code. 20326

(6) As used in division (B)(6) of this section, "fair" has 20327  
the same meaning as in section 991.01 of the Revised Code; "state 20328  
fairgrounds" means the property that is held by the state for the 20329  
purpose of conducting fairs, expositions, and exhibits and that is 20330  
maintained and managed by the Ohio expositions commission under 20331  
section 991.03 of the Revised Code; "capitol square" has the same 20332  
meaning as in section 105.41 of the Revised Code; and "Ohio 20333  
judicial center" means the site of the Ohio supreme court and its 20334  
grounds. 20335

Nothing in this section shall be construed to restrict the 20336  
issuance of one or more D permits to one or more applicants for 20337  
all or a part of the state fairgrounds, capitol square, or the 20338  
Ohio judicial center. An application for a D permit for the state 20339  
fairgrounds, capitol square, or the Ohio judicial center is exempt 20340  
from the population quota restrictions contained in this section 20341  
and from the population quota restrictions contained in any rule 20342  
of the liquor control commission. The location of a D permit 20343  
issued for the state fairgrounds, capitol square, or the Ohio 20344  
judicial center shall not be transferred. An applicant for a D-1, 20345  
D-2, D-3, or D-5 permit for the state fairgrounds is not subject 20346  
to section 4303.31 of the Revised Code. 20347

Pursuant to section 1711.09 of the Revised Code, the holder 20348  
of a D permit issued for the state fairgrounds shall not deal in 20349  
spirituous liquor at the state fairgrounds during, or for one week 20350

before or for three days after, any fair held at the state 20351  
fairgrounds. 20352

(7) Nothing in this section shall be construed to prohibit 20353  
the issuance of a D permit for a premises located at a zoological 20354  
park at which sales have been approved in an election held under 20355  
former section 4301.356 of the Revised Code. An application for a 20356  
D permit for such a premises is exempt from the population 20357  
restrictions contained in this section, from the population quota 20358  
restrictions contained in any rule of the liquor control 20359  
commission, and from section 4303.31 of the Revised Code. The 20360  
location of a D permit issued for a premises at such a zoological 20361  
park shall not be transferred, and no quota or other restrictions 20362  
shall be placed on the number of D permits that may be issued for 20363  
a premises at such a zoological park. 20364

(C)(1) No D-3, D-4, D-5, or D-5a permit shall be issued in 20365  
any election precinct in any municipal corporation or in any 20366  
election precinct in the unincorporated area of any township, in 20367  
which at the November, 1933, election a majority of the electors 20368  
voting thereon in the municipal corporation or in the 20369  
unincorporated area of the township voted against the repeal of 20370  
Section 9 of Article XV, Ohio Constitution, unless the sale of 20371  
spirituous liquor by the glass is authorized by a majority vote of 20372  
the electors voting on the question in the precinct at an election 20373  
held pursuant to this section or by a majority vote of the 20374  
electors of the precinct voting on question (C) at a special local 20375  
option election held in the precinct pursuant to section 4301.35 20376  
of the Revised Code. Upon the request of an elector, the board of 20377  
elections of the county that encompasses the precinct shall 20378  
furnish the elector with a copy of the instructions prepared by 20379  
the secretary of state under division (P) of section 3501.05 of 20380  
the Revised Code and, within fifteen days after the request, a 20381  
certificate of the number of signatures required for a valid 20382

petition under this section. 20383

Upon the petition of thirty-five per cent of the total number 20384  
of voters voting in any such precinct for the office of governor 20385  
at the preceding general election, filed with the board of 20386  
elections of the county in which such precinct is located not 20387  
later than ~~seventy-five~~ eighty-five days before a general 20388  
election, the board shall prepare ballots and hold an election at 20389  
such general election upon the question of allowing spirituous 20390  
liquor to be sold by the glass in such precinct. The ballots shall 20391  
be approved in form by the secretary of state. The results of the 20392  
election shall be certified by the board to the secretary of 20393  
state, who shall certify the results to the division. 20394

(2) No holder of a class D-3 permit issued for a boat or 20395  
vessel shall sell spirituous liquor in any precinct, in which the 20396  
election provided for in this section may be held, unless the sale 20397  
of spirituous liquor by the drink has been authorized by vote of 20398  
the electors as provided in this section or in section 4301.35 of 20399  
the Revised Code. 20400

(D) Any holder of a C or D permit whose permit premises were 20401  
purchased in 1986 or 1987 by the state or any state agency for 20402  
highway purposes shall be issued the same permit at another 20403  
location notwithstanding any quota restrictions contained in this 20404  
chapter or in any rule of the liquor control commission. 20405

**Sec. 4305.14.** (A) The following questions regarding the sale 20406  
of beer by holders of C or D permits may be presented to the 20407  
qualified electors of an election precinct: 20408

(1) "Shall the sale of beer as defined in section 4305.08 of 20409  
the Revised Code under permits which authorize sale for 20410  
off-premises consumption only be permitted within this precinct?" 20411

(2) "Shall the sale of beer as defined in section 4305.08 of 20412

the Revised Code under permits which authorize sale for 20413  
on-premises consumption only, and under permits which authorize 20414  
sale for both on-premises and off-premises consumption, be 20415  
permitted in this precinct?" 20416

The exact wording of the question as submitted and form of 20417  
ballot as printed shall be determined by the board of elections in 20418  
the county wherein the election is held, subject to approval of 20419  
the secretary of state. 20420

Upon the request of an elector, a board of elections of a 20421  
county that encompasses an election precinct shall furnish to the 20422  
elector a copy of the instructions prepared by the secretary of 20423  
state under division (P) of section 3501.05 of the Revised Code 20424  
and, within fifteen days after the request, with a certificate 20425  
indicating the number of valid signatures that will be required on 20426  
a petition to hold a special election in that precinct on either 20427  
or both of the questions specified in this section. 20428

The board shall provide to a petitioner, at the time the 20429  
petitioner takes out a petition, the names of the streets and, if 20430  
appropriate, the address numbers of residences and business 20431  
establishments within the precinct in which the election is 20432  
sought, and a form prescribed by the secretary of state for 20433  
notifying affected permit holders of the circulation of a petition 20434  
for an election for the submission of one or more of the questions 20435  
specified in division (A) of this section. The petitioner shall, 20436  
not less than ~~forty-five~~ fifty-five days before the 20437  
petition-filing deadline for an election provided for in this 20438  
section, file with the division of liquor control the information 20439  
regarding names of streets and, if appropriate, address numbers of 20440  
residences and business establishments provided by the board of 20441  
elections, and specify to the division the precinct that is 20442  
concerned or that would be affected by the results of the election 20443  
and the filing deadline. The division shall, within a reasonable 20444

period of time and not later than ~~fifteen~~ twenty-five days before 20445  
the filing deadline, supply the petitioner with a list of the 20446  
names and addresses of permit holders who would be affected by the 20447  
election. The list shall contain a heading with the following 20448  
words: "liquor permit holders who would be affected by the 20449  
question(s) set forth on a petition for a local option election." 20450

Within five days after receiving from the division the list 20451  
of liquor permit holders who would be affected by the question or 20452  
questions set forth on a petition for local option election, the 20453  
petitioner shall, using the form provided by the board of 20454  
elections, notify by certified mail each permit holder whose name 20455  
appears on that list. The form for notifying affected permit 20456  
holders shall require the petitioner to state the petitioner's 20457  
name and street address and shall contain a statement that a 20458  
petition is being circulated for an election for the submission of 20459  
the question or questions specified in division (B) of this 20460  
section. The form shall require the petitioner to state the 20461  
question or questions to be submitted as they appear on the 20462  
petition. 20463

The petitioner shall attach a copy of the list provided by 20464  
the division to each petition paper. A part petition paper 20465  
circulated at any time without the list of affected permit holders 20466  
attached to it is invalid. 20467

At the time of filing the petition with the board of 20468  
elections, the petitioner shall provide to the board of elections 20469  
the list supplied by the division and an affidavit certifying that 20470  
the petitioner notified all affected permit holders on the list in 20471  
the manner and within the time required in this section and that, 20472  
at the time each signer of the petition signed the petition, the 20473  
petition paper contained a copy of the list of affected permit 20474  
holders. 20475

Within five days after receiving a petition calling for an 20476

election for the submission of the question or questions set forth 20477  
in this section, the board of elections shall give notice by 20478  
certified mail that it has received the petition to all liquor 20479  
permit holders whose names appear on the list of affected permit 20480  
holders filed by the petitioner. Failure of the petitioner to 20481  
supply the affidavit required by this section and a complete and 20482  
accurate list of liquor permit holders invalidates the entire 20483  
petition. The board of elections shall provide to a permit holder 20484  
who would be affected by a proposed local option election, on the 20485  
permit holder's request, the names of the streets, and, if 20486  
appropriate, the address numbers of residences and business 20487  
establishments within the precinct in which the election is sought 20488  
and that would be affected by the results of the election. The 20489  
board may charge a reasonable fee for this information when 20490  
provided to the petitioner and the permit holder. 20491

Upon presentation not later than four p.m. of the 20492  
~~seventy-fifth~~ eighty-fifth day before the day of a general or 20493  
primary election, of a petition to the board of elections of the 20494  
county wherein such election is sought to be held, requesting the 20495  
holding of such election on either or both of the questions 20496  
specified in this section, signed by qualified electors of the 20497  
precinct concerned equal in number to thirty-five per cent of the 20498  
total number of votes cast in the precinct concerned for the 20499  
office of governor at the preceding general election for that 20500  
office, such board shall submit the question or questions 20501  
specified in the petition to the electors of the precinct 20502  
concerned, on the day of the next general or primary election, 20503  
whichever occurs first. 20504

(B) The board shall proceed as follows: 20505

(1) Such board shall, upon the filing of a petition under 20506  
this section, but not later than the ~~sixty-eighth~~ seventy-eighth 20507  
day before the day of the election for which the question or 20508



questions on the petition would qualify for submission to the 20509  
electors of the precinct, examine and determine the sufficiency of 20510  
the signatures and review, examine, and determine the validity of 20511  
such petition and, in case of overlapping precinct petitions 20512  
presented within that period, determine which of the petitions 20513  
shall govern the further proceedings of the board. In the case 20514  
where the board determines that two or more overlapping petitions 20515  
are valid, the earlier petition shall govern. The board shall 20516  
certify the sufficiency of signatures contained in the petition as 20517  
of the time of filing and the validity of the petition as of the 20518  
time of certification as described in division (C)(1) of this 20519  
section if the board finds the petition to be both sufficient and 20520  
valid. 20521

(2) If the petition contains sufficient signatures and is 20522  
valid, and, in case of overlapping precinct petitions, after the 20523  
board has determined the governing petition, the board shall order 20524  
the holding of a special election in the precinct for the 20525  
submission of the question or questions specified in the petition, 20526  
on the day of the next general or primary election, whichever 20527  
occurs first. 20528

(3) All petitions filed with a board of elections under this 20529  
section shall be open to public inspection under rules adopted by 20530  
the board. 20531

(C) Protest against a local option petition may be filed by 20532  
any qualified elector eligible to vote on the question or 20533  
questions specified in the petition or by a permit holder in the 20534  
precinct as described in the petition, not later than four p.m. of 20535  
the ~~sixty-fourth~~ seventy-fourth day before the day of such general 20536  
or primary election for which the petition qualified. Such protest 20537  
shall be in writing and shall be filed with the election officials 20538  
with whom the petition was filed. Upon filing of such protest the 20539  
election officials with whom it is filed shall promptly fix the 20540

time for hearing it, and shall forthwith mail notice of the filing 20541  
of the protest and the time for hearing it to the person who filed 20542  
the petition which is protested and to the person who filed the 20543  
protest. At the time and place fixed, the election officials shall 20544  
hear the protest and determine the validity of the petition. 20545  
20546

(D) If a majority of the electors voting on the question in 20547  
the precinct vote "yes" on question (1) or (2) as set forth in 20548  
division (A) of this section, the sale of beer as specified in 20549  
that question shall be permitted in the precinct and no subsequent 20550  
election shall be held in the precinct under this section on the 20551  
same question for a period of at least four years from the date of 20552  
the most recent election. 20553

If a majority of the electors voting on the question in the 20554  
precinct vote "no" on question (1) or (2) as set forth in division 20555  
(A) of this section, no C or D permit holder shall sell beer as 20556  
specified in that question within the precinct during the period 20557  
the election is in effect and no subsequent election shall be held 20558  
in the precinct under this section on the same question for a 20559  
period of at least four years from the date of the most recent 20560  
election. 20561

**Sec. 4504.021.** The question of repeal of a county permissive 20562  
tax adopted as an emergency measure pursuant to section 4504.02, 20563  
4504.15, or 4504.16 of the Revised Code may be initiated by filing 20564  
with the board of elections of the county not less than 20565  
~~seventy-five~~ eighty-five days before the general election in any 20566  
year a petition requesting that an election be held on such 20567  
question. Such petition shall be signed by qualified electors 20568  
residing in the county equal in number to ten per cent of those 20569  
voting for governor at the most recent gubernatorial election. 20570

After determination by it that such petition is valid, the 20571

board of elections shall submit the question to the electors of 20572  
the county at the next general election. The election shall be 20573  
conducted, canvassed, and certified in the same manner as regular 20574  
elections for county offices in the county. Notice of the election 20575  
shall be published in a newspaper of general circulation in the 20576  
district once a week for two consecutive weeks prior to the 20577  
election and, if the board of elections operates and maintains a 20578  
web site, notice of the election also shall be posted on that web 20579  
site for thirty days prior to the election. The notice shall state 20580  
the purpose, time, and place of the election. The form of the 20581  
ballot cast at such election shall be prescribed by the secretary 20582  
of state. The question covered by such petition shall be submitted 20583  
as a separate proposition, but it may be printed on the same 20584  
ballot with any other proposition submitted at the same election 20585  
other than the election of officers. If a majority of the 20586  
qualified electors voting on the question of repeal approve the 20587  
repeal, the result of the election shall be certified immediately 20588  
after the canvass by the board of elections to the county 20589  
commissioners, who shall thereupon, after the current year, cease 20590  
to levy the tax. 20591

**Sec. 4504.15.** For the purpose of paying the costs of 20592  
enforcing and administering the tax provided for in this section; 20593  
for the various purposes stated in section 4504.02 of the Revised 20594  
Code; and to supplement revenue already available for those 20595  
purposes, any county may, by resolution adopted by its board of 20596  
county commissioners, levy an annual license tax, that shall be in 20597  
addition to the tax levied by sections 4503.02, 4503.07, and 20598  
4503.18 of the Revised Code, upon the operation of motor vehicles 20599  
upon the public roads and highways. The tax shall be at the rate 20600  
of five dollars per motor vehicle on all motor vehicles the 20601  
district of registration of which, as defined in section 4503.10 20602  
of the Revised Code, is located in the county levying the tax but 20603

is not located within any municipal corporation levying the tax 20604  
authorized by section 4504.17 of the Revised Code, and shall be in 20605  
addition to the taxes at the rates specified in sections 4503.04 20606  
and 4503.16 of the Revised Code, subject to reductions in the 20607  
manner provided in section 4503.11 of the Revised Code and the 20608  
exemptions provided in sections 4503.16, 4503.17, 4503.171, 20609  
4503.41, and 4503.43 of the Revised Code. 20610

Prior to the adoption of any resolution under this section, 20611  
the board of county commissioners shall conduct two public 20612  
hearings thereon, the second hearing to be not less than three nor 20613  
more than ten days after the first. Notice of the date, time, and 20614  
place of such hearings shall be given by publication in a 20615  
newspaper of general circulation in the county once a week for two 20616  
consecutive weeks, the second publication being not less than ten 20617  
nor more than thirty days prior to the first hearing. 20618

No resolution under this section shall become effective 20619  
sooner than thirty days following its adoption, and such 20620  
resolution is subject to a referendum as provided in sections 20621  
305.31 to 305.41 of the Revised Code, unless the resolution is 20622  
adopted as an emergency measure necessary for the immediate 20623  
preservation of the public peace, health, or safety, in which case 20624  
it shall go into immediate effect. The emergency measure must 20625  
receive an affirmative vote of all of the members of the board of 20626  
county commissioners, and shall state the reasons for the 20627  
necessity. A resolution may direct the board of elections to 20628  
submit the question of levying the tax to the electors of the 20629  
county at the next primary or general election occurring not less 20630  
than ~~seventy-five~~ eighty-five days after the resolution is 20631  
certified to the board; no such resolution shall go into effect 20632  
unless approved by a majority of those voting upon it. A county is 20633  
not required to enact the tax authorized by section 4504.02 of the 20634  
Revised Code in order to levy the tax authorized by this section, 20635

but no county may have in effect the tax authorized by this 20636  
section if it repeals the tax authorized by section 4504.02 of the 20637  
Revised Code after April 1, 1987. 20638

**Sec. 4504.16.** For the purpose of paying the costs of 20639  
enforcing and administering the tax provided for in this section; 20640  
for the various purposes stated in section 4504.02 of the Revised 20641  
Code; and to supplement revenue already available for those 20642  
purposes, any county that currently levies the tax authorized by 20643  
section 4504.15 of the Revised Code may, by resolution adopted by 20644  
its board of county commissioners, levy an annual license tax, 20645  
that shall be in addition to the tax levied by that section and by 20646  
sections 4503.02, 4503.07, and 4503.18 of the Revised Code, upon 20647  
the operation of motor vehicles upon the public roads and 20648  
highways. The tax shall be at the rate of five dollars per motor 20649  
vehicle on all motor vehicles the district of registration of 20650  
which, as defined in section 4503.10 of the Revised Code, is 20651  
located in the county levying the tax but is not located within 20652  
any municipal corporation levying the tax authorized by section 20653  
4504.171 of the Revised Code, and shall be in addition to the 20654  
taxes at the rates specified in sections 4503.04 and 4503.16 of 20655  
the Revised Code, subject to reductions in the manner provided in 20656  
section 4503.11 of the Revised Code and the exemptions provided in 20657  
sections 4503.16, 4503.17, 4503.171, 4503.41, and 4503.43 of the 20658  
Revised Code. 20659

Prior to the adoption of any resolution under this section, 20660  
the board of county commissioners shall conduct two public 20661  
hearings thereon, the second hearing to be not less than three nor 20662  
more than ten days after the first. Notice of the date, time, and 20663  
place of such hearings shall be given by publication in a 20664  
newspaper of general circulation in the county once a week for two 20665  
consecutive weeks, the second publication being not less than ten 20666  
nor more than thirty days prior to the first hearing. 20667

No resolution under this section shall become effective 20668  
sooner than thirty days following its adoption, and such 20669  
resolution is subject to a referendum as provided in sections 20670  
305.31 to 305.41 of the Revised Code, unless the resolution is 20671  
adopted as an emergency measure necessary for the immediate 20672  
preservation of the public peace, health, or safety, in which case 20673  
it shall go into immediate effect. The emergency measure must 20674  
receive an affirmative vote of all of the members of the board of 20675  
county commissioners, and shall state the reasons for the 20676  
necessity. A resolution may direct the board of elections to 20677  
submit the question of levying the tax to the electors of the 20678  
county at the next primary or general election occurring not less 20679  
than ~~seventy-five~~ eighty-five days after the resolution is 20680  
certified to the board; no such resolution shall go into effect 20681  
unless approved by a majority of those voting upon it. 20682

Nothing in this section or in section 4504.15 of the Revised 20683  
Code shall be interpreted as preventing a county from levying the 20684  
county motor vehicle license taxes authorized by such sections in 20685  
a single resolution. 20686

**Sec. 4504.21.** (A) For the purpose of paying the costs and 20687  
expenses of enforcing and administering the tax provided for in 20688  
this section; for planning, constructing, reconstructing, 20689  
improving, maintaining, and repairing roads, bridges, and 20690  
culverts; for purchasing, erecting, and maintaining traffic signs, 20691  
markers, lights, and signals; for paying debt service charges on 20692  
obligations issued for those purposes; and to supplement revenue 20693  
already available for those purposes, a transportation improvement 20694  
district created in accordance with section 5540.02 of the Revised 20695  
Code may levy an annual license tax upon the operation of motor 20696  
vehicles on the public roads and highways in the territory of the 20697  
district. The tax shall be levied in increments of five dollars 20698  
and shall not exceed twenty dollars per motor vehicle on all motor 20699

vehicles the owners of which reside in the district and shall be 20700  
in addition to all other taxes levied under this chapter, subject 20701  
to reduction in the manner provided in division (B)(2) of section 20702  
4503.11 of the Revised Code. The tax may be levied in all or part 20703  
of the territory of the district. 20704

(B) The board of trustees of a transportation improvement 20705  
district proposing to levy a motor vehicle license tax under this 20706  
section shall put the question of the tax to the electors of the 20707  
district or of that part of the district in which the tax would be 20708  
levied. The election shall be held on the date of a primary or 20709  
general election held not less than ~~seventy-five~~ eighty-five days 20710  
after the board of trustees certifies to the county board of 20711  
elections its resolution proposing the tax. The resolution shall 20712  
specify the rate of the tax. The board of elections shall submit 20713  
the question of the tax to the electors at the primary or general 20714  
election. The secretary of state shall prescribe the form of the 20715  
ballot for the election. If approved by a majority of the electors 20716  
voting on the question of the tax, the board of trustees shall 20717  
levy the tax as provided in the resolution. 20718

(C) A transportation improvement district license tax levied 20719  
under this section shall continue in effect until repealed, or 20720  
until the dissolution of the transportation improvement district 20721  
that levied it. 20722

(D) Money received by the registrar of motor vehicles 20723  
pursuant to sections 4501.03 and 4504.09 of the Revised Code that 20724  
consists of the taxes levied under this section shall be deposited 20725  
in the auto registration distribution fund created by section 20726  
4501.03 of the Revised Code and distributed to the transportation 20727  
improvement district levying such tax. The registrar may assign to 20728  
the transportation improvement district a unique code to 20729  
facilitate the distribution of such money, which may be the same 20730  
unique code assigned to a county under section 4501.03 of the 20731

Revised Code. 20732

**Sec. 4506.03.** (A) Except as provided in divisions (B) and (C) 20733  
of this section, the following shall apply: 20734

(1) No person shall drive a commercial motor vehicle on a 20735  
highway in this state unless the person holds, and has in the 20736  
person's possession, a valid commercial driver's license with 20737  
proper endorsements for the motor vehicle being driven, issued by 20738  
the registrar of motor vehicles, a valid examiner's commercial 20739  
driving permit issued under section 4506.13 of the Revised Code, a 20740  
valid restricted commercial driver's license and waiver for 20741  
farm-related service industries issued under section 4506.24 of 20742  
the Revised Code, or a valid commercial driver's license temporary 20743  
instruction permit issued by the registrar and is accompanied by 20744  
an authorized state driver's license examiner or tester or a 20745  
person who has been issued and has in the person's immediate 20746  
possession a current, valid commercial driver's license with 20747  
proper endorsements for the motor vehicle being driven. 20748

(2) No person shall be issued a commercial driver's license 20749  
until the person surrenders to the registrar of motor vehicles all 20750  
valid licenses issued to the person by another jurisdiction 20751  
recognized by this state. The registrar shall report the surrender 20752  
of a license to the issuing authority, together with information 20753  
that a license is now issued in this state. The registrar shall 20754  
destroy any such license that is not returned to the issuing 20755  
authority. 20756

(3) No person who has been a resident of this state for 20757  
thirty days or longer shall drive a commercial motor vehicle under 20758  
the authority of a commercial driver's license issued by another 20759  
jurisdiction. 20760

(B) Nothing in division (A) of this section applies to any 20761  
qualified person when engaged in the operation of any of the 20762



following:	20763
(1) A farm truck;	20764
(2) Fire equipment for a fire department, volunteer or nonvolunteer fire company, fire district, or joint fire district;	20765 20766
(3) A public safety vehicle used to provide transportation or emergency medical service for ill or injured persons;	20767 20768
(4) A recreational vehicle;	20769
(5) A commercial motor vehicle within the boundaries of an eligible unit of local government, if the person is employed by the eligible unit of local government and is operating the commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, but only if either the employee who holds a commercial driver's license issued under this chapter and ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle, or the employing eligible unit of local government determines that a snow or ice emergency exists that requires additional assistance;	20770 20771 20772 20773 20774 20775 20776 20777 20778 20779
(6) A vehicle operated for military purposes by any member or uniformed employee of the armed forces of the United States or their reserve components, including the Ohio national guard. This exception does not apply to United States reserve technicians.	20780 20781 20782 20783
(7) A commercial motor vehicle that is operated for nonbusiness purposes. "Operated for nonbusiness purposes" means that the commercial motor vehicle is not used in commerce as "commerce" is defined in 49 C.F.R. 383.5, as amended, and is not regulated by the public utilities commission pursuant to Chapter 4919., 4921., or 4923. of the Revised Code.	20784 20785 20786 20787 20788 20789
(8) A motor vehicle that is designed primarily for the transportation of goods and not persons, while that motor vehicle is being used for the occasional transportation of personal	20790 20791 20792

property by individuals not for compensation and not in the 20793  
furtherance of a commercial enterprise; 20794

(9) A police SWAT team vehicle; 20795

(10) A police vehicle used to transport prisoners. 20796

(C) Nothing contained in division (B)(5) of this section 20797  
shall be construed as preempting or superseding any law, rule, or 20798  
regulation of this state concerning the safe operation of 20799  
commercial motor vehicles. 20800

(D) Not later than December 31, 2011, no license shall 20801  
display on its face any administrative number other than the 20802  
distinguishing number assigned to the licensee; if the registrar 20803  
requires any other administrative number to be printed on a 20804  
commercial driver's license, that number shall appear only on the 20805  
reverse side of the license. 20806

(E) Whoever violates this section is guilty of a misdemeanor 20807  
of the first degree. 20808

**Sec. 4507.13.** (A) The registrar of motor vehicles shall issue 20809  
a driver's license to every person licensed as an operator of 20810  
motor vehicles other than commercial motor vehicles. No person 20811  
licensed as a commercial motor vehicle driver under Chapter 4506. 20812  
of the Revised Code need procure a driver's license, but no person 20813  
shall drive any commercial motor vehicle unless licensed as a 20814  
commercial motor vehicle driver. 20815

Every driver's license shall display on it the distinguishing 20816  
number assigned to the licensee and shall display the licensee's 20817  
name and date of birth; the licensee's residence address and 20818  
county of residence; a color photograph of the licensee; a brief 20819  
description of the licensee for the purpose of identification; a 20820  
facsimile of the signature of the licensee as it appears on the 20821  
application for the license; a notation, in a manner prescribed by 20822

the registrar, indicating any condition described in division 20823  
(D)(3) of section 4507.08 of the Revised Code to which the 20824  
licensee is subject; if the licensee has executed a durable power 20825  
of attorney for health care or a declaration governing the use or 20826  
continuation, or the withholding or withdrawal, of life-sustaining 20827  
treatment and has specified that the licensee wishes the license 20828  
to indicate that the licensee has executed either type of 20829  
instrument, any symbol chosen by the registrar to indicate that 20830  
the licensee has executed either type of instrument; on and after 20831  
October 7, 2009, if the licensee has specified that the licensee 20832  
wishes the license to indicate that the licensee is a veteran, 20833  
active duty, or reservist of the armed forces of the United States 20834  
and has presented a copy of the licensee's DD-214 form or an 20835  
equivalent document, any symbol chosen by the registrar to 20836  
indicate that the licensee is a veteran, active duty, or reservist 20837  
of the armed forces of the United States; and any additional 20838  
information that the registrar requires by rule. No license shall 20839  
display the licensee's social security number unless the licensee 20840  
specifically requests that the licensee's social security number 20841  
be displayed on the license. If federal law requires the 20842  
licensee's social security number to be displayed on the license, 20843  
the social security number shall be displayed on the license 20844  
notwithstanding this section. Not later than December 31, 2011, no 20845  
license shall display on its face any administrative number other 20846  
than the distinguishing number assigned to the licensee; if the 20847  
registrar requires any administrative number to be printed on a 20848  
driver's license, that number shall appear only on the reverse 20849  
side of the license. 20850

The driver's license for licensees under twenty-one years of 20851  
age shall have characteristics prescribed by the registrar 20852  
distinguishing it from that issued to a licensee who is twenty-one 20853  
years of age or older, except that a driver's license issued to a 20854  
person who applies no more than thirty days before the applicant's 20855

twenty-first birthday shall have the characteristics of a license 20856  
issued to a person who is twenty-one years of age or older. 20857

The driver's license issued to a temporary resident shall 20858  
contain the word "nonrenewable" and shall have any additional 20859  
characteristics prescribed by the registrar distinguishing it from 20860  
a license issued to a resident. 20861

Every driver's or commercial driver's license displaying a 20862  
motorcycle operator's endorsement and every restricted license to 20863  
operate a motor vehicle also shall display the designation 20864  
"novice," if the endorsement or license is issued to a person who 20865  
is eighteen years of age or older and previously has not been 20866  
licensed to operate a motorcycle by this state or another 20867  
jurisdiction recognized by this state. The "novice" designation 20868  
shall be effective for one year after the date of issuance of the 20869  
motorcycle operator's endorsement or license. 20870

Each license issued under this section shall be of such 20871  
material and so designed as to prevent its reproduction or 20872  
alteration without ready detection and, to this end, shall be 20873  
laminated with a transparent plastic material. 20874

(B) Except in regard to a driver's license issued to a person 20875  
who applies no more than thirty days before the applicant's 20876  
twenty-first birthday, neither the registrar nor any deputy 20877  
registrar shall issue a driver's license to anyone under 20878  
twenty-one years of age that does not have the characteristics 20879  
prescribed by the registrar distinguishing it from the driver's 20880  
license issued to persons who are twenty-one years of age or 20881  
older. 20882

(C) Whoever violates division (B) of this section is guilty 20883  
of a minor misdemeanor. 20884

**Sec. 4507.52.** (A) Each identification card issued by the 20885

registrar of motor vehicles or a deputy registrar shall display a 20886  
distinguishing number assigned to the cardholder, and shall 20887  
display the following inscription: 20888

"STATE OF OHIO IDENTIFICATION CARD 20889

This card is not valid for the purpose of operating a motor 20890  
vehicle. It is provided solely for the purpose of establishing the 20891  
identity of the bearer described on the card, who currently is not 20892  
licensed to operate a motor vehicle in the state of Ohio." 20893  
20894

The identification card shall display substantially the same 20895  
information as contained in the application and as described in 20896  
division (A)(1) of section 4507.51 of the Revised Code, but shall 20897  
not display the cardholder's social security number unless the 20898  
cardholder specifically requests that the cardholder's social 20899  
security number be displayed on the card. If federal law requires 20900  
the cardholder's social security number to be displayed on the 20901  
identification card, the social security number shall be displayed 20902  
on the card notwithstanding this section. The identification card 20903  
also shall display the color photograph of the cardholder. If the 20904  
cardholder has executed a durable power of attorney for health 20905  
care or a declaration governing the use or continuation, or the 20906  
withholding or withdrawal, of life-sustaining treatment and has 20907  
specified that the cardholder wishes the identification card to 20908  
indicate that the cardholder has executed either type of 20909  
instrument, the card also shall display any symbol chosen by the 20910  
registrar to indicate that the cardholder has executed either type 20911  
of instrument. On and after October 7, 2009, if the cardholder has 20912  
specified that the cardholder wishes the identification card to 20913  
indicate that the cardholder is a veteran, active duty, or 20914  
reservist of the armed forces of the United States and has 20915  
presented a copy of the cardholder's DD-214 form or an equivalent 20916  
document, the card also shall display any symbol chosen by the 20917

registrar to indicate that the cardholder is a veteran, active 20918  
duty, or reservist of the armed forces of the United States. Not 20919  
later than December 31, 2011, no identification card shall display 20920  
on its face any administrative number other than a distinguishing 20921  
number assigned to the cardholder; if the registrar requires any 20922  
administrative number to be printed on an identification card, 20923  
that number shall appear only on the reverse side of the card. The 20924  
card shall be sealed in transparent plastic or similar material 20925  
and shall be so designed as to prevent its reproduction or 20926  
alteration without ready detection. 20927  
20928

The identification card for persons under twenty-one years of 20929  
age shall have characteristics prescribed by the registrar 20930  
distinguishing it from that issued to a person who is twenty-one 20931  
years of age or older, except that an identification card issued 20932  
to a person who applies no more than thirty days before the 20933  
applicant's twenty-first birthday shall have the characteristics 20934  
of an identification card issued to a person who is twenty-one 20935  
years of age or older. 20936

Every identification card issued to a resident of this state 20937  
shall expire, unless canceled or surrendered earlier, on the 20938  
birthday of the cardholder in the fourth year after the date on 20939  
which it is issued. Every identification card issued to a 20940  
temporary resident shall expire in accordance with rules adopted 20941  
by the registrar and is nonrenewable, but may be replaced with a 20942  
new identification card upon the applicant's compliance with all 20943  
applicable requirements. A cardholder may renew the cardholder's 20944  
identification card within ninety days prior to the day on which 20945  
it expires by filing an application and paying the prescribed fee 20946  
in accordance with section 4507.50 of the Revised Code. 20947

If a cardholder applies for a driver's or commercial driver's 20948  
license in this state or another licensing jurisdiction, the 20949

cardholder shall surrender the cardholder's identification card to 20950  
the registrar or any deputy registrar before the license is 20951  
issued. 20952

(B) If a card is lost, destroyed, or mutilated, the person to 20953  
whom the card was issued may obtain a duplicate by doing both of 20954  
the following: 20955

(1) Furnishing suitable proof of the loss, destruction, or 20956  
mutilation to the registrar or a deputy registrar; 20957

(2) Filing an application and presenting documentary evidence 20958  
under section 4507.51 of the Revised Code. 20959

Any person who loses a card and, after obtaining a duplicate, 20960  
finds the original, immediately shall surrender the original to 20961  
the registrar or a deputy registrar. 20962

A cardholder may obtain a replacement identification card 20963  
that reflects any change of the cardholder's name by furnishing 20964  
suitable proof of the change to the registrar or a deputy 20965  
registrar and surrendering the cardholder's existing card. 20966

When a cardholder applies for a duplicate or obtains a 20967  
replacement identification card, the cardholder shall pay a fee of 20968  
two dollars and fifty cents. A deputy registrar shall be allowed 20969  
an additional fee of two dollars and seventy-five cents commencing 20970  
on July 1, 2001, three dollars and twenty-five cents commencing on 20971  
January 1, 2003, and three dollars and fifty cents commencing on 20972  
January 1, 2004, for issuing a duplicate or replacement 20973  
identification card. A disabled veteran who is a cardholder and 20974  
has a service-connected disability rated at one hundred per cent 20975  
by the veterans' administration may apply to the registrar or a 20976  
deputy registrar for the issuance of a duplicate or replacement 20977  
identification card without payment of any fee prescribed in this 20978  
section, and without payment of any lamination fee if the disabled 20979  
veteran would not be required to pay a lamination fee in 20980

connection with the issuance of an identification card or 20981  
temporary identification card as provided in division (B) of 20982  
section 4507.50 of the Revised Code. 20983

A duplicate or replacement identification card shall expire 20984  
on the same date as the card it replaces. 20985

(C) The registrar shall cancel any card upon determining that 20986  
the card was obtained unlawfully, issued in error, or was altered. 20987  
The registrar also shall cancel any card that is surrendered to 20988  
the registrar or to a deputy registrar after the holder has 20989  
obtained a duplicate, replacement, or driver's or commercial 20990  
driver's license. 20991

(D)(1) No agent of the state or its political subdivisions 20992  
shall condition the granting of any benefit, service, right, or 20993  
privilege upon the possession by any person of an identification 20994  
card. Nothing in this section shall preclude any publicly operated 20995  
or franchised transit system from using an identification card for 20996  
the purpose of granting benefits or services of the system. 20997

20998  
(2) No person shall be required to apply for, carry, or 20999  
possess an identification card. 21000

(E) Except in regard to an identification card issued to a 21001  
person who applies no more than thirty days before the applicant's 21002  
twenty-first birthday, neither the registrar nor any deputy 21003  
registrar shall issue an identification card to a person under 21004  
twenty-one years of age that does not have the characteristics 21005  
prescribed by the registrar distinguishing it from the 21006  
identification card issued to persons who are twenty-one years of 21007  
age or older. 21008

(F) Whoever violates division (E) of this section is guilty 21009  
of a minor misdemeanor. 21010



**Sec. 4928.20.** (A) The legislative authority of a municipal corporation may adopt an ordinance, or the board of township trustees of a township or the board of county commissioners of a county may adopt a resolution, under which, on or after the starting date of competitive retail electric service, it may aggregate in accordance with this section the retail electrical loads located, respectively, within the municipal corporation, township, or unincorporated area of the county and, for that purpose, may enter into service agreements to facilitate for those loads the sale and purchase of electricity. The legislative authority or board also may exercise such authority jointly with any other such legislative authority or board. For customers that are not mercantile customers, an ordinance or resolution under this division shall specify whether the aggregation will occur only with the prior, affirmative consent of each person owning, occupying, controlling, or using an electric load center proposed to be aggregated or will occur automatically for all such persons pursuant to the opt-out requirements of division (D) of this section. The aggregation of mercantile customers shall occur only with the prior, affirmative consent of each such person owning, occupying, controlling, or using an electric load center proposed to be aggregated. Nothing in this division, however, authorizes the aggregation of the retail electric loads of an electric load center, as defined in section 4933.81 of the Revised Code, that is located in the certified territory of a nonprofit electric supplier under sections 4933.81 to 4933.90 of the Revised Code or an electric load center served by transmission or distribution facilities of a municipal electric utility.

(B) If an ordinance or resolution adopted under division (A) of this section specifies that aggregation of customers that are not mercantile customers will occur automatically as described in that division, the ordinance or resolution shall direct the board

of elections to submit the question of the authority to aggregate 21043  
to the electors of the respective municipal corporation, township, 21044  
or unincorporated area of a county at a special election on the 21045  
day of the next primary or general election in the municipal 21046  
corporation, township, or county. The legislative authority or 21047  
board shall certify a copy of the ordinance or resolution to the 21048  
board of elections not less than ~~seventy-five~~ eighty-five days 21049  
before the day of the special election. No ordinance or resolution 21050  
adopted under division (A) of this section that provides for an 21051  
election under this division shall take effect unless approved by 21052  
a majority of the electors voting upon the ordinance or resolution 21053  
at the election held pursuant to this division. 21054

21055

(C) Upon the applicable requisite authority under divisions 21056  
(A) and (B) of this section, the legislative authority or board 21057  
shall develop a plan of operation and governance for the 21058  
aggregation program so authorized. Before adopting a plan under 21059  
this division, the legislative authority or board shall hold at 21060  
least two public hearings on the plan. Before the first hearing, 21061  
the legislative authority or board shall publish notice of the 21062  
hearings once a week for two consecutive weeks in a newspaper of 21063  
general circulation in the jurisdiction. The notice shall 21064  
summarize the plan and state the date, time, and location of each 21065  
hearing. 21066

(D) No legislative authority or board, pursuant to an 21067  
ordinance or resolution under divisions (A) and (B) of this 21068  
section that provides for automatic aggregation of customers that 21069  
are not mercantile customers as described in division (A) of this 21070  
section, shall aggregate the electrical load of any electric load 21071  
center located within its jurisdiction unless it in advance 21072  
clearly discloses to the person owning, occupying, controlling, or 21073  
using the load center that the person will be enrolled 21074

automatically in the aggregation program and will remain so 21075  
enrolled unless the person affirmatively elects by a stated 21076  
procedure not to be so enrolled. The disclosure shall state 21077  
prominently the rates, charges, and other terms and conditions of 21078  
enrollment. The stated procedure shall allow any person enrolled 21079  
in the aggregation program the opportunity to opt out of the 21080  
program every three years, without paying a switching fee. Any 21081  
such person that opts out before the commencement of the 21082  
aggregation program pursuant to the stated procedure shall default 21083  
to the standard service offer provided under section 4928.14 or 21084  
division (D) of section 4928.35 of the Revised Code until the 21085  
person chooses an alternative supplier. 21086

(E)(1) With respect to a governmental aggregation for a 21087  
municipal corporation that is authorized pursuant to divisions (A) 21088  
to (D) of this section, resolutions may be proposed by initiative 21089  
or referendum petitions in accordance with sections 731.28 to 21090  
731.41 of the Revised Code. 21091

(2) With respect to a governmental aggregation for a township 21092  
or the unincorporated area of a county, which aggregation is 21093  
authorized pursuant to divisions (A) to (D) of this section, 21094  
resolutions may be proposed by initiative or referendum petitions 21095  
in accordance with sections 731.28 to 731.40 of the Revised Code, 21096  
except that: 21097

(a) The petitions shall be filed, respectively, with the 21098  
township fiscal officer or the board of county commissioners, who 21099  
shall perform those duties imposed under those sections upon the 21100  
city auditor or village clerk. 21101

(b) The petitions shall contain the signatures of not less 21102  
than ten per cent of the total number of electors in, 21103  
respectively, the township or the unincorporated area of the 21104  
county who voted for the office of governor at the preceding 21105  
general election for that office in that area. 21106

(F) A governmental aggregator under division (A) of this section is not a public utility engaging in the wholesale purchase and resale of electricity, and provision of the aggregated service is not a wholesale utility transaction. A governmental aggregator shall be subject to supervision and regulation by the public utilities commission only to the extent of any competitive retail electric service it provides and commission authority under this chapter.

(G) This section does not apply in the case of a municipal corporation that supplies such aggregated service to electric load centers to which its municipal electric utility also supplies a noncompetitive retail electric service through transmission or distribution facilities the utility singly or jointly owns or operates.

(H) A governmental aggregator shall not include in its aggregation the accounts of any of the following:

(1) A customer that has opted out of the aggregation;

(2) A customer in contract with a certified electric services company;

(3) A customer that has a special contract with an electric distribution utility;

(4) A customer that is not located within the governmental aggregator's governmental boundaries;

(5) Subject to division (C) of section 4928.21 of the Revised Code, a customer who appears on the "do not aggregate" list maintained under that section.

(I) Customers that are part of a governmental aggregation under this section shall be responsible only for such portion of a surcharge under section 4928.144 of the Revised Code that is proportionate to the benefits, as determined by the commission,

that electric load centers within the jurisdiction of the 21137  
governmental aggregation as a group receive. The proportionate 21138  
surcharge so established shall apply to each customer of the 21139  
governmental aggregation while the customer is part of that 21140  
aggregation. If a customer ceases being such a customer, the 21141  
otherwise applicable surcharge shall apply. Nothing in this 21142  
section shall result in less than full recovery by an electric 21143  
distribution utility of any surcharge authorized under section 21144  
4928.144 of the Revised Code. 21145

(J) On behalf of the customers that are part of a 21146  
governmental aggregation under this section and by filing written 21147  
notice with the public utilities commission, the legislative 21148  
authority that formed or is forming that governmental aggregation 21149  
may elect not to receive standby service within the meaning of 21150  
division (B)(2)(d) of section 4928.143 of the Revised Code from an 21151  
electric distribution utility in whose certified territory the 21152  
governmental aggregation is located and that operates under an 21153  
approved electric security plan under that section. Upon the 21154  
filing of that notice, the electric distribution utility shall not 21155  
charge any such customer to whom competitive retail electric 21156  
generation service is provided by another supplier under the 21157  
governmental aggregation for the standby service. Any such 21158  
consumer that returns to the utility for competitive retail 21159  
electric service shall pay the market price of power incurred by 21160  
the utility to serve that consumer plus any amount attributable to 21161  
the utility's cost of compliance with the alternative energy 21162  
resource provisions of section 4928.64 of the Revised Code to 21163  
serve the consumer. Such market price shall include, but not be 21164  
limited to, capacity and energy charges; all charges associated 21165  
with the provision of that power supply through the regional 21166  
transmission organization, including, but not limited to, 21167  
transmission, ancillary services, congestion, and settlement and 21168  
administrative charges; and all other costs incurred by the 21169

utility that are associated with the procurement, provision, and 21170  
administration of that power supply, as such costs may be approved 21171  
by the commission. The period of time during which the market 21172  
price and alternative energy resource amount shall be so assessed 21173  
on the consumer shall be from the time the consumer so returns to 21174  
the electric distribution utility until the expiration of the 21175  
electric security plan. However, if that period of time is 21176  
expected to be more than two years, the commission may reduce the 21177  
time period to a period of not less than two years. 21178

(K) The commission shall adopt rules to encourage and promote 21179  
large-scale governmental aggregation in this state. For that 21180  
purpose, the commission shall conduct an immediate review of any 21181  
rules it has adopted for the purpose of this section that are in 21182  
effect on the effective date of the amendment of this section by 21183  
S.B. 221 of the 127th general assembly, July 31, 2008. Further, 21184  
within the context of an electric security plan under section 21185  
4928.143 of the Revised Code, the commission shall consider the 21186  
effect on large-scale governmental aggregation of any 21187  
nonbypassable generation charges, however collected, that would be 21188  
established under that plan, except any nonbypassable generation 21189  
charges that relate to any cost incurred by the electric 21190  
distribution utility, the deferral of which has been authorized by 21191  
the commission prior to the effective date of the amendment of 21192  
this section by S.B. 221 of the 127th general assembly, July 31, 21193  
2008. 21194

**Sec. 4929.26.** (A)(1) The legislative authority of a municipal 21195  
corporation may adopt an ordinance, or the board of township 21196  
trustees of a township or the board of county commissioners of a 21197  
county may adopt a resolution, under which, in accordance with 21198  
this section and except as otherwise provided in division (A)(2) 21199  
of this section, the legislative authority or board may aggregate 21200  
automatically, subject to the opt-out requirements of division (D) 21201

of this section, competitive retail natural gas service for the 21202  
retail natural gas loads that are located, respectively, within 21203  
the municipal corporation, township, or unincorporated area of the 21204  
county and for which there is a choice of supplier of that service 21205  
as a result of revised schedules approved under division (C) of 21206  
section 4929.29 of the Revised Code, a rule or order adopted or 21207  
issued by the commission under Chapter 4905. of the Revised Code, 21208  
or an exemption granted by the commission under sections 4929.04 21209  
to 4929.08 of the Revised Code. An ordinance or a resolution 21210  
adopted under this section shall expressly state that it is 21211  
adopted pursuant to the authority conferred by this section. The 21212  
legislative authority or board also may exercise its authority 21213  
under this section jointly with any other such legislative 21214  
authority or board. For the purpose of the aggregation, the 21215  
legislative authority or board may enter into service agreements 21216  
to facilitate the sale and purchase of the service for the retail 21217  
natural gas loads. 21218

(2)(a) No aggregation under an ordinance or resolution 21219  
adopted under division (A)(1) of this section shall include the 21220  
retail natural gas load of any person that meets any of the 21221  
following criteria: 21222

(i) The person is both a distribution service customer and a 21223  
mercantile customer on the date of commencement of service to the 21224  
aggregated load, or the person becomes a distribution service 21225  
customer after that date and also is a mercantile customer. 21226

(ii) The person is supplied with commodity sales service 21227  
pursuant to a contract with a retail natural gas supplier that is 21228  
in effect on the effective date of the ordinance or resolution. 21229

(iii) The person is supplied with commodity sales service as 21230  
part of a retail natural gas load aggregation provided for 21231  
pursuant to a rule or order adopted or issued by the commission 21232

under this chapter or Chapter 4905. of the Revised Code. 21233

(b) Nothing in division (A)(2)(a) of this section precludes a 21234  
governmental aggregation under this section from permitting the 21235  
retail natural gas load of a person described in division 21236  
(A)(2)(a) of this section from being included in the aggregation 21237  
upon the expiration of any contract or aggregation as described in 21238  
division (A)(2)(a)(ii) or (iii) of this section or upon the person 21239  
no longer being a customer as described in division (A)(2)(a)(i) 21240  
of this section or qualifying to be included in an aggregation 21241  
described under division (A)(2)(a)(iii) of this section. 21242

(B) An ordinance or resolution adopted under division (A) of 21243  
this section shall direct the board of elections to submit the 21244  
question of the authority to aggregate to the electors of the 21245  
respective municipal corporation, township, or unincorporated area 21246  
of a county at a special election on the day of the next primary 21247  
or general election in the municipal corporation, township, or 21248  
county. The legislative authority or board shall certify a copy of 21249  
the ordinance or resolution to the board of elections not less 21250  
than ~~seventy-five~~ eighty-five days before the day of the special 21251  
election. No ordinance or resolution adopted under division (A) of 21252  
this section that provides for an election under this division 21253  
shall take effect unless approved by a majority of the electors 21254  
voting upon the ordinance or resolution at the election held 21255  
pursuant to this division. 21256

(C) Upon the applicable requisite authority under divisions 21257  
(A) and (B) of this section, the legislative authority or board 21258  
shall develop a plan of operation and governance for the 21259  
aggregation program so authorized. Before adopting a plan under 21260  
this division, the legislative authority or board shall hold at 21261  
least two public hearings on the plan. Before the first hearing, 21262  
the legislative authority or board shall publish notice of the 21263  
hearings once a week for two consecutive weeks in a newspaper of 21264



general circulation in the jurisdiction. The notice shall 21265  
summarize the plan and state the date, time, and location of each 21266  
hearing. 21267

(D) No legislative authority or board, pursuant to an 21268  
ordinance or resolution under divisions (A) and (B) of this 21269  
section, shall aggregate any retail natural gas load located 21270  
within its jurisdiction unless it in advance clearly discloses to 21271  
the person whose retail natural gas load is to be so aggregated 21272  
that the person will be enrolled automatically in the aggregation 21273  
and will remain so enrolled unless the person affirmatively elects 21274  
by a stated procedure not to be so enrolled. The disclosure shall 21275  
state prominently the rates, charges, and other terms and 21276  
conditions of enrollment. The stated procedure shall allow any 21277  
person enrolled in the aggregation the opportunity to opt out of 21278  
the aggregation every two years, without paying a switching fee. 21279  
Any such person that opts out of the aggregation pursuant to the 21280  
stated procedure shall default to the natural gas company 21281  
providing distribution service for the person's retail natural gas 21282  
load, until the person chooses an alternative supplier. 21283

(E)(1) With respect to a governmental aggregation for a 21284  
municipal corporation that is authorized pursuant to divisions (A) 21285  
to (D) of this section, resolutions may be proposed by initiative 21286  
or referendum petitions in accordance with sections 731.28 to 21287  
731.41 of the Revised Code. 21288

(2) With respect to a governmental aggregation for a township 21289  
or the unincorporated area of a county, which aggregation is 21290  
authorized pursuant to divisions (A) to (D) of this section, 21291  
resolutions may be proposed by initiative or referendum petitions 21292  
in accordance with sections 731.28 to 731.40 of the Revised Code, 21293  
except that: 21294

(a) The petitions shall be filed, respectively, with the 21295  
township fiscal officer or the board of county commissioners, who 21296

shall perform those duties imposed under those sections upon the city auditor or village clerk.

(b) The petitions shall contain the signatures of not less than ten per cent of the total number of electors in the township or the unincorporated area of the county, respectively, who voted for the office of governor at the preceding general election for that office in that area.

(F) A governmental aggregator under division (A) of this section is not a public utility engaging in the wholesale purchase and resale of natural gas, and provision of the aggregated service is not a wholesale utility transaction. A governmental aggregator shall be subject to supervision and regulation by the public utilities commission only to the extent of any competitive retail natural gas service it provides and commission authority under this chapter.

**Sec. 4931.51.** (A)(1) For the purpose of paying the costs of establishing, equipping, and furnishing one or more public safety answering points as part of a countywide 9-1-1 system effective under division (B) of section 4931.44 of the Revised Code and paying the expense of administering and enforcing this section, the board of county commissioners of a county, in accordance with this section, may fix and impose, on each lot or parcel of real property in the county that is owned by a person, municipal corporation, township, or other political subdivision and is improved, or is in the process of being improved, reasonable charges to be paid by each such owner. The charges shall be sufficient to pay only the estimated allowed costs and shall be equal in amount for all such lots or parcels.

(2) For the purpose of paying the costs of operating and maintaining the answering points and paying the expense of administering and enforcing this section, the board, in accordance

with this section, may fix and impose reasonable charges to be 21328  
paid by each owner, as provided in division (A)(1) of this 21329  
section, that shall be sufficient to pay only the estimated 21330  
allowed costs and shall be equal in amount for all such lots or 21331  
parcels. The board may fix and impose charges under this division 21332  
pursuant to a resolution adopted for the purposes of both 21333  
divisions (A)(1) and (2) of this section or pursuant to a 21334  
resolution adopted solely for the purpose of division (A)(2) of 21335  
this section, and charges imposed under division (A)(2) of this 21336  
section may be separately imposed or combined with charges imposed 21337  
under division (A)(1) of this section. 21338

(B) Any board adopting a resolution under this section 21339  
pursuant to a final plan initiating the establishment of a 9-1-1 21340  
system or pursuant to an amendment to a final plan shall adopt the 21341  
resolution within sixty days after the board receives the final 21342  
plan for the 9-1-1 system pursuant to division (C) of section 21343  
4931.43 of the Revised Code. The board by resolution may change 21344  
any charge imposed under this section whenever the board considers 21345  
it advisable. Any resolution adopted under this section shall 21346  
declare whether securities will be issued under Chapter 133. of 21347  
the Revised Code in anticipation of the collection of unpaid 21348  
special assessments levied under this section. 21349

(C) The board shall adopt a resolution under this section at 21350  
a public meeting held in accordance with section 121.22 of the 21351  
Revised Code. Additionally, the board, before adopting any such 21352  
resolution, shall hold at least two public hearings on the 21353  
proposed charges. Prior to the first hearing, the board shall 21354  
publish notice of the hearings once a week for two consecutive 21355  
weeks in a newspaper of general circulation in the county. The 21356  
notice shall include a listing of the charges proposed in the 21357  
resolution and the date, time, and location of each of the 21358  
hearings. The board shall hear any person who wishes to testify on 21359

the charges or the resolution. 21360

(D) No resolution adopted under this section shall be 21361  
effective sooner than thirty days following its adoption nor shall 21362  
any such resolution be adopted as an emergency measure. The 21363  
resolution is subject to a referendum in accordance with sections 21364  
305.31 to 305.41 of the Revised Code unless, in the resolution, 21365  
the board of county commissioners directs the board of elections 21366  
of the county to submit the question of imposing the charges to 21367  
the electors of the county at the next primary or general election 21368  
in the county occurring not less than ~~seventy-five~~ eighty-five 21369  
days after the resolution is certified to the board. No resolution 21370  
shall go into effect unless approved by a majority of those voting 21371  
upon it in any election allowed under this division. 21372

(E) To collect charges imposed under division (A) of this 21373  
section, the board of county commissioners shall certify them to 21374  
the county auditor of the county who then shall place them upon 21375  
the real property duplicate against the properties to be assessed, 21376  
as provided in division (A) of this section. Each assessment shall 21377  
bear interest at the same rate that securities issued in 21378  
anticipation of the collection of the assessments bear, is a lien 21379  
on the property assessed from the date placed upon the real 21380  
property duplicate by the auditor, and shall be collected in the 21381  
same manner as other taxes. 21382

(F) All money collected by or on behalf of a county under 21383  
this section shall be paid to the county treasurer of the county 21384  
and kept in a separate and distinct fund to the credit of the 21385  
county. The fund shall be used to pay the costs allowed in 21386  
division (A) of this section and specified in the resolution 21387  
adopted under that division. In no case shall any surplus so 21388  
collected be expended for other than the use and benefit of the 21389  
county. 21390

Sec. 4931.52. (A) This section applies only to a county that 21391  
meets both of the following conditions: 21392

(1) A final plan for a countywide 9-1-1 system either has not 21393  
been approved in the county under section 4931.44 of the Revised 21394  
Code or has been approved but has not been put into operation 21395  
because of a lack of funding; 21396

(2) The board of county commissioners, at least once, has 21397  
submitted to the electors of the county the question of raising 21398  
funds for a 9-1-1 system under section 4931.51, 5705.19, or 21399  
5739.026 of the Revised Code, and a majority of the electors has 21400  
disapproved the question each time it was submitted. 21401

(B) A board of county commissioners may adopt a resolution 21402  
imposing a monthly charge on telephone access lines to pay for the 21403  
equipment costs of establishing and maintaining no more than three 21404  
public safety answering points of a countywide 9-1-1 system, which 21405  
public safety answering points shall be only twenty-four-hour 21406  
dispatching points already existing in the county. The resolution 21407  
shall state the amount of the charge, which shall not exceed fifty 21408  
cents per month, and the month the charge will first be imposed, 21409  
which shall be no earlier than four months after the special 21410  
election held pursuant to this section. Each residential and 21411  
business telephone company customer within the area served by the 21412  
9-1-1 system shall pay the monthly charge for each of its 21413  
residential or business customer access lines or their equivalent. 21414

Before adopting a resolution under this division, the board 21415  
of county commissioners shall hold at least two public hearings on 21416  
the proposed charge. Before the first hearing, the board shall 21417  
publish notice of the hearings once a week for two consecutive 21418  
weeks in a newspaper of general circulation in the county. The 21419  
notice shall state the amount of the proposed charge, an 21420  
explanation of the necessity for the charge, and the date, time, 21421

and location of each of the hearings. 21422

(C) A resolution adopted under division (B) of this section 21423  
shall direct the board of elections to submit the question of 21424  
imposing the charge to the electors of the county at a special 21425  
election on the day of the next primary or general election in the 21426  
county. The board of county commissioners shall certify a copy of 21427  
the resolution to the board of elections not less than 21428  
~~seventy-five~~ eighty-five days before the day of the special 21429  
election. No resolution adopted under division (B) of this section 21430  
shall take effect unless approved by a majority of the electors 21431  
voting upon the resolution at an election held pursuant to this 21432  
section. 21433

In any year, the board of county commissioners may impose a 21434  
lesser charge than the amount originally approved by the electors. 21435  
The board may change the amount of the charge no more than once a 21436  
year. The board may not impose a charge greater than the amount 21437  
approved by the electors without first holding an election on the 21438  
question of the greater charge. 21439

(D) Money raised from a monthly charge on telephone access 21440  
lines under this section shall be deposited into a special fund 21441  
created in the county treasury by the board of county 21442  
commissioners pursuant to section 5705.12 of the Revised Code, to 21443  
be used only for the necessary equipment costs of establishing and 21444  
maintaining no more than three public safety answering points of a 21445  
countywide 9-1-1 system pursuant to a resolution adopted under 21446  
division (B) of this section. In complying with this division, any 21447  
county may seek the assistance of the public utilities commission 21448  
with regard to operating and maintaining a 9-1-1 system. 21449

(E) Pursuant to the voter approval required by division (C) 21450  
of this section, the final plan for a countywide 9-1-1 system that 21451  
will be funded through a monthly charge imposed in accordance with 21452  
this section shall be amended by the existing 9-1-1 planning 21453

committee, and the amendment of such a final plan is not an 21454  
amendment of a final plan for the purpose of division (A) of 21455  
section 4931.45 of the Revised Code. 21456

**Sec. 4931.53.** (A) This section applies only to a county that 21457  
has a final plan for a countywide 9-1-1 system that either has not 21458  
been approved in the county under section 4931.44 of the Revised 21459  
Code or has been approved but has not been put into operation 21460  
because of a lack of funding. 21461

(B) A board of county commissioners may adopt a resolution 21462  
imposing a monthly charge on telephone access lines to pay for the 21463  
operating and equipment costs of establishing and maintaining no 21464  
more than one public safety answering point of a countywide 9-1-1 21465  
system. The resolution shall state the amount of the charge, which 21466  
shall not exceed fifty cents per month, and the month the charge 21467  
will first be imposed, which shall be no earlier than four months 21468  
after the special election held pursuant to this section. Each 21469  
residential and business telephone company customer within the 21470  
area of the county served by the 9-1-1 system shall pay the 21471  
monthly charge for each of its residential or business customer 21472  
access lines or their equivalent. 21473

Before adopting a resolution under this division, the board 21474  
of county commissioners shall hold at least two public hearings on 21475  
the proposed charge. Before the first hearing, the board shall 21476  
publish notice of the hearings once a week for two consecutive 21477  
weeks in a newspaper of general circulation in the county. The 21478  
notice shall state the amount of the proposed charge, an 21479  
explanation of the necessity for the charge, and the date, time, 21480  
and location of each of the hearings. 21481

(C) A resolution adopted under division (B) of this section 21482  
shall direct the board of elections to submit the question of 21483  
imposing the charge to the electors of the county at a special 21484

election on the day of the next primary or general election in the 21485  
county. The board of county commissioners shall certify a copy of 21486  
the resolution to the board of elections not less than 21487  
~~seventy-five~~ eighty-five days before the day of the special 21488  
election. No resolution adopted under division (B) of this section 21489  
shall take effect unless approved by a majority of the electors 21490  
voting upon the resolution at an election held pursuant to this 21491  
section. 21492

In any year, the board of county commissioners may impose a 21493  
lesser charge than the amount originally approved by the electors. 21494  
The board may change the amount of the charge no more than once a 21495  
year. The board shall not impose a charge greater than the amount 21496  
approved by the electors without first holding an election on the 21497  
question of the greater charge. 21498

(D) Money raised from a monthly charge on telephone access 21499  
lines under this section shall be deposited into a special fund 21500  
created in the county treasury by the board of county 21501  
commissioners pursuant to section 5705.12 of the Revised Code, to 21502  
be used only for the necessary operating and equipment costs of 21503  
establishing and maintaining no more than one public safety 21504  
answering point of a countywide 9-1-1 system pursuant to a 21505  
resolution adopted under division (B) of this section. In 21506  
complying with this division, any county may seek the assistance 21507  
of the public utilities commission with regard to operating and 21508  
maintaining a 9-1-1 system. 21509

(E) Nothing in sections 4931.40 to 4931.53 of the Revised 21510  
Code precludes a final plan adopted in accordance with those 21511  
sections from being amended to provide that, by agreement included 21512  
in the plan, a public safety answering point of another countywide 21513  
9-1-1 system is the public safety answering point of a countywide 21514  
9-1-1 system funded through a monthly charge imposed in accordance 21515  
with this section. In that event, the county for which the public 21516



safety answering point is provided shall be deemed the subdivision 21517  
operating the public safety answering point for purposes of 21518  
sections 4931.40 to 4931.53 of the Revised Code, except that, for 21519  
the purpose of division (D) of section 4931.41 of the Revised 21520  
Code, the county shall pay only so much of the costs associated 21521  
with establishing, equipping, furnishing, operating, or 21522  
maintaining the public safety answering point specified in the 21523  
agreement included in the final plan. 21524

(F) Pursuant to the voter approval required by division (C) 21525  
of this section, the final plan for a countywide 9-1-1 system that 21526  
will be funded through a monthly charge imposed in accordance with 21527  
this section, or that will be amended to include an agreement 21528  
described in division (E) of this section, shall be amended by the 21529  
existing 9-1-1 planning committee, and the amendment of such a 21530  
final plan is not an amendment of a final plan for the purpose of 21531  
division (A) of section 4931.45 of the Revised Code. 21532

**Sec. 4951.44.** The officials in charge of the general election 21533  
shall arrange, provide for, and conduct the submission of the 21534  
question of a grant as provided in section 4951.43 of the Revised 21535  
Code to such electors. The question whether the grant shall be 21536  
made shall be submitted to the electors of such city at the 21537  
succeeding general election occurring more than ~~seventy-five~~ 21538  
eighty-five days after the expiration of the sixty days provided 21539  
in such section. If the grant is for the construction of elevated 21540  
tracks, the ballots shall read "Elevated Railroad Grant--Yes", 21541  
"Elevated Railroad Grant--No". If the grant is for the 21542  
construction of underground tracks, the ballots shall read 21543  
"Underground Railroad Grant--Yes", "Underground Railroad 21544  
Grant--No". If the grant is for the construction of partly 21545  
elevated and partly underground tracks, the ballots shall read 21546  
"Elevated and Underground Railroad Grant--Yes", "Elevated and 21547  
Underground Railroad Grant--No". If at such election a majority of 21548

the votes cast on such question is against such grant, such grant 21549  
is void. 21550

**Sec. 4955.05.** The officials in charge of general elections, 21551  
in accordance with the laws relating to elections, shall arrange 21552  
for and conduct the submission of the question referred to in 21553  
section 4955.04 of the Revised Code to the electors. The question 21554  
whether the grant shall be made shall be submitted to the electors 21555  
of such municipal corporation at the succeeding general election 21556  
occurring more than ~~seventy-five~~ eighty-five days after the 21557  
expiration of the sixty days referred to in such section. The 21558  
ballots at such election shall read "Elevated Railroad 21559  
Grant--Yes;" "Elevated Railroad Grant--No." If at the election a 21560  
majority of the votes cast on such question is against the grant, 21561  
it shall be void. 21562

**Sec. 5705.19.** This section does not apply to school districts 21563  
or county school financing districts. 21564

The taxing authority of any subdivision at any time and in 21565  
any year, by vote of two-thirds of all the members of the taxing 21566  
authority, may declare by resolution and certify the resolution to 21567  
the board of elections not less than ~~seventy-five~~ eighty-five days 21568  
before the election upon which it will be voted that the amount of 21569  
taxes that may be raised within the ten-mill limitation will be 21570  
insufficient to provide for the necessary requirements of the 21571  
subdivision and that it is necessary to levy a tax in excess of 21572  
that limitation for any of the following purposes: 21573

(A) For current expenses of the subdivision, except that the 21574  
total levy for current expenses of a detention facility district 21575  
or district organized under section 2151.65 of the Revised Code 21576  
shall not exceed two mills and that the total levy for current 21577  
expenses of a combined district organized under sections 2151.65 21578

and 2152.41 of the Revised Code shall not exceed four mills;	21579
(B) For the payment of debt charges on certain described	21580
bonds, notes, or certificates of indebtedness of the subdivision	21581
issued subsequent to January 1, 1925;	21582
(C) For the debt charges on all bonds, notes, and	21583
certificates of indebtedness issued and authorized to be issued	21584
prior to January 1, 1925;	21585
(D) For a public library of, or supported by, the subdivision	21586
under whatever law organized or authorized to be supported;	21587
(E) For a municipal university, not to exceed two mills over	21588
the limitation of one mill prescribed in section 3349.13 of the	21589
Revised Code;	21590
(F) For the construction or acquisition of any specific	21591
permanent improvement or class of improvements that the taxing	21592
authority of the subdivision may include in a single bond issue;	21593
(G) For the general construction, reconstruction,	21594
resurfacing, and repair of streets, roads, and bridges in	21595
municipal corporations, counties, or townships;	21596
(H) For parks and recreational purposes;	21597
(I) For the purpose of providing and maintaining fire	21598
apparatus, appliances, buildings, or sites therefor, or sources of	21599
water supply and materials therefor, or the establishment and	21600
maintenance of lines of fire alarm telegraph, or the payment of	21601
permanent, part-time, or volunteer firefighters or firefighting	21602
companies to operate the same, including the payment of the	21603
firefighter employers' contribution required under section 742.34	21604
of the Revised Code, or the purchase of ambulance equipment, or	21605
the provision of ambulance, paramedic, or other emergency medical	21606
services operated by a fire department or firefighting company;	21607
(J) For the purpose of providing and maintaining motor	21608

vehicles, communications, other equipment, buildings, and sites 21609  
for such buildings used directly in the operation of a police 21610  
department, or the payment of salaries of permanent police 21611  
personnel, including the payment of the police officer employers' 21612  
contribution required under section 742.33 of the Revised Code, or 21613  
the payment of the costs incurred by townships as a result of 21614  
contracts made with other political subdivisions in order to 21615  
obtain police protection, or the provision of ambulance or 21616  
emergency medical services operated by a police department; 21617

(K) For the maintenance and operation of a county home or 21618  
detention facility; 21619

(L) For community mental retardation and developmental 21620  
disabilities programs and services pursuant to Chapter 5126. of 21621  
the Revised Code, except that the procedure for such levies shall 21622  
be as provided in section 5705.222 of the Revised Code; 21623

(M) For regional planning; 21624

(N) For a county's share of the cost of maintaining and 21625  
operating schools, district detention facilities, forestry camps, 21626  
or other facilities, or any combination thereof, established under 21627  
section 2151.65 or 2152.41 of the Revised Code or both of those 21628  
sections; 21629

(O) For providing for flood defense, providing and 21630  
maintaining a flood wall or pumps, and other purposes to prevent 21631  
floods; 21632

(P) For maintaining and operating sewage disposal plants and 21633  
facilities; 21634

(Q) For the purpose of purchasing, acquiring, constructing, 21635  
enlarging, improving, equipping, repairing, maintaining, or 21636  
operating, or any combination of the foregoing, a county transit 21637  
system pursuant to sections 306.01 to 306.13 of the Revised Code, 21638  
or of making any payment to a board of county commissioners 21639

operating a transit system or a county transit board pursuant to	21640
section 306.06 of the Revised Code;	21641
(R) For the subdivision's share of the cost of acquiring or	21642
constructing any schools, forestry camps, detention facilities, or	21643
other facilities, or any combination thereof, under section	21644
2151.65 or 2152.41 of the Revised Code or both of those sections;	21645
(S) For the prevention, control, and abatement of air	21646
pollution;	21647
(T) For maintaining and operating cemeteries;	21648
(U) For providing ambulance service, emergency medical	21649
service, or both;	21650
(V) For providing for the collection and disposal of garbage	21651
or refuse, including yard waste;	21652
(W) For the payment of the police officer employers'	21653
contribution or the firefighter employers' contribution required	21654
under sections 742.33 and 742.34 of the Revised Code;	21655
(X) For the construction and maintenance of a drainage	21656
improvement pursuant to section 6131.52 of the Revised Code;	21657
(Y) For providing or maintaining senior citizens services or	21658
facilities as authorized by section 307.694, 307.85, 505.70, or	21659
505.706 or division (EE) of section 717.01 of the Revised Code;	21660
(Z) For the provision and maintenance of zoological park	21661
services and facilities as authorized under section 307.76 of the	21662
Revised Code;	21663
(AA) For the maintenance and operation of a free public	21664
museum of art, science, or history;	21665
(BB) For the establishment and operation of a 9-1-1 system,	21666
as defined in section 4931.40 of the Revised Code;	21667
(CC) For the purpose of acquiring, rehabilitating, or	21668

developing rail property or rail service. As used in this 21669  
division, "rail property" and "rail service" have the same 21670  
meanings as in section 4981.01 of the Revised Code. This division 21671  
applies only to a county, township, or municipal corporation. 21672

(DD) For the purpose of acquiring property for, constructing, 21673  
operating, and maintaining community centers as provided for in 21674  
section 755.16 of the Revised Code; 21675

(EE) For the creation and operation of an office or joint 21676  
office of economic development, for any economic development 21677  
purpose of the office, and to otherwise provide for the 21678  
establishment and operation of a program of economic development 21679  
pursuant to sections 307.07 and 307.64 of the Revised Code, or to 21680  
the extent that the expenses of a county land reutilization 21681  
corporation organized under Chapter 1724. of the Revised Code are 21682  
found by the board of county commissioners to constitute the 21683  
promotion of economic development, for the payment of such 21684  
operations and expenses; 21685

(FF) For the purpose of acquiring, establishing, 21686  
constructing, improving, equipping, maintaining, or operating, or 21687  
any combination of the foregoing, a township airport, landing 21688  
field, or other air navigation facility pursuant to section 505.15 21689  
of the Revised Code; 21690

(GG) For the payment of costs incurred by a township as a 21691  
result of a contract made with a county pursuant to section 21692  
505.263 of the Revised Code in order to pay all or any part of the 21693  
cost of constructing, maintaining, repairing, or operating a water 21694  
supply improvement; 21695

(HH) For a board of township trustees to acquire, other than 21696  
by appropriation, an ownership interest in land, water, or 21697  
wetlands, or to restore or maintain land, water, or wetlands in 21698  
which the board has an ownership interest, not for purposes of 21699

recreation, but for the purposes of protecting and preserving the 21700  
natural, scenic, open, or wooded condition of the land, water, or 21701  
wetlands against modification or encroachment resulting from 21702  
occupation, development, or other use, which may be styled as 21703  
protecting or preserving "greenspace" in the resolution, notice of 21704  
election, or ballot form. Except as otherwise provided in this 21705  
division, land is not acquired for purposes of recreation, even if 21706  
the land is used for recreational purposes, so long as no 21707  
building, structure, or fixture used for recreational purposes is 21708  
permanently attached or affixed to the land. Except as otherwise 21709  
provided in this division, land that previously has been acquired 21710  
in a township for these greenspace purposes may subsequently be 21711  
used for recreational purposes if the board of township trustees 21712  
adopts a resolution approving that use and no building, structure, 21713  
or fixture used for recreational purposes is permanently attached 21714  
or affixed to the land. The authorization to use greenspace land 21715  
for recreational use does not apply to land located in a township 21716  
that had a population, at the time it passed its first greenspace 21717  
levy, of more than thirty-eight thousand within a county that had 21718  
a population, at that time, of at least eight hundred sixty 21719  
thousand. 21720

(II) For the support by a county of a crime victim assistance 21721  
program that is provided and maintained by a county agency or a 21722  
private, nonprofit corporation or association under section 307.62 21723  
of the Revised Code; 21724

(JJ) For any or all of the purposes set forth in divisions 21725  
(I) and (J) of this section. This division applies only to a 21726  
township. 21727

(KK) For a countywide public safety communications system 21728  
under section 307.63 of the Revised Code. This division applies 21729  
only to counties. 21730

(LL) For the support by a county of criminal justice services 21731

under section 307.45 of the Revised Code; 21732

(MM) For the purpose of maintaining and operating a jail or 21733  
other detention facility as defined in section 2921.01 of the 21734  
Revised Code; 21735

(NN) For purchasing, maintaining, or improving, or any 21736  
combination of the foregoing, real estate on which to hold 21737  
agricultural fairs. This division applies only to a county. 21738

(OO) For constructing, rehabilitating, repairing, or 21739  
maintaining sidewalks, walkways, trails, bicycle pathways, or 21740  
similar improvements, or acquiring ownership interests in land 21741  
necessary for the foregoing improvements; 21742

(PP) For both of the purposes set forth in divisions (G) and 21743  
(OO) of this section. 21744

(QQ) For both of the purposes set forth in divisions (H) and 21745  
(HH) of this section. This division applies only to a township. 21746

(RR) For the legislative authority of a municipal 21747  
corporation, board of county commissioners of a county, or board 21748  
of township trustees of a township to acquire agricultural 21749  
easements, as defined in section 5301.67 of the Revised Code, and 21750  
to supervise and enforce the easements. 21751

(SS) For both of the purposes set forth in divisions (BB) and 21752  
(KK) of this section. This division applies only to a county. 21753

(TT) For the maintenance and operation of a facility that is 21754  
organized in whole or in part to promote the sciences and natural 21755  
history under section 307.761 of the Revised Code. 21756

(UU) For the creation and operation of a county land 21757  
reutilization corporation and for any programs or activities of 21758  
the corporation found by the board of directors of the corporation 21759  
to be consistent with the purposes for which the corporation is 21760  
organized. 21761



The resolution shall be confined to the purpose or purposes described in one division of this section, to which the revenue derived therefrom shall be applied. The existence in any other division of this section of authority to levy a tax for any part or all of the same purpose or purposes does not preclude the use of such revenues for any part of the purpose or purposes of the division under which the resolution is adopted.

The resolution shall specify the amount of the increase in rate that it is necessary to levy, the purpose of that increase in rate, and the number of years during which the increase in rate shall be in effect, which may or may not include a levy upon the duplicate of the current year. The number of years may be any number not exceeding five, except as follows:

(1) When the additional rate is for the payment of debt charges, the increased rate shall be for the life of the indebtedness.

(2) When the additional rate is for any of the following, the increased rate shall be for a continuing period of time:

(a) For the current expenses for a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under sections 2151.65 and 2152.41 of the Revised Code;

(b) For providing a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any combination thereof, established under section 2151.65 or 2152.41 of the Revised Code or under both of those sections.

(3) When the additional rate is for either of the following, the increased rate may be for a continuing period of time:

(a) For the purposes set forth in division (I), (J), (U), or (KK) of this section;

(b) For the maintenance and operation of a joint recreation district. 21793  
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(4) When the increase is for the purpose or purposes set forth in division (D), (G), (H), (CC), or (PP) of this section, the tax levy may be for any specified number of years or for a continuing period of time, as set forth in the resolution. 21795  
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(5) When the additional rate is for the purpose described in division (Z) of this section, the increased rate shall be for any number of years not exceeding ten. 21799  
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A levy for one of the purposes set forth in division (G), (I), (J), or (U) of this section may be reduced pursuant to section 5705.261 or 5705.31 of the Revised Code. A levy for one of the purposes set forth in division (G), (I), (J), or (U) of this section may also be terminated or permanently reduced by the taxing authority if it adopts a resolution stating that the continuance of the levy is unnecessary and the levy shall be terminated or that the millage is excessive and the levy shall be decreased by a designated amount. 21802  
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A resolution of a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under both sections 2151.65 and 2152.41 of the Revised Code may include both current expenses and other purposes, provided that the resolution shall apportion the annual rate of levy between the current expenses and the other purpose or purposes. The apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for the current expenses and the other purpose or purposes shall be limited by the apportionment. 21811  
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Whenever a board of county commissioners, acting either as the taxing authority of its county or as the taxing authority of a sewer district or subdistrict created under Chapter 6117. of the 21821  
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Revised Code, by resolution declares it necessary to levy a tax in excess of the ten-mill limitation for the purpose of constructing, improving, or extending sewage disposal plants or sewage systems, the tax may be in effect for any number of years not exceeding twenty, and the proceeds of the tax, notwithstanding the general provisions of this section, may be used to pay debt charges on any obligations issued and outstanding on behalf of the subdivision for the purposes enumerated in this paragraph, provided that any such obligations have been specifically described in the resolution.

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.

When the electors of a subdivision have approved a tax levy under this section, the taxing authority of the subdivision may anticipate a fraction of the proceeds of the levy and issue anticipation notes in accordance with section 5705.191 or 5705.193 of the Revised Code.

**Sec. 5705.191.** The taxing authority of any subdivision, other than the board of education of a school district or the taxing authority of a county school financing district, by a vote of two-thirds of all its members, may declare by resolution that the amount of taxes that may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the subdivision, and that it is necessary to levy a tax in excess of 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 21855  
to the electors of the subdivision at a general, primary, or 21856  
special election to be held at a time therein specified. Such 21857  
resolution shall not include a levy on the current tax list and 21858  
duplicate unless such election is to be held at or prior to the 21859  
general election day of the current tax year. Such resolution 21860  
shall conform to the requirements of section 5705.19 of the 21861  
Revised Code, except that a levy to supplement the general fund 21862  
for the purposes of public assistance, human or social services, 21863  
relief, welfare, hospitalization, health, or the support of 21864  
general or tuberculosis hospitals may not be for a longer period 21865  
than ten years. All other levies under this section may not be for 21866  
a longer period than five years unless a longer period is 21867  
permitted by section 5705.19 of the Revised Code, and the 21868  
resolution shall specify the date of holding such election, which 21869  
shall not be earlier than ~~seventy-five~~ eighty-five days after the 21870  
adoption and certification of such resolution. The resolution 21871  
shall go into immediate effect upon its passage and no publication 21872  
of the same is necessary other than that provided for in the 21873  
notice of election. A copy of such resolution, immediately after 21874  
its passage, shall be certified to the board of elections of the 21875  
proper county or counties in the manner provided by section 21876  
5705.25 of the Revised Code, and such section shall govern the 21877  
arrangements for the submission of such question and other matters 21878  
with respect to such election, to which section 5705.25 of the 21879  
Revised Code refers, excepting that such election shall be held on 21880  
the date specified in the resolution, which shall be consistent 21881  
with the requirements of section 3501.01 of the Revised Code, 21882  
provided that only one special election for the submission of such 21883  
question may be held in any one calendar year and provided that a 21884  
special election may be held upon the same day a primary election 21885  
is held. Publication of notice of that election shall be made in 21886  
one or more newspapers of general circulation in the county once a 21887

week for two consecutive weeks prior to the election, and, if the  
board of elections operates and maintains a web site, the board of  
elections shall post notice of the election on its web site for  
thirty days prior to the election.

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If a majority of the electors voting on the question vote in  
favor thereof, the taxing authority of the subdivision may make  
the necessary levy within such subdivision at the additional rate  
or at any lesser rate outside the ten-mill limitation on the tax  
list and duplicate for the purpose stated in the resolution. Such  
tax levy shall be included in the next annual tax budget that is  
certified to the county budget commission.

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After the approval of such a levy by the electors, the taxing  
authority of the subdivision may anticipate a fraction of the  
proceeds of such levy and issue anticipation notes. In the case of  
a continuing levy that is not levied for the purpose of current  
expenses, notes may be issued at any time after approval of the  
levy in an amount not more than fifty per cent of the total  
estimated proceeds of the levy for the succeeding ten years, less  
an amount equal to the fraction of the proceeds of the levy  
previously anticipated by the issuance of anticipation notes. In  
the case of a levy for a fixed period that is not for the purpose  
of current expenses, notes may be issued at any time after  
approval of the levy in an amount not more than fifty per cent of  
the total estimated proceeds of the levy throughout the remaining  
life of the levy, less an amount equal to the fraction of the  
proceeds of the levy previously anticipated by the issuance of  
anticipation notes. In the case of a levy for current expenses,  
notes may be issued after the approval of the levy by the electors  
and prior to the time when the first tax collection from the levy  
can be made. Such notes may be issued in an amount not more than  
fifty per cent of the total estimated proceeds of the levy

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throughout the term of the levy in the case of a levy for a fixed 21920  
period, or fifty per cent of the total estimated proceeds for the 21921  
first ten years of the levy in the case of a continuing levy. 21922

No anticipation notes that increase the net indebtedness of a 21923  
county may be issued without the prior consent of the board of 21924  
county commissioners of that county. The notes shall be issued as 21925  
provided in section 133.24 of the Revised Code, shall have 21926  
principal payments during each year after the year of their 21927  
issuance over a period not exceeding the life of the levy 21928  
anticipated, and may have a principal payment in the year of their 21929  
issuance. 21930

"Taxing authority" and "subdivision" have the same meanings 21931  
as in section 5705.01 of the Revised Code. 21932

This section is supplemental to and not in derogation of 21933  
sections 5705.20, 5705.21, and 5705.22 of the Revised Code. 21934

**Sec. 5705.195.** Within five days after the resolution is 21935  
certified to the county auditor as provided by section 5705.194 of 21936  
the Revised Code, the auditor shall calculate and certify to the 21937  
taxing authority the annual levy, expressed in dollars and cents 21938  
for each one hundred dollars of valuation as well as in mills for 21939  
each one dollar of valuation, throughout the life of the levy 21940  
which will be required to produce the annual amount set forth in 21941  
the resolution assuming that the amount of the tax list of such 21942  
subdivision remains throughout the life of the levy the same as 21943  
the amount of the tax list for the current year, and if this is 21944  
not determined, the estimated amount submitted by the auditor to 21945  
the county budget commission. When considering the tangible 21946  
personal property component of the tax valuation of the 21947  
subdivision, the county auditor shall take into account the 21948  
assessment percentages prescribed in section 5711.22 of the 21949  
Revised Code. The tax commissioner may issue rules, orders, or 21950

instructions directing how the assessment percentages must be 21951  
utilized. 21952

Upon receiving the certification from the county auditor, if 21953  
the taxing authority desires to proceed with the submission of the 21954  
question it shall, not less than ~~seventy-five~~ eighty-five days 21955  
before the day of such election, certify its resolution, together 21956  
with the amount of the average tax levy, expressed in dollars and 21957  
cents for each one hundred dollars of valuation as well as in 21958  
mills for each one dollar of valuation, estimated by the auditor, 21959  
and the number of years the levy is to run to the board of 21960  
elections of the county which shall prepare the ballots and make 21961  
other necessary arrangements for the submission of the question to 21962  
the voters of the subdivision. 21963

**Sec. 5705.199.** (A) At any time the board of education of a 21964  
city, local, exempted village, cooperative education, or joint 21965  
vocational school district, by a vote of two-thirds of all its 21966  
members, may declare by resolution that the revenue that will be 21967  
raised by all tax levies that the district is authorized to 21968  
impose, when combined with state and federal revenues, will be 21969  
insufficient to provide for the necessary requirements of the 21970  
school district, and that it is therefore necessary to levy a tax 21971  
in excess of the ten-mill limitation for the purpose of providing 21972  
for the necessary requirements of the school district. Such a levy 21973  
shall be proposed as a substitute for all or a portion of one or 21974  
more existing levies imposed under sections 5705.194 to 5705.197 21975  
of the Revised Code or under this section, by levying a tax as 21976  
follows: 21977

(1) In the initial year the levy is in effect, the levy shall 21978  
be in a specified amount of money equal to the aggregate annual 21979  
dollar amount of proceeds derived from the levy or levies, or 21980  
portion thereof, being substituted. 21981

(2) In each subsequent year the levy is in effect, the levy shall be in a specified amount of money equal to the sum of the following:

(a) The dollar amount of the proceeds derived from the levy in the prior year; and

(b) The dollar amount equal to the product of the total taxable value of all taxable real property in the school district in the then-current year, excluding carryover property as defined in section 319.301 of the Revised Code, multiplied by the annual levy, expressed in mills for each one dollar of valuation, that was required to produce the annual dollar amount of the levy under this section in the prior year; provided, that the amount under division (A)(2)(b) of this section shall not be less than zero.

(B) The resolution proposing the substitute levy shall specify the annual dollar amount the levy is to produce in its initial year; the first calendar year in which the levy will be due; and the term of the levy expressed in years, which may be any number not exceeding ten, or for a continuing period of time. The resolution shall specify the date of holding the election, which shall not be earlier than ~~seventy-five~~ eighty-five days after certification of the resolution to the board of elections, and which shall be consistent with the requirements of section 3501.01 of the Revised Code. If two or more existing levies are to be included in a single substitute levy, but are not scheduled to expire in the same year, the resolution shall specify that the existing levies to be substituted shall not be levied after the year preceding the year in which the substitute levy is first imposed.

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 passage be certified to



the county auditor in the manner provided by section 5705.195 of 22014  
the Revised Code, and sections 5705.194 and 5705.196 of the 22015  
Revised Code shall govern the arrangements for the submission of 22016  
the question and other matters concerning the notice of election 22017  
and the election, except as may be provided otherwise in this 22018  
section. 22019

(C) The form of the ballot to be used at the election on the 22020  
question of a levy under this section shall be as follows: 22021

"Shall a tax levy substituting for an existing levy be 22022  
imposed by the ..... (here insert name of school district) 22023  
for the purpose of providing for the necessary requirements of the 22024  
school district in the initial sum of ..... (here insert the 22025  
annual dollar amount the levy is to produce in its initial year), 22026  
and a levy of taxes be made outside of the ten-mill limitation 22027  
estimated by the county auditor to require ..... (here insert 22028  
number of mills) mills for each one dollar of valuation, which 22029  
amounts to ..... (here insert rate expressed in dollars and 22030  
cents) for each one hundred dollars of valuation for the initial 22031  
year of the tax, for a period of ..... (here insert the 22032  
number of years the levy is to be imposed, or that it will be 22033  
levied for a continuing period of time), commencing in ..... 22034  
(first year the tax is to be levied), first due in calendar year 22035  
..... (first calendar year in which the tax shall be due), 22036  
with the sum of such tax to increase only if and as new land or 22037  
real property improvements not previously taxed by the school 22038  
district are added to its tax list? 22039

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

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If the levy submitted is a proposal to substitute all or a portion of more than one existing levy, the form of the ballot may be changed so long as the ballot reflects the number of levies to be substituted and that none of the existing levies to be substituted will be levied after the year preceding the year in which the substitute levy is first imposed. The form of the ballot shall be modified by substituting the statement "Shall a tax levy substituting for an existing levy" with "Shall a tax levy substituting for existing levies" and adding the following statement after "added to its tax list?" and before "For the Tax Levy":

"If approved, any remaining tax years on any of the ..... (here insert the number of existing levies) existing levies will not be collected after ..... (here insert the current tax year or, if not the current tax year, the applicable tax year)."

(D) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

(E) 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 rate and for the purpose stated in the resolution. The tax levy shall be included in the next tax budget that is certified to the county budget commission.

(F) A levy for a continuing period of time may be decreased pursuant to section 5705.261 of the Revised Code.

(G) A levy under this section substituting for all or a portion of one or more existing levies imposed under sections 5705.194 to 5705.197 of the Revised Code or under this section shall be treated as having renewed the levy or levies being

substituted for purposes of the payments made under sections 22076  
5751.20 to 5751.22 of the Revised Code. 22077

(H) After the approval of a levy on the current tax list and 22078  
duplicate, and prior to the time when the first tax collection 22079  
from the levy can be made, the board of education may anticipate a 22080  
fraction of the proceeds of the levy and issue anticipation notes 22081  
in a principal amount not exceeding fifty per cent of the total 22082  
estimated proceeds of the levy to be collected during the first 22083  
year of the levy. The notes shall be issued as provided in section 22084  
133.24 of the Revised Code, shall have principal payments during 22085  
each year after the year of their issuance over a period not to 22086  
exceed five years, and may have a principal payment in the year of 22087  
their issuance. 22088

**Sec. 5705.20.** The board of county commissioners of any 22089  
county, in any year, after providing the normal and customary 22090  
percentage of the total general fund appropriations for the 22091  
support of the tuberculosis treatment specified under section 22092  
339.73 of the Revised Code or for the support of tuberculosis 22093  
clinics established pursuant to section 339.76 of the Revised 22094  
Code, by vote of two-thirds of all the members of said board may 22095  
declare by resolution that the amount of taxes which may be raised 22096  
within the ten-mill limitation will be insufficient to provide an 22097  
adequate amount for that support, and that it is necessary to levy 22098  
a tax in excess of the ten-mill limitation to supplement such 22099  
general fund appropriations for such purpose, but the total levy 22100  
for this purpose shall not exceed sixty-five one hundredths of a 22101  
mill. 22102

Such resolution shall conform to section 5705.19 of the 22103  
Revised Code and be certified to the board of elections not less 22104  
than ~~seventy-five~~ eighty-five days before the general election and 22105  
submitted in the manner provided in section 5705.25 of the Revised 22106

Code. 22107

If the majority of electors voting on a levy to supplement 22108  
general fund appropriations for the support of the tuberculosis 22109  
treatment specified under section 339.73 of the Revised Code or 22110  
for the support of tuberculosis clinics established pursuant to 22111  
section 339.76 of the Revised Code, vote in favor thereof, the 22112  
board of said county may levy a tax within such county at the 22113  
additional rate in excess of the ten-mill limitation during the 22114  
period and for the purpose stated in the resolution or at any less 22115  
rate or for any of said years. 22116

If a tax was levied under this section for the support of 22117  
tuberculosis clinics before ~~the effective date of this amendment~~ 22118  
October 10, 2000, the levy may be renewed for that purpose on or 22119  
after ~~the effective date of this amendment~~ October 10, 2000, in 22120  
accordance with section 5705.25 of the Revised Code. 22121

**Sec. 5705.21.** (A) At any time, the board of education of any 22122  
city, local, exempted village, cooperative education, or joint 22123  
vocational school district, by a vote of two-thirds of all its 22124  
members, may declare by resolution that the amount of taxes which 22125  
may be raised within the ten-mill limitation by levies on the 22126  
current tax duplicate will be insufficient to provide an adequate 22127  
amount for the necessary requirements of the school district, that 22128  
it is necessary to levy a tax in excess of such limitation for one 22129  
of the purposes specified in division (A), (D), (F), (H), or (DD) 22130  
of section 5705.19 of the Revised Code, for general permanent 22131  
improvements, for the purpose of operating a cultural center, or 22132  
for the purpose of providing education technology, and that the 22133  
question of such additional tax levy shall be submitted to the 22134  
electors of the school district at a special election on a day to 22135  
be specified in the resolution. 22136

As used in this section, "cultural center" means a 22137

freestanding building, separate from a public school building, 22138  
that is open to the public for educational, musical, artistic, and 22139  
cultural purposes; "education technology" means, but is not 22140  
limited to, computer hardware, equipment, materials, and 22141  
accessories, equipment used for two-way audio or video, and 22142  
software; and "general permanent improvements" means permanent 22143  
improvements without regard to the limitation of division (F) of 22144  
section 5705.19 of the Revised Code that the improvements be a 22145  
specific improvement or a class of improvements that may be 22146  
included in a single bond issue. 22147

The submission of questions to the electors under this 22148  
section is subject to the limitation on the number of election 22149  
dates established by section 5705.214 of the Revised Code. 22150

(B) Such resolution shall be confined to a single purpose and 22151  
shall specify the amount of the increase in rate that it is 22152  
necessary to levy, the purpose of the levy, and the number of 22153  
years during which the increase in rate shall be in effect. The 22154  
number of years may be any number not exceeding five or, if the 22155  
levy is for current expenses of the district or for general 22156  
permanent improvements, for a continuing period of time. The 22157  
resolution shall specify the date of holding such election, which 22158  
shall not be earlier than ~~seventy-five~~ eighty-five days after the 22159  
adoption and certification of the resolution and which shall be 22160  
consistent with the requirements of section 3501.01 of the Revised 22161  
Code. 22162

The resolution may propose to renew one or more existing 22163  
levies imposed under this section or to increase or decrease a 22164  
single levy imposed under this section. If the board of education 22165  
imposes one or more existing levies for the purpose specified in 22166  
division (F) of section 5705.19 of the Revised Code, the 22167  
resolution may propose to renew one or more of those existing 22168  
levies, or to increase or decrease a single such existing levy, 22169

for the purpose of general permanent improvements. If the 22170  
resolution proposes to renew two or more existing levies, the 22171  
levies shall be levied for the same purpose. The resolution shall 22172  
identify those levies and the rates at which they are levied. The 22173  
resolution also shall specify that the existing levies shall not 22174  
be extended on the tax lists after the year preceding the year in 22175  
which the renewal levy is first imposed, regardless of the years 22176  
for which those levies originally were authorized to be levied. 22177

The resolution shall go into immediate effect upon its 22178  
passage, and no publication of the resolution shall be necessary 22179  
other than that provided for in the notice of election. A copy of 22180  
the resolution shall immediately after its passing be certified to 22181  
the board of elections of the proper county in the manner provided 22182  
by section 5705.25 of the Revised Code, and that section shall 22183  
govern the arrangements for the submission of such question and 22184  
other matters concerning such election, to which that section 22185  
refers, except that such election shall be held on the date 22186  
specified in the resolution. Publication of notice of that 22187  
election shall be made in one or more newspapers of general 22188  
circulation in the county once a week for two consecutive weeks 22189  
prior to the election, and, if the board of elections operates and 22190  
maintains a web site, the board of elections shall post notice of 22191  
the election on its web site for thirty days prior to the 22192  
election. If a majority of the electors voting on the question so 22193  
submitted in an election vote in favor of the levy, the board of 22194  
education may make the necessary levy within the school district 22195  
at the additional rate, or at any lesser rate in excess of the 22196  
ten-mill limitation on the tax list, for the purpose stated in the 22197  
resolution. A levy for a continuing period of time may be reduced 22198  
pursuant to section 5705.261 of the Revised Code. The tax levy 22199  
shall be included in the next tax budget that is certified to the 22200  
county budget commission. 22201

(C)(1) After the approval of a levy on the current tax list 22202  
and duplicate for current expenses, for recreational purposes, for 22203  
community centers provided for in section 755.16 of the Revised 22204  
Code, or for a public library of the district and prior to the 22205  
time when the first tax collection from the levy can be made, the 22206  
board of education may anticipate a fraction of the proceeds of 22207  
the levy and issue anticipation notes in a principal amount not 22208  
exceeding fifty per cent of the total estimated proceeds of the 22209  
levy to be collected during the first year of the levy. 22210

(2) After the approval of a levy for general permanent 22211  
improvements for a specified number of years, or for permanent 22212  
improvements having the purpose specified in division (F) of 22213  
section 5705.19 of the Revised Code, the board of education may 22214  
anticipate a fraction of the proceeds of the levy and issue 22215  
anticipation notes in a principal amount not exceeding fifty per 22216  
cent of the total estimated proceeds of the levy remaining to be 22217  
collected in each year over a period of five years after the 22218  
issuance of the notes. 22219

The notes shall be issued as provided in section 133.24 of 22220  
the Revised Code, shall have principal payments during each year 22221  
after the year of their issuance over a period not to exceed five 22222  
years, and may have a principal payment in the year of their 22223  
issuance. 22224

(3) After approval of a levy for general permanent 22225  
improvements for a continuing period of time, the board of 22226  
education may anticipate a fraction of the proceeds of the levy 22227  
and issue anticipation notes in a principal amount not exceeding 22228  
fifty per cent of the total estimated proceeds of the levy to be 22229  
collected in each year over a specified period of years, not 22230  
exceeding ten, after the issuance of the notes. 22231

The notes shall be issued as provided in section 133.24 of 22232  
the Revised Code, shall have principal payments during each year 22233

after the year of their issuance over a period not to exceed ten 22234  
years, and may have a principal payment in the year of their 22235  
issuance. 22236

**Sec. 5705.211.** (A) As used in this section: 22237

(1) "Adjusted charge-off increase" for a tax year means two 22238  
per cent of the cumulative carryover property value increase. If 22239  
the cumulative carryover property value increase is computed on 22240  
the basis of a school district's recognized valuation for a fiscal 22241  
year before fiscal year 2014, the adjusted charge-off increase 22242  
shall be adjusted to account for the greater charge-off rates 22243  
prescribed for such fiscal years under sections 3317.022 and 22244  
3306.13 of the Revised Code. 22245

(2) "Cumulative carryover property value increase" means the 22246  
sum of the increases in carryover value certified under division 22247  
(B)(2) of section 3317.015 of the Revised Code and included in a 22248  
school district's total taxable value in the computation of 22249  
recognized valuation under division (B) of that section for all 22250  
fiscal years from the fiscal year that ends in the first tax year 22251  
a levy under this section is extended on the tax list of real and 22252  
public utility property until and including the fiscal year that 22253  
ends in the current tax year. 22254

(3) "Taxes charged and payable" means the taxes charged and 22255  
payable from a tax levy extended on the real and public utility 22256  
property tax list and the general list of personal property before 22257  
any reduction under section 319.302, 323.152, or 323.158 of the 22258  
Revised Code. 22259

(B) The board of education of a city, local, or exempted 22260  
village school district may adopt a resolution proposing the levy 22261  
of a tax in excess of the ten-mill limitation for the purpose of 22262  
paying the current operating expenses of the district. If the 22263  
resolution is approved as provided in division (D) of this 22264



section, the tax may be levied at such a rate each tax year that 22265  
the total taxes charged and payable from the levy equals the 22266  
adjusted charge-off increase for the tax year or equals a lesser 22267  
amount as prescribed under division (C) of this section. The tax 22268  
may be levied for a continuing period of time or for a specific 22269  
number of years, but not fewer than five years, as provided in the 22270  
resolution. The tax may not be placed on the tax list for a tax 22271  
year beginning before the first day of January following adoption 22272  
of the resolution. A board of education may not adopt a resolution 22273  
under this section proposing to levy a tax under this section 22274  
concurrently with any other tax levied by the board under this 22275  
section. 22276

(C) After the first year a tax is levied under this section, 22277  
the rate of the tax in any year shall not exceed the rate, 22278  
estimated by the county auditor, that would cause the sums levied 22279  
from the tax against carryover property to exceed one hundred four 22280  
per cent of the sums levied from the tax against carryover 22281  
property in the preceding year. A board of education imposing a 22282  
tax under this section may specify in the resolution imposing the 22283  
tax that the percentage shall be less than one hundred four per 22284  
cent, but the percentage shall not be less than one hundred per 22285  
cent. At any time after a resolution adopted under this section is 22286  
approved by a majority of electors as provided in division (D) of 22287  
this section, the board of education, by resolution, may decrease 22288  
the percentage specified in the resolution levying the tax. 22289

(D) A resolution adopted under this section shall state that 22290  
the purpose of the tax is to pay current operating expenses of the 22291  
district, and shall specify the first year in which the tax is to 22292  
be levied, the number of years the tax will be levied or that it 22293  
will be levied for a continuing period of time, and the election 22294  
at which the question of the tax is to appear on the ballot, which 22295  
shall be a general or special election consistent with the 22296

requirements of section 3501.01 of the Revised Code. If the board 22297  
of education specifies a percentage less than one hundred four per 22298  
cent pursuant to division (C) of this section, the percentage 22299  
shall be specified in the resolution. 22300

Upon adoption of the resolution, the board of education may 22301  
certify a copy of the resolution to the proper county board of 22302  
elections. The copy of the resolution shall be certified to the 22303  
board of elections not later than ~~seventy-five~~ eighty-five days 22304  
before the day of the election at which the question of the tax is 22305  
to appear on the ballot. Upon receiving a timely certified copy of 22306  
such a resolution, the board of elections shall make the necessary 22307  
arrangements for the submission of the question to the electors of 22308  
the school district, and the election shall be conducted, 22309  
canvassed, and certified in the same manner as regular elections 22310  
in the school district for the election of members of the board of 22311  
education. Notice of the election shall be published in one or 22312  
more newspapers of general circulation in the school district once 22313  
per week for four consecutive weeks. The notice shall state that 22314  
the purpose of the tax is for the current operating expenses of 22315  
the school district, the first year the tax is to be levied, the 22316  
number of years the tax is to be levied or that it is to be levied 22317  
for a continuing period of time, that the tax is to be levied each 22318  
year in an amount estimated to offset decreases in state base cost 22319  
funding caused by appreciation in real estate values, and that the 22320  
estimated additional tax in any year shall not exceed the previous 22321  
year's by more than four per cent, or a lesser percentage 22322  
specified in the resolution levying the tax, except for increases 22323  
caused by the addition of new taxable property. 22324

The question shall be submitted as a separate proposition but 22325  
may be printed on the same ballot with any other proposition 22326  
submitted at the same election other than the election of 22327  
22328

officers. 22329

The form of the ballot shall be substantially as follows: 22330

"An additional tax for the benefit of (name of school 22331  
district) for the purpose of paying the current operating expenses 22332  
of the district, for ..... (number of years or for continuing 22333  
period of time), at a rate sufficient to offset any reduction in 22334  
basic state funding caused by appreciation in real estate values? 22335  
This levy will permit variable annual growth in revenue up to 22336  
..... (amount specified by school district) per cent for the 22337  
duration of the levy. 22338

	For the tax levy	
	Against the tax levy	"

22339

22340

22341

22342

If a majority of the electors of the school district voting 22343  
on the question vote in favor of the question, the board of 22344  
elections shall certify the results of the election to the board 22345  
of education and to the tax commissioner immediately after the 22346  
canvass. 22347

(E) When preparing any estimate of the contemplated receipts 22348  
from a tax levied pursuant to this section for the purposes of 22349  
sections 5705.28 to 5705.40 of the Revised Code, and in preparing 22350  
to certify the tax under section 5705.34 of the Revised Code, a 22351  
board of education authorized to levy such a tax shall use 22352  
information supplied by the department of education to determine 22353  
the adjusted charge-off increase for the tax year for which that 22354  
certification is made. If the board levied a tax under this 22355  
section in the preceding tax year, the sum to be certified for 22356  
collection from the tax shall not exceed the sum that would exceed 22357  
the limitation imposed under division (C) of this section. At the 22358  
request of the board of education or the treasurer of the school 22359

district, the county auditor shall assist the board of education 22360  
in determining the rate or sum that may be levied under this 22361  
section. 22362

The board of education shall certify the sum authorized to be 22363  
levied to the county auditor, and, for the purpose of the county 22364  
auditor determining the rate at which the tax is to be levied in 22365  
the tax year, the sum so certified shall be the sum to be raised 22366  
by the tax unless the sum exceeds the limitation imposed by 22367  
division (C) of this section. A tax levied pursuant to this 22368  
section shall not be levied at a rate in excess of the rate 22369  
estimated by the county auditor to produce the sum certified by 22370  
the board of education before the reductions under sections 22371  
319.302, 323.152, and 323.158 of the Revised Code. Notwithstanding 22372  
section 5705.34 of the Revised Code, a board of education 22373  
authorized to levy a tax under this section shall certify the tax 22374  
to the county auditor before the first day of October of the tax 22375  
year in which the tax is to be levied, or at a later date as 22376  
approved by the tax commissioner. 22377

**Sec. 5705.212.** (A)(1) The board of education of any school 22378  
district, at any time and by a vote of two-thirds of all of its 22379  
members, may declare by resolution that the amount of taxes that 22380  
may be raised within the ten-mill limitation will be insufficient 22381  
to provide an adequate amount for the present and future 22382  
requirements of the school district, that it is necessary to levy 22383  
not more than five taxes in excess of that limitation for current 22384  
expenses, and that each of the proposed taxes first will be levied 22385  
in a different year, over a specified period of time. The board 22386  
shall identify the taxes proposed under this section as follows: 22387  
the first tax to be levied shall be called the "original tax." 22388  
Each tax subsequently levied shall be called an "incremental tax." 22389  
The rate of each incremental tax shall be identical, but the rates 22390  
of such incremental taxes need not be the same as the rate of the 22391

original tax. The resolution also shall state that the question of 22392  
these additional taxes shall be submitted to the electors of the 22393  
school district at a special election. The resolution shall 22394  
specify separately for each tax proposed: the amount of the 22395  
increase in rate that it is necessary to levy, expressed 22396  
separately for the original tax and each incremental tax; that the 22397  
purpose of the levy is for current expenses; the number of years 22398  
during which the original tax shall be in effect; a specification 22399  
that the last year in which the original tax is in effect shall 22400  
also be the last year in which each incremental tax shall be in 22401  
effect; and the year in which each tax first is proposed to be 22402  
levied. The original tax may be levied for any number of years not 22403  
exceeding ten, or for a continuing period of time. The resolution 22404  
shall specify the date of holding the special election, which 22405  
shall not be earlier than ~~seventy-five~~ eighty-five days after the 22406  
adoption and certification of the resolution and shall be 22407  
consistent with the requirements of section 3501.01 of the Revised 22408  
Code. 22409

(2) The board of education, by a vote of two-thirds of all of 22410  
its members, may adopt a resolution proposing to renew taxes 22411  
levied other than for a continuing period of time under division 22412  
(A)(1) of this section. Such a resolution shall provide for 22413  
levying a tax and specify all of the following: 22414

(a) That the tax shall be called and designated on the ballot 22415  
as a renewal levy; 22416

(b) The rate of the renewal tax, which shall be a single rate 22417  
that combines the rate of the original tax and each incremental 22418  
tax into a single rate. The rate of the renewal tax shall not 22419  
exceed the aggregate rate of the original and incremental taxes. 22420

(c) The number of years, not to exceed ten, that the renewal 22421  
tax will be levied, or that it will be levied for a continuing 22422  
period of time; 22423

(d) That the purpose of the renewal levy is for current 22424  
expenses; 22425

(e) Subject to the certification and notification 22426  
requirements of section 5705.251 of the Revised Code, that the 22427  
question of the renewal levy shall be submitted to the electors of 22428  
the school district at the general election held during the last 22429  
year the original tax may be extended on the real and public 22430  
utility property tax list and duplicate or at a special election 22431  
held during the ensuing year. 22432

(3) A resolution adopted under division (A)(1) or (2) of this 22433  
section shall go into immediate effect upon its adoption and no 22434  
publication of the resolution is necessary other than that 22435  
provided for in the notice of election. Immediately after its 22436  
adoption, a copy of the resolution shall be certified to the board 22437  
of elections of the proper county in the manner provided by 22438  
division (A) of section 5705.251 of the Revised Code, and that 22439  
division shall govern the arrangements for the submission of the 22440  
question and other matters concerning the election to which that 22441  
section refers. The election shall be held on the date specified 22442  
in the resolution. If a majority of the electors voting on the 22443  
question so submitted in an election vote in favor of the taxes or 22444  
a renewal tax, the board of education, if the original or a 22445  
renewal tax is authorized to be levied for the current year, 22446  
immediately may make the necessary levy within the school district 22447  
at the authorized rate, or at any lesser rate in excess of the 22448  
ten-mill limitation, for the purpose stated in the resolution. No 22449  
tax shall be imposed prior to the year specified in the resolution 22450  
as the year in which it is first proposed to be levied. The rate 22451  
of the original tax and the rate of each incremental tax shall be 22452  
cumulative, so that the aggregate rate levied in any year is the 22453  
sum of the rates of both the original tax and all incremental 22454  
taxes levied in or prior to that year under the same proposal. A 22455

tax levied for a continuing period of time under this section may 22456  
be reduced pursuant to section 5705.261 of the Revised Code. 22457

(4) The submission of questions to the electors under this 22458  
section is subject to the limitation on the number of election 22459  
dates established by section 5705.214 of the Revised Code. 22460

(B) Notwithstanding sections 133.30 and 133.301 of the 22461  
Revised Code, after the approval of a tax to be levied in the 22462  
current or the succeeding year and prior to the time when the 22463  
first tax collection from that levy can be made, the board of 22464  
education may anticipate a fraction of the proceeds of the levy 22465  
and issue anticipation notes in an amount not to exceed fifty per 22466  
cent of the total estimated proceeds of the levy to be collected 22467  
during the first year of the levy. The notes shall be sold as 22468  
provided in Chapter 133. of the Revised Code. If anticipation 22469  
notes are issued, they shall mature serially and in substantially 22470  
equal amounts during each year over a period not to exceed five 22471  
years; and the amount necessary to pay the interest and principal 22472  
as the anticipation notes mature shall be deemed appropriated for 22473  
those purposes from the levy, and appropriations from the levy by 22474  
the board of education shall be limited each fiscal year to the 22475  
balance available in excess of that amount. 22476

If the auditor of state has certified a deficit pursuant to 22477  
section 3313.483 of the Revised Code, the notes authorized under 22478  
this section may be sold in accordance with Chapter 133. of the 22479  
Revised Code, except that the board may sell the notes after 22480  
providing a reasonable opportunity for competitive bidding. 22481

**Sec. 5705.213.** (A)(1) The board of education of any school 22482  
district, at any time and by a vote of two-thirds of all of its 22483  
members, may declare by resolution that the amount of taxes that 22484  
may be raised within the ten-mill limitation will be insufficient 22485  
to provide an adequate amount for the present and future 22486

requirements of the school district and that it is necessary to 22487  
levy a tax in excess of that limitation for current expenses. The 22488  
resolution also shall state that the question of the additional 22489  
tax shall be submitted to the electors of the school district at a 22490  
special election. The resolution shall specify, for each year the 22491  
levy is in effect, the amount of money that the levy is proposed 22492  
to raise, which may, for years after the first year the levy is 22493  
made, be expressed in terms of a dollar or percentage increase 22494  
over the prior year's amount. The resolution also shall specify 22495  
that the purpose of the levy is for current expenses, the number 22496  
of years during which the tax shall be in effect which may be for 22497  
any number of years not exceeding ten, and the year in which the 22498  
tax first is proposed to be levied. The resolution shall specify 22499  
the date of holding the special election, which shall not be 22500  
earlier than ~~eighty~~ ninety days after the adoption and 22501  
certification of the resolution to the county auditor and not 22502  
earlier than ~~seventy-five~~ eighty-five days after certification to 22503  
the board of elections. The date of the election shall be 22504  
consistent with the requirements of section 3501.01 of the Revised 22505  
Code. 22506

(2) The board of education, by a vote of two-thirds of all of 22507  
its members, may adopt a resolution proposing to renew a tax 22508  
levied under division (A)(1) of this section. Such a resolution 22509  
shall provide for levying a tax and specify all of the following: 22510

(a) That the tax shall be called and designated on the ballot 22511  
as a renewal levy; 22512

(b) The amount of the renewal tax, which shall be no more 22513  
than the amount of tax levied during the last year the tax being 22514  
renewed is authorized to be in effect; 22515

(c) The number of years, not to exceed ten, that the renewal 22516  
tax will be levied, or that it will be levied for a continuing 22517  
period of time; 22518



(d) That the purpose of the renewal levy is for current 22519  
expenses; 22520

(e) Subject to the certification and notification 22521  
requirements of section 5705.251 of the Revised Code, that the 22522  
question of the renewal levy shall be submitted to the electors of 22523  
the school district at the general election held during the last 22524  
year the tax being renewed may be extended on the real and public 22525  
utility property tax list and duplicate or at a special election 22526  
held during the ensuing year. 22527

(3) A resolution adopted under division (A)(1) or (2) of this 22528  
section shall go into immediate effect upon its adoption and no 22529  
publication of the resolution is necessary other than that 22530  
provided for in the notice of election. Immediately after its 22531  
adoption, a copy of the resolution shall be certified to the 22532  
county auditor of the proper county, who shall, within five days, 22533  
calculate and certify to the board of education the estimated 22534  
levy, for the first year, and for each subsequent year for which 22535  
the tax is proposed to be in effect. The estimates shall be made 22536  
both in mills for each dollar of valuation, and in dollars and 22537  
cents for each one hundred dollars of valuation. In making the 22538  
estimates, the auditor shall assume that the amount of the tax 22539  
list remains throughout the life of the levy, the same as the tax 22540  
list for the current year. If the tax list for the current year is 22541  
not determined, the auditor shall base ~~his~~ the auditor's estimates 22542  
on the estimated amount of the tax list for the current year as 22543  
submitted to the county budget commission. 22544

If the board desires to proceed with the submission of the 22545  
question, it shall certify its resolution, with the estimated tax 22546  
levy expressed in mills and dollars and cents per hundred dollars 22547  
of valuation for each year that the tax is proposed to be in 22548  
effect, to the board of elections of the proper county in the 22549  
manner provided by division (A) of section 5705.251 of the Revised 22550

Code. Section 5705.251 of the Revised Code shall govern the 22551  
arrangements for the submission of the question and other matters 22552  
concerning the election to which that section refers. The election 22553  
shall be held on the date specified in the resolution. If a 22554  
majority of the electors voting on the question so submitted in an 22555  
election vote in favor of the tax, and if the tax is authorized to 22556  
be levied for the current year, the board of education immediately 22557  
may make the additional levy necessary to raise the amount 22558  
specified in the resolution or a lesser amount for the purpose 22559  
stated in the resolution. 22560

(4) The submission of questions to the electors under this 22561  
section is subject to the limitation on the number of election 22562  
dates established by section 5705.214 of the Revised Code. 22563

(B) Notwithstanding sections 133.30 and 133.301 of the 22564  
Revised Code, after the approval of a tax to be levied in the 22565  
current or the succeeding year and prior to the time when the 22566  
first tax collection from that levy can be made, the board of 22567  
education may anticipate a fraction of the proceeds of the levy 22568  
and issue anticipation notes in an amount not to exceed fifty per 22569  
cent of the total estimated proceeds of the levy to be collected 22570  
during the first year of the levy. The notes shall be sold as 22571  
provided in Chapter 133. of the Revised Code. If anticipation 22572  
notes are issued, they shall mature serially and in substantially 22573  
equal amounts during each year over a period not to exceed five 22574  
years; and the amount necessary to pay the interest and principal 22575  
as the anticipation notes mature shall be deemed appropriated for 22576  
those purposes from the levy, and appropriations from the levy by 22577  
the board of education shall be limited each fiscal year to the 22578  
balance available in excess of that amount. 22579

If the auditor of state has certified a deficit pursuant to 22580  
section 3313.483 of the Revised Code, the notes authorized under 22581  
this section may be sold in accordance with Chapter 133. of the 22582

Revised Code, except that the board may sell the notes after 22583  
providing a reasonable opportunity for competitive bidding. 22584

**Sec. 5705.217.** (A) The board of education of a city, local, 22585  
or exempted village school district, at any time by a vote of 22586  
two-thirds of all its members, may declare by resolution that the 22587  
amount of taxes that can be raised within the ten-mill limitation 22588  
will be insufficient to provide an adequate amount for the present 22589  
and future requirements of the school district; that it is 22590  
necessary to levy an additional tax in excess of that limitation 22591  
for the purposes of providing funds for current operating expenses 22592  
and for the acquisition, construction, enlargement, renovation, 22593  
and financing of permanent improvements; and that the question of 22594  
the tax shall be submitted to the electors of the district at a 22595  
special election. The tax may be levied for a specified number of 22596  
years not exceeding five or, if the tax is for current operating 22597  
expenses or for general, on-going permanent improvements, for a 22598  
continuing period of time. The resolution shall specify the 22599  
proposed tax rate, the first year the tax will be levied, and the 22600  
number of years it will be levied, or that it will be levied for a 22601  
continuing period of time. The resolution shall apportion the 22602  
annual rate of the tax between current operating expenses and 22603  
permanent improvements. The apportionment may but need not be the 22604  
same for each year of the tax, but the respective portions of the 22605  
rate actually levied each year for current operating expenses and 22606  
permanent improvements shall be limited by the apportionment. 22607

The resolution shall specify the date of holding the special 22608  
election, which shall not be earlier than ~~seventy-five~~ eighty-five 22609  
days after certification of the resolution to the board of 22610  
elections and shall be consistent with the requirements of section 22611  
3501.01 of the Revised Code. The resolution shall go into 22612  
immediate effect upon its passage, and no publication of it is 22613  
necessary other than that provided in the notice of election. The 22614

board of education shall certify a copy of the resolution to the 22615  
board of elections immediately after its adoption. Section 5705.25 22616  
of the Revised Code governs the arrangements and form of the 22617  
ballot for the submission of the question to the electors. 22618

If a majority of the electors voting on the question vote in 22619  
favor of the tax, the board of education may make the levy at the 22620  
additional rate, or at any lesser rate in excess of the ten-mill 22621  
limitation. If the tax is for a continuing period of time, it may 22622  
be decreased in accordance with section 5705.261 of the Revised 22623  
Code. 22624

(B)(1) After the approval of a tax for current operating 22625  
expenses under this section and prior to the time the first 22626  
collection and distribution from the levy can be made, the board 22627  
of education may anticipate a fraction of the proceeds of such 22628  
levy and issue anticipation notes in a principal amount not 22629  
exceeding fifty per cent of the total estimated proceeds of the 22630  
tax to be collected during the first year of the levy. 22631

(2) After the approval of a tax under this section for 22632  
permanent improvements having a specific purpose, the board of 22633  
education may anticipate a fraction of the proceeds of such tax 22634  
and issue anticipation notes in a principal amount not exceeding 22635  
fifty per cent of the total estimated proceeds of the tax 22636  
remaining to be collected in each year over a period of five years 22637  
after issuance of the notes. 22638

(3) After the approval of a tax for general, on-going 22639  
permanent improvements under this section, the board of education 22640  
may anticipate a fraction of the proceeds of such tax and issue 22641  
anticipation notes in a principal amount not exceeding fifty per 22642  
cent of the total estimated proceeds of the tax to be collected in 22643  
each year over a specified period of years, not exceeding ten, 22644  
after issuance of the notes. 22645

Anticipation notes under this section shall be issued as 22646  
provided in section 133.24 of the Revised Code. Notes issued under 22647  
division (B)(1) or (2) of this section shall have principal 22648  
payments during each year after the year of their issuance over a 22649  
period not to exceed five years, and may have a principal payment 22650  
in the year of their issuance. Notes issued under division (B)(3) 22651  
of this section shall have principal payments during each year 22652  
after the year of their issuance over a period not to exceed ten 22653  
years, and may have a principal payment in the year of their 22654  
issuance. 22655

(C) The submission of a question to the electors under this 22656  
section is subject to the limitation on the number of elections 22657  
that can be held in a year under section 5705.214 of the Revised 22658  
Code. 22659

**Sec. 5705.218.** (A) The board of education of a city, local, 22660  
or exempted village school district, at any time by a vote of 22661  
two-thirds of all its members, may declare by resolution that it 22662  
may be necessary for the school district to issue general 22663  
obligation bonds for permanent improvements. The resolution shall 22664  
state all of the following: 22665

(1) The necessity and purpose of the bond issue; 22666

(2) The date of the special election at which the question 22667  
shall be submitted to the electors; 22668

(3) The amount, approximate date, estimated rate of interest, 22669  
and maximum number of years over which the principal of the bonds 22670  
may be paid; 22671

(4) The necessity of levying a tax outside the ten-mill 22672  
limitation to pay debt charges on the bonds and any anticipatory 22673  
securities. 22674

On adoption of the resolution, the board shall certify a copy 22675

of it to the county auditor. The county auditor promptly shall 22676  
estimate and certify to the board the average annual property tax 22677  
rate required throughout the stated maturity of the bonds to pay 22678  
debt charges on the bonds, in the same manner as under division 22679  
(C) of section 133.18 of the Revised Code. 22680

(B) After receiving the county auditor's certification under 22681  
division (A) of this section, the board of education of the city, 22682  
local, or exempted village school district, by a vote of 22683  
two-thirds of all its members, may declare by resolution that the 22684  
amount of taxes that can be raised within the ten-mill limitation 22685  
will be insufficient to provide an adequate amount for the present 22686  
and future requirements of the school district; that it is 22687  
necessary to issue general obligation bonds of the school district 22688  
for permanent improvements and to levy an additional tax in excess 22689  
of the ten-mill limitation to pay debt charges on the bonds and 22690  
any anticipatory securities; that it is necessary for a specified 22691  
number of years or for a continuing period of time to levy 22692  
additional taxes in excess of the ten-mill limitation to provide 22693  
funds for the acquisition, construction, enlargement, renovation, 22694  
and financing of permanent improvements or to pay for current 22695  
operating expenses, or both; and that the question of the bonds 22696  
and taxes shall be submitted to the electors of the school 22697  
district at a special election, which shall not be earlier than 22698  
~~seventy-five~~ eighty-five days after certification of the 22699  
resolution to the board of elections, and the date of which shall 22700  
be consistent with section 3501.01 of the Revised Code. The 22701  
resolution shall specify all of the following: 22702

(1) The county auditor's estimate of the average annual 22703  
property tax rate required throughout the stated maturity of the 22704  
bonds to pay debt charges on the bonds; 22705

(2) The proposed rate of the tax, if any, for current 22706  
operating expenses, the first year the tax will be levied, and the 22707

number of years it will be levied, or that it will be levied for a 22708  
continuing period of time; 22709

(3) The proposed rate of the tax, if any, for permanent 22710  
improvements, the first year the tax will be levied, and the 22711  
number of years it will be levied, or that it will be levied for a 22712  
continuing period of time. 22713

The resolution shall apportion the annual rate of the tax 22714  
between current operating expenses and permanent improvements, if 22715  
both taxes are proposed. The apportionment may but need not be the 22716  
same for each year of the tax, but the respective portions of the 22717  
rate actually levied each year for current operating expenses and 22718  
permanent improvements shall be limited by the apportionment. The 22719  
resolution shall go into immediate effect upon its passage, and no 22720  
publication of it is necessary other than that provided in the 22721  
notice of election. The board of education shall certify a copy of 22722  
the resolution, along with copies of the auditor's estimate and 22723  
its resolution under division (A) of this section, to the board of 22724  
elections immediately after its adoption. 22725

(C) The board of elections shall make the arrangements for 22726  
the submission of the question to the electors of the school 22727  
district, and the election shall be conducted, canvassed, and 22728  
certified in the same manner as regular elections in the district 22729  
for the election of county officers. The resolution shall be put 22730  
before the electors as one ballot question, with a favorable vote 22731  
indicating approval of the bond issue, the levy to pay debt 22732  
charges on the bonds and any anticipatory securities, the current 22733  
operating expenses levy, and the permanent improvements levy, if 22734  
either or both levies are proposed. The board of elections shall 22735  
publish notice of the election in one or more newspapers of 22736  
general circulation in the school district once a week for two 22737  
consecutive weeks prior to the election, and, if a board of 22738  
elections operates and maintains a web site, that board also shall 22739

post notice of the election on its web site for thirty days prior	22740
to the election. The notice of election shall state all of the	22741
following:	22742
(1) The principal amount of the proposed bond issue;	22743
(2) The permanent improvements for which the bonds are to be	22744
issued;	22745
(3) The maximum number of years over which the principal of	22746
the bonds may be paid;	22747
(4) The estimated additional average annual property tax rate	22748
to pay the debt charges on the bonds, as certified by the county	22749
auditor;	22750
(5) The proposed rate of the additional tax, if any, for	22751
current operating expenses;	22752
(6) The number of years the current operating expenses tax	22753
will be in effect, or that it will be in effect for a continuing	22754
period of time;	22755
(7) The proposed rate of the additional tax, if any, for	22756
permanent improvements;	22757
(8) The number of years the permanent improvements tax will	22758
be in effect, or that it will be in effect for a continuing period	22759
of time;	22760
(9) The time and place of the special election.	22761
(D) The form of the ballot for an election under this section	22762
is as follows:	22763
"Shall the ..... school district be authorized to do the	22764
following:	22765
(1) Issue bonds for the purpose of ..... in the	22766
principal amount of \$....., to be repaid annually over a maximum	22767
period of ..... years, and levy a property tax outside the	22768



ten-mill limitation, estimated by the county auditor to average 22769  
over the bond repayment period ..... mills for each one dollar of 22770  
tax valuation, which amounts to ..... (rate expressed in cents or 22771  
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 22772  
tax valuation, to pay the annual debt charges on the bonds, and to 22773  
pay debt charges on any notes issued in anticipation of those 22774  
bonds?" 22775

If either a levy for permanent improvements or a levy for 22776  
current operating expenses is proposed, or both are proposed, the 22777  
ballot also shall contain the following language, as appropriate: 22778

"(2) Levy an additional property tax to provide funds for the 22779  
acquisition, construction, enlargement, renovation, and financing 22780  
of permanent improvements at a rate not exceeding ..... mills 22781  
for each one dollar of tax valuation, which amounts to ..... 22782  
(rate expressed in cents or dollars and cents) for each \$100 of 22783  
tax valuation, for ..... (number of years of the levy, or a 22784  
continuing period of time)? 22785

(3) Levy an additional property tax to pay current operating 22786  
expenses at a rate not exceeding ..... mills for each one dollar 22787  
of tax valuation, which amounts to ..... (rate expressed in 22788  
cents or dollars and cents) for each \$100 of tax valuation, for 22789  
..... (number of years of the levy, or a continuing period of 22790  
time)? 22791

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

"

22792  
22793  
22794  
22795  
(E) The board of elections promptly shall certify the results 22796  
of the election to the tax commissioner and the county auditor of 22797  
the county in which the school district is located. If a majority 22798  
of the electors voting on the question vote for it, the board of 22799

education may proceed with issuance of the bonds and with the levy 22800  
and collection of the property tax or taxes at the additional rate 22801  
or any lesser rate in excess of the ten-mill limitation. Any 22802  
securities issued by the board of education under this section are 22803  
Chapter 133. securities, as that term is defined in section 133.01 22804  
of the Revised Code. 22805

(F)(1) After the approval of a tax for current operating 22806  
expenses under this section and prior to the time the first 22807  
collection and distribution from the levy can be made, the board 22808  
of education may anticipate a fraction of the proceeds of such 22809  
levy and issue anticipation notes in a principal amount not 22810  
exceeding fifty per cent of the total estimated proceeds of the 22811  
tax to be collected during the first year of the levy. 22812

(2) After the approval of a tax under this section for 22813  
permanent improvements having a specific purpose, the board of 22814  
education may anticipate a fraction of the proceeds of such tax 22815  
and issue anticipation notes in a principal amount not exceeding 22816  
fifty per cent of the total estimated proceeds of the tax 22817  
remaining to be collected in each year over a period of five years 22818  
after issuance of the notes. 22819

(3) After the approval of a tax for general, on-going 22820  
permanent improvements under this section, the board of education 22821  
may anticipate a fraction of the proceeds of such tax and issue 22822  
anticipation notes in a principal amount not exceeding fifty per 22823  
cent of the total estimated proceeds of the tax to be collected in 22824  
each year over a specified period of years, not exceeding ten, 22825  
after issuance of the notes. 22826

Anticipation notes under this section shall be issued as 22827  
provided in section 133.24 of the Revised Code. Notes issued under 22828  
division (F)(1) or (2) of this section shall have principal 22829  
payments during each year after the year of their issuance over a 22830  
period not to exceed five years, and may have a principal payment 22831

in the year of their issuance. Notes issued under division (F)(3) 22832  
of this section shall have principal payments during each year 22833  
after the year of their issuance over a period not to exceed ten 22834  
years, and may have a principal payment in the year of their 22835  
issuance. 22836

(G) A tax for current operating expenses or for permanent 22837  
improvements levied under this section for a specified number of 22838  
years may be renewed or replaced in the same manner as a tax for 22839  
current operating expenses or for permanent improvements levied 22840  
under section 5705.21 of the Revised Code. A tax for current 22841  
operating expenses or for permanent improvements levied under this 22842  
section for a continuing period of time may be decreased in 22843  
accordance with section 5705.261 of the Revised Code. 22844

(H) The submission of a question to the electors under this 22845  
section is subject to the limitation on the number of elections 22846  
that can be held in a year under section 5705.214 of the Revised 22847  
Code. 22848

(I) A school district board of education proposing a ballot 22849  
measure under this section to generate local resources for a 22850  
project under the school building assistance expedited local 22851  
partnership program under section 3318.36 of the Revised Code may 22852  
combine the questions under division (D) of this section with a 22853  
question for the levy of a property tax to generate moneys for 22854  
maintenance of the classroom facilities acquired under that 22855  
project as prescribed in section 3318.361 of the Revised Code. 22856

**Sec. 5705.219.** (A) As used in this section: 22857

(1) "Eligible school district" means a city, local, or 22858  
exempted village school district in which the taxes charged and 22859  
payable for current expenses on residential/agricultural real 22860  
property in the tax year preceding the year in which the levy 22861  
authorized by this section will be submitted for elector approval 22862

or rejection are greater than two per cent of the taxable value of 22863  
the residential/agricultural real property. 22864

(2) "Residential/agricultural real property" and 22865  
"nonresidential/agricultural real property" means the property 22866  
classified as such under section 5713.041 of the Revised Code. 22867

(3) "Effective tax rate" and "taxes charged and payable" have 22868  
the same meanings as in division (B) of section 319.301 of the 22869  
Revised Code. 22870

(B) On or after January 1, 2010, but before January 1, 2015, 22871  
the board of education of an eligible school district, by a vote 22872  
of two-thirds of all its members, may adopt a resolution proposing 22873  
to convert existing levies imposed for the purpose of current 22874  
expenses into a levy raising a specified amount of tax money by 22875  
repealing all or a portion of one or more of those existing levies 22876  
and imposing a levy in excess of the ten-mill limitation that will 22877  
raise a specified amount of money for current expenses of the 22878  
district. 22879

The board of education shall certify a copy of the resolution 22880  
to the tax commissioner not later than ~~ninety~~ one hundred days 22881  
before the election upon which the repeal and levy authorized by 22882  
this section will be proposed to the electors. Within ten days 22883  
after receiving the copy of the resolution, the tax commissioner 22884  
shall determine each of the following and certify the 22885  
determinations to the board of education: 22886

(1) The dollar amount to be raised by the proposed levy, 22887  
which shall be the product of: 22888

(a) The difference between the aggregate effective tax rate 22889  
for residential/agricultural real property for the tax year 22890  
preceding the year in which the repeal and levy will be proposed 22891  
to the electors and twenty mills per dollar of taxable value; 22892

(b) The total taxable value of all property on the tax list 22893

of real and public utility property for the tax year preceding the 22894  
year in which the repeal and levy will be proposed to the 22895  
electors. 22896

(2) The estimated tax rate of the proposed levy. 22897

(3) The existing levies and any portion of an existing levy 22898  
to be repealed upon approval of the question. Levies shall be 22899  
repealed in reverse chronological order from most recently imposed 22900  
to least recently imposed until the sum of the effective tax rates 22901  
repealed for residential/agricultural real property is equal to 22902  
the difference calculated in division (B)(1)(a) of this section. 22903

(4) The sum of the following: 22904

(a) The total taxable value of nonresidential/agricultural 22905  
real property for the tax year preceding the year in which the 22906  
repeal and levy will be proposed to the electors multiplied by the 22907  
difference between (i) the aggregate effective tax rate for 22908  
nonresidential/agricultural real property for the existing levies 22909  
and any portion of an existing levy to be repealed and (ii) the 22910  
amount determined under division (B)(1)(a) of this section, but 22911  
not less than zero; 22912

(b) The total taxable value of public utility tangible 22913  
personal property for the tax year preceding the year in which the 22914  
repeal and levy will be proposed to the electors multiplied by the 22915  
difference between (i) the aggregate voted tax rate for the 22916  
existing levies and any portion of an existing levy to be repealed 22917  
and (ii) the amount determined under division (B)(1)(a) of this 22918  
section, but not less than zero. 22919

(C) Upon receipt of the certification from the tax 22920  
commissioner under division (B) of this section, a majority of the 22921  
members of the board of education may adopt a resolution proposing 22922  
the repeal of the existing levies as identified in the 22923  
certification and the imposition of a levy in excess of the 22924

ten-mill limitation that will raise annually the amount certified 22925  
by the commissioner. If the board determines that the tax should 22926  
be for an amount less than that certified by the commissioner, the 22927  
board may request that the commissioner redetermine the rate under 22928  
division (B)(2) of this section on the basis of the lesser amount 22929  
the levy is to raise as specified by the board. The amount 22930  
certified under division (B)(4) and the levies to be repealed as 22931  
certified under division (B)(3) of this section shall not be 22932  
redetermined. Within ten days after receiving a timely request 22933  
specifying the lesser amount to be raised by the levy, the 22934  
commissioner shall redetermine the rate and recertify it to the 22935  
board as otherwise provided in division (B) of this section. Only 22936  
one such request may be made by the board of education of an 22937  
eligible school district. 22938

The resolution shall state the first calendar year in which 22939  
the levy will be due; the existing levies and any portion of an 22940  
existing levy that will be repealed, as certified by the 22941  
commissioner; the term of the levy expressed in years, which may 22942  
be any number not exceeding ten, or that it will be levied for a 22943  
continuing period of time; and the date of the election, which 22944  
shall be the date of a primary or general election. 22945

Immediately upon its passage, the resolution shall go into 22946  
effect and shall be certified by the board of education to the 22947  
county auditor of the proper county. The county auditor and the 22948  
board of education shall proceed as required under section 22949  
5705.195 of the Revised Code. No publication of the resolution is 22950  
necessary other than that provided for in the notice of election. 22951  
Section 5705.196 of the Revised Code shall govern the matters 22952  
concerning the election. The submission of a question to the 22953  
electors under this section is subject to the limitation on the 22954  
number of election dates established by section 5705.214 of the 22955  
Revised Code. 22956

(D) The form of the ballot to be used at the election 22957  
provided for in this section shall be as follows: 22958

"Shall the existing levy of ..... (insert the voted 22959  
millage rate of the levy to be repealed), currently being charged 22960  
against residential and agricultural property by the ..... 22961  
(insert the name of school district) at a rate of ..... 22962  
(insert the residential/agricultural real property effective tax 22963  
rate of the levy being repealed) for the purpose of ..... 22964  
(insert the purpose of the existing levy) be repealed, and shall a 22965  
levy be imposed by the ..... (insert the name of school 22966  
district) in excess of the ten-mill limitation for the necessary 22967  
requirements of the school district in the sum of ..... 22968  
(insert the annual amount the levy is to produce), estimated by 22969  
the tax commissioner to require ..... (insert the number of 22970  
mills) mills for each one dollar of valuation, which amounts to 22971  
..... (insert the rate expressed in dollars and cents) for 22972  
each one hundred dollars of valuation for the initial year of the 22973  
tax, for a period of ..... (insert the number of years the 22974  
levy is to be imposed, or that it will be levied for a continuing 22975  
period of time), commencing in ..... (insert the first year 22976  
the tax is to be levied), first due in calendar year ..... 22977  
(insert the first calendar year in which the tax shall be due)? 22978

	FOR THE REPEAL AND TAX
	AGAINST THE REPEAL AND TAX

"

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22980  
22981  
22982  
If the question submitted is a proposal to repeal all or a 22983  
portion of more than one existing levy, the form of the ballot 22984  
shall be modified by substituting the statement "shall the 22985  
existing levy of" with "shall existing levies of" and inserting 22986  
the aggregate voted and aggregate effective tax rates to be 22987  
repealed. 22988

(E) If a majority of the electors voting on the question submitted in an election vote in favor of the repeal and levy, the result shall be certified immediately after the canvass by the board of elections to the board of education. The board of education may make the levy necessary to raise the amount specified in the resolution for the purpose stated in the resolution and shall certify it to the county auditor, who shall extend it on the current year tax lists for collection. After the first year, the levy shall be included in the annual tax budget that is certified to the county budget commission.

(F) A levy imposed under this section for a continuing period of time may be decreased or repealed pursuant to section 5705.261 of the Revised Code. If a levy imposed under this section is decreased, the amount calculated under division (B)(4) of this section and paid under section 5705.2110 of the Revised Code shall be decreased by the same proportion as the levy is decreased. If the levy is repealed, no further payments shall be made to the district under that section.

(G) At any time, the board of education, by a vote of two-thirds of all of its members, may adopt a resolution to renew a tax levied under this section. The resolution shall provide for levying the tax and specifically all of the following:

(1) That the tax shall be called, and designated on the ballot as, a renewal levy;

(2) The amount of the renewal tax, which shall be no more than the amount of tax previously collected;

(3) The number of years, not to exceed ten, that the renewal tax will be levied, or that it will be levied for a continuing period of time;

(4) That the purpose of the renewal tax is for current expenses.



The board shall certify a copy of the resolution to the board 23020  
of elections not later than ~~seventy-five~~ eighty-five days before 23021  
the date of the election at which the question is to be submitted, 23022  
which shall be the date of a primary or general election. 23023

23024

(H) The form of the ballot to be used at the election on the 23025  
question of renewing a levy under this section shall be as 23026  
follows: 23027

"Shall a tax levy renewing an existing levy of ..... 23028  
(insert the annual dollar amount the levy is to produce each 23029  
year), estimated to require ..... (insert the number of 23030  
mills) mills for each one dollar of valuation be imposed by the 23031  
..... (insert the name of school district) for the purpose of 23032  
current expenses for a period of ..... (insert the number of 23033  
years the levy is to be imposed, or that it will be levied for a 23034  
continuing period of time), commencing in ..... (insert the 23035  
first year the tax is to be levied), first due in calendar year 23036  
..... (insert the first calendar year in which the tax shall 23037  
be due)? 23038

23039

	FOR THE RENEWAL OF THE TAX LEVY
	AGAINST THE RENEWAL OF THE TAX LEVY

23040

"

23041

23042

If the levy submitted is to be for less than the amount of 23043  
money previously collected, the form of the ballot shall be 23044  
modified to add "and reducing" after "renewing" and to add before 23045  
"estimated to require" the statement "be approved at a tax rate 23046  
necessary to produce ..... (insert the lower annual dollar 23047  
amount the levy is to produce each year)." 23048

**Sec. 5705.2111.** (A) If the board of directors of a regional 23049

student education district created under section 3313.83 of the Revised Code desires to levy a tax in excess of the ten-mill limitation throughout the district for the purpose of funding the services to be provided by the district to students enrolled in the school districts of which the district is composed and their immediate family members, the board shall propose the levy to each of the boards of education of those school districts. The proposal shall specify the rate or amount of the tax, the number of years the tax will be levied or that it will be levied for a continuing period of time, and that the aggregate rate of the tax shall not exceed three mills per dollar of taxable value in the regional student education district.

(B)(1) If a majority of the boards of education of the school districts of which the regional student education district is composed approves the proposal for the tax levy, the board of directors of the regional student education district may adopt a resolution approved by a majority of the board's full membership declaring the necessity of levying the proposed tax in excess of the ten-mill limitation throughout the district for the purpose of funding the services to be provided by the district to students enrolled in the school districts of which the district is composed and their immediate family members. The resolution shall provide for the question of the tax to be submitted to the electors of the district at a general, primary, or special election on a day to be specified in the resolution that is consistent with the requirements of section 3501.01 of the Revised Code and that occurs at least ~~seventy-five~~ eighty-five days after the resolution is certified to the board of elections. The resolution shall specify the rate or amount of the tax and the number of years the tax will be levied or that the tax will be levied for a continuing period of time. The aggregate rate of tax levied by a regional student education district under this section at any time shall not exceed three mills per dollar of taxable value in the

district. A tax levied under this section may be renewed, subject 23083  
to section 5705.25 of the Revised Code, or replaced as provided in 23084  
section 5705.192 of the Revised Code. 23085

(2) The resolution shall take effect immediately upon 23086  
passage, and no publication of the resolution is necessary other 23087  
than that provided in the notice of election. The resolution shall 23088  
be certified and submitted in the manner provided under section 23089  
5705.25 of the Revised Code, and that section governs the 23090  
arrangements governing submission of the question and other 23091  
matters concerning the election. 23092

**Sec. 5705.22.** The board of county commissioners of any 23093  
county, at any time and in any year, after providing the normal 23094  
and customary percentages of the total general fund appropriations 23095  
for the support of county hospitals, by vote of two-thirds of all 23096  
members of said board, may declare by resolution that the amount 23097  
of taxes which may be raised within the ten-mill limitation will 23098  
be insufficient to provide an adequate amount for the support of 23099  
county hospitals, and that it is necessary to levy a tax in excess 23100  
of the ten-mill limitation to supplement such general fund 23101  
appropriations for such purpose, but the total levy for this 23102  
purpose shall not exceed sixty-five one hundredths of a mill. 23103

Such resolution shall conform to the requirements of section 23104  
5705.19 of the Revised Code, and shall be certified to the board 23105  
of elections not less than ~~seventy-five~~ eighty-five days before 23106  
the general election and submitted in the manner provided in 23107  
section 5705.25 of the Revised Code. 23108

If the majority of electors voting on a levy to supplement 23109  
the general fund appropriations for the support of county 23110  
hospitals vote in favor of the levy, the board of said county may 23111  
levy a tax within such county at the additional rate in excess of 23112  
the ten-mill limitation during the period for the purpose stated 23113

in the resolution or at any less rate or for any of the said 23114  
years. 23115

**Sec. 5705.221.** (A) At any time, the board of county 23116  
commissioners of any county by a majority vote of the full 23117  
membership may declare by resolution and certify to the board of 23118  
elections of the county that the amount of taxes which may be 23119  
raised within the ten-mill limitation by levies on the current tax 23120  
duplicate will be insufficient to provide the necessary 23121  
requirements of the county's alcohol, drug addiction, and mental 23122  
health service district established pursuant to Chapter 340. of 23123  
the Revised Code, or the county's contribution to a joint-county 23124  
district of which the county is a part, and that it is necessary 23125  
to levy a tax in excess of such limitation for the operation of 23126  
alcohol and drug addiction programs and mental health programs and 23127  
the acquisition, construction, renovation, financing, maintenance, 23128  
and operation of alcohol and drug addiction facilities and mental 23129  
health facilities. 23130

Such resolution shall conform to section 5705.19 of the 23131  
Revised Code, except that the increased rate may be in effect for 23132  
any number of years not exceeding ten. 23133

The resolution shall be certified and submitted in the manner 23134  
provided in section 5705.25 of the Revised Code, except that it 23135  
may be placed on the ballot in any election, and shall be 23136  
certified to the board of elections not less than ~~seventy-five~~ 23137  
eighty-five days before the election at which it will be voted 23138  
upon. 23139

If the majority of the electors voting on a levy to 23140  
supplement general fund appropriations for the support of the 23141  
comprehensive alcohol and drug addiction and mental health program 23142  
vote in favor of the levy, the board may levy a tax within the 23143  
county at the additional rate outside the ten-mill limitation 23144

during the specified or continuing period, for the purpose stated 23145  
in the resolution. 23146

(B) When electors have approved a tax levy under this 23147  
section, the board of county commissioners may anticipate a 23148  
fraction of the proceeds of the levy and, from time to time, issue 23149  
anticipation notes in accordance with section 5705.191 or 5705.193 23150  
of the Revised Code. 23151

(C) The county auditor who is the fiscal officer of the 23152  
alcohol, drug addiction, and mental health service district, upon 23153  
receipt of a resolution from the board of alcohol, drug addiction, 23154  
and mental health services, shall establish for the district a 23155  
capital improvements account or a reserve balance account, or 23156  
both, as specified in the resolution. The capital improvements 23157  
account shall be a contingency fund for the necessary acquisition, 23158  
replacement, renovation, or construction of facilities and movable 23159  
and fixed equipment. Upon the request of the board, funds not 23160  
needed to pay for current expenses may be appropriated to the 23161  
capital improvements account, in amounts such that the account 23162  
does not exceed twenty-five per cent of the replacement value of 23163  
all capital facilities and equipment currently used by the board 23164  
for programs and services. Other funds which are available for 23165  
current capital expenses from federal, state, or local sources may 23166  
also be appropriated to this account. 23167

The reserve balance account shall contain those funds that 23168  
are not needed to pay for current operating expenses and not 23169  
deposited in the capital improvements account but that will be 23170  
needed to pay for operating expenses in the future. Upon the 23171  
request of a board, such funds shall be appropriated to the 23172  
reserve balance account. Payments from the capital improvements 23173  
account and the reserve balance account shall be made by the 23174  
county treasurer who is the custodian of funds for the district 23175  
upon warrants issued by the county auditor who is the fiscal 23176

officer of the district pursuant to orders of the board. 23177

**Sec. 5705.222.** (A) At any time the board of county 23178  
commissioners of any county by a majority vote of the full 23179  
membership may declare by resolution and certify to the board of 23180  
elections of the county that the amount of taxes which may be 23181  
raised within the ten-mill limitation by levies on the current tax 23182  
duplicate will be insufficient to provide the necessary 23183  
requirements of the county board of developmental disabilities 23184  
established pursuant to Chapter 5126. of the Revised Code and that 23185  
it is necessary to levy a tax in excess of such limitation for the 23186  
operation of programs and services by county boards of 23187  
developmental disabilities and for the acquisition, construction, 23188  
renovation, financing, maintenance, and operation of mental 23189  
retardation and developmental disabilities facilities. 23190

Such resolution shall conform to section 5705.19 of the 23191  
Revised Code, except that the increased rate may be in effect for 23192  
any number of years not exceeding ten or for a continuing period 23193  
of time. 23194

The resolution shall be certified and submitted in the manner 23195  
provided in section 5705.25 of the Revised Code, except that it 23196  
may be placed on the ballot in any election, and shall be 23197  
certified to the board of elections not less than ~~seventy-five~~ 23198  
eighty-five days before the election at which it will be voted 23199  
upon. 23200

If the majority of the electors voting on a levy for the 23201  
support of the programs and services of the county board of 23202  
developmental disabilities vote in favor of the levy, the board of 23203  
county commissioners may levy a tax within the county at the 23204  
additional rate outside the ten-mill limitation during the 23205  
specified or continuing period, for the purpose stated in the 23206  
resolution. The county board of developmental disabilities, within 23207

its budget and with the approval of the board of county 23208  
commissioners through annual appropriations, shall use the 23209  
proceeds of a levy approved under this section solely for the 23210  
purposes authorized by this section. 23211

(B) When electors have approved a tax levy under this 23212  
section, the county commissioners may anticipate a fraction of the 23213  
proceeds of the levy and issue anticipation notes in accordance 23214  
with section 5705.191 or 5705.193 of the Revised Code. 23215

(C) The county auditor, upon receipt of a resolution from the 23216  
county board of developmental disabilities, shall establish a 23217  
capital improvements account or a reserve balance account, or 23218  
both, as specified in the resolution. The capital improvements 23219  
account shall be a contingency account for the necessary 23220  
acquisition, replacement, renovation, or construction of 23221  
facilities and movable and fixed equipment. Upon the request of 23222  
the county board of developmental disabilities, moneys not needed 23223  
to pay for current expenses may be appropriated to this account, 23224  
in amounts such that this account does not exceed twenty-five per 23225  
cent of the replacement value of all capital facilities and 23226  
equipment currently used by the county board of developmental 23227  
disabilities for mental retardation and developmental disabilities 23228  
programs and services. Other moneys available for current capital 23229  
expenses from federal, state, or local sources may also be 23230  
appropriated to this account. 23231

The reserve balance account shall contain those moneys that 23232  
are not needed to pay for current operating expenses and not 23233  
deposited in the capital improvements account but that will be 23234  
needed to pay for operating expenses in the future. Upon the 23235  
request of a county board of developmental disabilities, the board 23236  
of county commissioners may appropriate moneys to the reserve 23237  
balance account. 23238

**Sec. 5705.23.** The board of library trustees of any county, 23239  
municipal corporation, school district, or township public library 23240  
by a vote of two-thirds of all its members may at any time declare 23241  
by resolution that the amount of taxes which may be raised within 23242  
the ten-mill limitation by levies on the current tax duplicate 23243  
will be insufficient to provide an adequate amount for the 23244  
necessary requirements of the public library, that it is necessary 23245  
to levy a tax in excess of such limitation for current expenses of 23246  
the public library or for the construction of any specific 23247  
permanent improvement or class of improvements which the board of 23248  
library trustees is authorized to make or acquire and which could 23249  
be included in a single issue of bonds, and that the question of 23250  
such additional tax levy shall be submitted by the taxing 23251  
authority of the political subdivision to whose jurisdiction the 23252  
board is subject, to the electors of the subdivision, or, if the 23253  
resolution so states, to the electors residing within the 23254  
boundaries of the library district, as defined by the state 23255  
library board pursuant to section 3375.01 of the Revised Code, on 23256  
the day specified by division (E) of section 3501.01 of the 23257  
Revised Code for the holding of a primary election or at an 23258  
election on another day to be specified in the resolution. No more 23259  
than two elections shall be held under authority of this section 23260  
in any one calendar year. Such resolution shall conform to section 23261  
5705.19 of the Revised Code, except that the tax levy may be in 23262  
effect for any specified number of years or for a continuing 23263  
period of time, as set forth in the resolution, and the resolution 23264  
shall specify the date of holding the election, which shall not be 23265  
earlier than ~~seventy-five~~ eighty-five days after the adoption and 23266  
certification of the resolution to the taxing authority of the 23267  
political subdivision to whose jurisdiction the board is subject, 23268  
and which shall be consistent with the requirements of section 23269  
3501.01 of the Revised Code. The resolution shall not include a 23270



levy on the current tax list and duplicate unless the election is 23271  
to be held at or prior to the first Tuesday after the first Monday 23272  
in November of the current tax year. 23273

Upon receipt of the resolution, the taxing authority of the 23274  
political subdivision to whose jurisdiction the board is subject 23275  
shall adopt a resolution providing for the submission of such 23276  
additional tax levy to the electors of the subdivision, or, if the 23277  
resolution so states, to the electors residing within the 23278  
boundaries of the library district, as defined by the state 23279  
library board pursuant to section 3375.01 of the Revised Code, on 23280  
the date specified in the resolution of the board of library 23281  
trustees. The resolution adopted by the taxing authority shall 23282  
otherwise conform to the resolution certified to it by the board. 23283  
The resolution of the taxing authority shall be certified to the 23284  
board of elections of the proper county not less than ~~seventy-five~~ 23285  
eighty-five days before the date of such election. Such resolution 23286  
shall go into immediate effect upon its passage, and no 23287  
publication of the resolution shall be necessary other than that 23288  
provided in the notice of election. Section 5705.25 of the Revised 23289  
Code shall govern the arrangements for the submission of such 23290  
question and other matters concerning the election, to which that 23291  
section refers, except that if the resolution so states, the 23292  
question shall be submitted to the electors residing within the 23293  
boundaries of the library district, as defined by the state 23294  
library board pursuant to section 3375.01 of the Revised Code, and 23295  
except that such election shall be held on the date specified in 23296  
the resolution. If a majority of the electors voting on the 23297  
question so submitted in an election vote in favor of such levy, 23298  
the taxing authority may forthwith make the necessary levy within 23299  
the subdivision or within the boundaries of the library district, 23300  
as defined by the state library board pursuant to section 3375.01 23301  
of the Revised Code, at the additional rate in excess of the 23302  
ten-mill limitation on the tax list, for the purpose stated in 23303

such resolutions. Such tax levy shall be included in the next 23304  
annual tax budget that is certified to the county budget 23305  
commission. The proceeds of any library levy in excess of the 23306  
ten-mill limitation shall be used for purposes of the board in 23307  
accordance with the law applicable to the board. 23308

After the approval of a levy on the current tax list and 23309  
duplicate to provide an increase in current expenses, and prior to 23310  
the time when the first tax collection from such levy can be made, 23311  
the taxing authority at the request of the board of library 23312  
trustees may anticipate a fraction of the proceeds of such levy 23313  
and issue anticipation notes in an amount not exceeding fifty per 23314  
cent of the total estimated proceeds of the levy to be collected 23315  
during the first year of the levy. 23316

After the approval of a levy to provide revenues for the 23317  
construction or acquisition of any specific permanent improvement 23318  
or class of improvements, the taxing authority at the request of 23319  
the board of library trustees may anticipate a fraction of the 23320  
proceeds of such levy and issue anticipation notes in a principal 23321  
amount not exceeding fifty per cent of the total estimated 23322  
proceeds of the levy to be collected in each year over a period of 23323  
ten years after the issuance of such notes. 23324

The notes shall be issued as provided in section 133.24 of 23325  
the Revised Code, shall have principal payments during each year 23326  
after the year of their issuance over a period not to exceed ten 23327  
years, and may have a principal payment in the year of their 23328  
issuance. 23329

When a board of public library trustees of a county library 23330  
district, appointed under section 3375.22 of the Revised Code, 23331  
requests the submission of such special levy, the taxing authority 23332  
shall submit the levy to the voters of the county library district 23333  
only. For the purposes of this section, and of the board of public 23334  
library trustees only, the words "electors of the subdivision," as 23335

used in this section and in section 5705.25 of the Revised Code, 23336  
mean "electors of the county library district." Any levy approved 23337  
by the electors of the county library district shall be made 23338  
within the county library district only. 23339

**Sec. 5705.24.** The board of county commissioners of any 23340  
county, at any time and in any year, after providing the normal 23341  
and customary percentage of the total general fund appropriations 23342  
for the support of children services and the care and placement of 23343  
children, by vote of two-thirds of all the members of said board 23344  
may declare by resolution that the amount of taxes which may be 23345  
raised within the ten-mill limitation will be insufficient to 23346  
provide an adequate amount for the support of such children 23347  
services, and that it is necessary to levy a tax in excess of the 23348  
ten-mill limitation to supplement such general fund appropriations 23349  
for such purpose. Taxes collected from a levy imposed under this 23350  
section may be expended for any operating or capital improvement 23351  
expenditure necessary for the support of children services and the 23352  
care and placement of children. 23353

Such resolution shall conform to the requirements of section 23354  
5705.19 of the Revised Code, except that the levy may be for any 23355  
number of years not exceeding ten. The resolution shall be 23356  
certified to the board of elections not less than ~~seventy-five~~ 23357  
eighty-five days before the general, primary, or special election 23358  
upon which it will be voted, and be submitted in the manner 23359  
provided in section 5705.25 of the Revised Code, except that it 23360  
may be placed on the ballot in any such election. 23361

If the majority of the electors voting on a levy to 23362  
supplement general fund appropriations for the support of children 23363  
services and the care and placement of children vote in favor 23364  
thereof, the board may levy a tax within such county at the 23365  
additional rate outside the ten-mill limitation during the period 23366

and for the purpose stated in the resolution or at any less rate 23367  
or for any of the said years. 23368

After the approval of such levy and prior to the time when 23369  
the first tax collection from such levy can be made, the board of 23370  
county commissioners may anticipate a fraction of the proceeds of 23371  
such levy and issue anticipation notes in a principal amount not 23372  
to exceed fifty per cent of the total estimated proceeds of the 23373  
levy throughout its life. 23374

Such notes shall be issued as provided in section 133.24 of 23375  
the Revised Code, shall have principal payments during each year 23376  
after the year of their issuance over a period not exceeding the 23377  
life of the levy, and may have a principal payment in the year of 23378  
their issuance. 23379

**Sec. 5705.25.** (A) A copy of any resolution adopted as 23380  
provided in section 5705.19 or 5705.2111 of the Revised Code shall 23381  
be certified by the taxing authority to the board of elections of 23382  
the proper county not less than ~~seventy-five~~ eighty-five days 23383  
before the general election in any year, and the board shall 23384  
submit the proposal to the electors of the subdivision at the 23385  
succeeding November election. Except as otherwise provided in this 23386  
division, a resolution to renew an existing levy, regardless of 23387  
the section of the Revised Code under which the tax was imposed, 23388  
shall not be placed on the ballot unless the question is submitted 23389  
at the general election held during the last year the tax to be 23390  
renewed or replaced may be extended on the real and public utility 23391  
property tax list and duplicate, or at any election held in the 23392  
ensuing year. The limitation of the foregoing sentence does not 23393  
apply to a resolution to renew and increase or to renew part of an 23394  
existing levy that was imposed under section 5705.191 of the 23395  
Revised Code to supplement the general fund for the purpose of 23396  
making appropriations for one or more of the following purposes: 23397

for public assistance, human or social services, relief, welfare, 23398  
hospitalization, health, and support of general hospitals. The 23399  
limitation of the second preceding sentence also does not apply to 23400  
a resolution that proposes to renew two or more existing levies 23401  
imposed under section 5705.21 of the Revised Code, in which case 23402  
the question shall be submitted on the date of the general or 23403  
primary election held during the last year at least one of the 23404  
levies to be renewed may be extended on the real and public 23405  
utility property tax list and duplicate, or at any election held 23406  
during the ensuing year. For purposes of this section, a levy 23407  
shall be considered to be an "existing levy" through the year 23408  
following the last year it can be placed on that tax list and 23409  
duplicate. 23410

The board shall make the necessary arrangements for the 23411  
submission of such questions to the electors of such subdivision, 23412  
and the election shall be conducted, canvassed, and certified in 23413  
the same manner as regular elections in such subdivision for the 23414  
election of county officers. Notice of the election shall be 23415  
published in a newspaper of general circulation in the subdivision 23416  
once a week for two consecutive weeks prior to the election, and, 23417  
if the board of elections operates and maintains a web site, the 23418  
board of elections shall post notice of the election on its web 23419  
site for thirty days prior to the election. The notice shall state 23420  
the purpose, the proposed increase in rate expressed in dollars 23421  
and cents for each one hundred dollars of valuation as well as in 23422  
mills for each one dollar of valuation, the number of years during 23423  
which the increase will be in effect, the first month and year in 23424  
which the tax will be levied, and the time and place of the 23425  
election. 23426

(B) The form of the ballots cast at an election held pursuant 23427  
to division (A) of this section shall be as follows: 23428

"An additional tax for the benefit of (name of subdivision or 23429

public library) ..... for the purpose of (purpose stated in 23430  
the resolution) ..... at a rate not exceeding ..... mills 23431  
for each one dollar of valuation, which amounts to (rate expressed 23432  
in dollars and cents) ..... for each one hundred dollars of 23433  
valuation, for ..... (life of indebtedness or number of years the 23434  
levy is to run). 23435

	For the Tax Levy	
	Against the Tax Levy	"

23436  
23437  
23438  
23439

(C) If the levy is to be in effect for a continuing period of 23440  
time, the notice of election and the form of ballot shall so state 23441  
instead of setting forth a specified number of years for the levy. 23442

If the tax is to be placed on the current tax list, the form 23443  
of the ballot shall be modified by adding, after the statement of 23444  
the number of years the levy is to run, the phrase ", commencing 23445  
in ..... (first year the tax is to be levied), first due in 23446  
calendar year ..... (first calendar year in which the tax 23447  
shall be due)." 23448

If the levy submitted is a proposal to renew, increase, or 23449  
decrease an existing levy, the form of the ballot specified in 23450  
division (B) of this section may be changed by substituting for 23451  
the words "An additional" at the beginning of the form, the words 23452  
"A renewal of a" in case of a proposal to renew an existing levy 23453  
in the same amount; the words "A renewal of ..... mills and an 23454  
increase of ..... mills to constitute a" in the case of an 23455  
increase; or the words "A renewal of part of an existing levy, 23456  
being a reduction of ..... mills, to constitute a" in the case of 23457  
a decrease in the proposed levy. 23458

If the levy submitted is a proposal to renew two or more 23459  
existing levies imposed under section 5705.21 of the Revised Code, 23460

the form of the ballot specified in division (B) of this section 23461  
shall be modified by substituting for the words "an additional 23462  
tax" the words "a renewal of ....(insert the number of levies to 23463  
be renewed) existing taxes." 23464

The question covered by such resolution shall be submitted as 23465  
a separate proposition but may be printed on the same ballot with 23466  
any other proposition submitted at the same election, other than 23467  
the election of officers. More than one such question may be 23468  
submitted at the same election. 23469

(D) A levy voted in excess of the ten-mill limitation under 23470  
this section shall be certified to the tax commissioner. In the 23471  
first year of the levy, it shall be extended on the tax lists 23472  
after the February settlement succeeding the election. If the 23473  
additional tax is to be placed upon the tax list of the current 23474  
year, as specified in the resolution providing for its submission, 23475  
the result of the election shall be certified immediately after 23476  
the canvass by the board of elections to the taxing authority, who 23477  
shall make the necessary levy and certify it to the county 23478  
auditor, who shall extend it on the tax lists for collection. 23479  
After the first year, the tax levy shall be included in the annual 23480  
tax budget that is certified to the county budget commission. 23481

**Sec. 5705.251.** (A) A copy of a resolution adopted under 23482  
section 5705.212 or 5705.213 of the Revised Code shall be 23483  
certified by the board of education to the board of elections of 23484  
the proper county not less than ~~seventy-five~~ eighty-five days 23485  
before the date of the election specified in the resolution, and 23486  
the board of elections shall submit the proposal to the electors 23487  
of the school district at a special election to be held on that 23488  
date. The board of elections shall make the necessary arrangements 23489  
for the submission of the question or questions to the electors of 23490  
the school district, and the election shall be conducted, 23491

canvassed, and certified in the same manner as regular elections 23492  
in the school district for the election of county officers. Notice 23493  
of the election shall be published in a newspaper of general 23494  
circulation in the subdivision once a week for two consecutive 23495  
weeks prior to the election, and, if the board of elections 23496  
operates and maintains a web site, the board of elections shall 23497  
post notice of the election on its web site for thirty days prior 23498  
to the election. 23499

(1) In the case of a resolution adopted under section 23500  
5705.212 of the Revised Code, the notice shall state separately, 23501  
for each tax being proposed, the purpose; the proposed increase in 23502  
rate, expressed in dollars and cents for each one hundred dollars 23503  
of valuation as well as in mills for each one dollar of valuation; 23504  
the number of years during which the increase will be in effect; 23505  
and the first calendar year in which the tax will be due. For an 23506  
election on the question of a renewal levy, the notice shall state 23507  
the purpose; the proposed rate, expressed in dollars and cents for 23508  
each one hundred dollars of valuation as well as in mills for each 23509  
one dollar of valuation; and the number of years the tax will be 23510  
in effect. 23511

(2) In the case of a resolution adopted under section 23512  
5705.213 of the Revised Code, the notice shall state the purpose; 23513  
the amount proposed to be raised by the tax in the first year it 23514  
is levied; the estimated average additional tax rate for the first 23515  
year it is proposed to be levied, expressed in mills for each one 23516  
dollar of valuation and in dollars and cents for each one hundred 23517  
dollars of valuation; the number of years during which the 23518  
increase will be in effect; and the first calendar year in which 23519  
the tax will be due. The notice also shall state the amount by 23520  
which the amount to be raised by the tax may be increased in each 23521  
year after the first year. The amount of the allowable increase 23522  
may be expressed in terms of a dollar increase over, or a 23523



percentage of, the amount raised by the tax in the immediately 23524  
preceding year. For an election on the question of a renewal levy, 23525  
the notice shall state the purpose; the amount proposed to be 23526  
raised by the tax; the estimated tax rate, expressed in mills for 23527  
each one dollar of valuation and in dollars and cents for each one 23528  
hundred dollars of valuation; and the number of years the tax will 23529  
be in effect. 23530

In any case, the notice also shall state the time and place 23531  
of the election. 23532

(B) The form of the ballot in an election on taxes proposed 23533  
under section 5705.212 of the Revised Code shall be as follows: 23534

"Shall the ..... school district be authorized to levy 23535  
taxes for current expenses, the aggregate rate of which may 23536  
increase in ..... (number) increment(s) of not more than ..... 23537  
mill(s) for each dollar of valuation, from an original rate of 23538  
..... mill(s) for each dollar of valuation, which amounts to 23539  
..... (rate expressed in dollars and cents) for each one hundred 23540  
dollars of valuation, to a maximum rate of ..... mill(s) for each 23541  
dollar of valuation, which amounts to ..... (rate expressed in 23542  
dollars and cents) for each one hundred dollars of valuation? The 23543  
original tax is first proposed to be levied in ..... (the first 23544  
year of the tax), and the incremental tax in ..... (the first 23545  
year of the increment) (if more than one incremental tax is 23546  
proposed in the resolution, the first year that each incremental 23547  
tax is proposed to be levied shall be stated in the preceding 23548  
format, and the increments shall be referred to as the first, 23549  
second, third, or fourth increment, depending on their number). 23550  
The aggregate rate of tax so authorized will ..... (insert 23551  
either, "expire with the original rate of tax which shall be in 23552  
effect for ..... years" or "be in effect for a continuing period 23553  
of time"). 23554

	FOR THE TAX LEVIES	
	AGAINST THE TAX LEVIES	"

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The form of the ballot in an election on the question of a  
renewal levy under section 5705.212 of the Revised Code shall be  
as follows:

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23561

"Shall the ..... school district be authorized to renew a  
tax for current expenses at a rate not exceeding ..... mills  
for each dollar of valuation, which amounts to ..... (rate  
expressed in dollars and cents) for each one hundred dollars of  
valuation, for ..... (number of years the levy shall be in  
effect, or a continuing period of time)?

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	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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

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(C) The form of the ballot in an election on a tax proposed  
under section 5705.213 of the Revised Code shall be as follows:

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"Shall the ..... school district be authorized to levy the  
following tax for current expenses? The tax will first be levied  
in ..... (year) to raise ..... (dollars). In the ..... (number  
of years) following years, the tax will increase by not more than  
..... (per cent or dollar amount of increase) each year, so that,  
during ..... (last year of the tax), the tax will raise  
approximately ..... (dollars). The county auditor estimates that

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the rate of the tax per dollar of valuation will be ..... 23587  
mill(s), which amounts to \$. .... per one hundred dollars of 23588  
valuation, both during ..... (first year of the tax) and ..... 23589  
mill(s), which amounts to \$. .... per one hundred dollars of 23590  
valuation, during ..... (last year of the tax). The tax will not 23591  
be levied after ..... (year). 23592

	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 23597  
renewal levy under section 5705.213 of the Revised Code shall be 23598  
as follows: 23599

"Shall the ..... school district be authorized to renew a 23600  
tax for current expenses which will raise ..... (dollars), 23601  
estimated by the county auditor to be ..... mills for each 23602  
dollar of valuation, which amounts to ..... (rate expressed in 23603  
dollars and cents) for each one hundred dollars of valuation? The 23604  
tax shall be in effect for ..... (the number of years the levy 23605  
shall be in effect, or a continuing period of time). 23606

	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 23611  
of the ballot shall be modified by adding, after the statement of 23612  
the number of years the levy is to be in effect, the phrase ", 23613  
commencing in ..... (first year the tax is to be levied), 23614  
first due in calendar year ..... (first calendar year in 23615  
which the tax shall be due)." 23616

(D) The question covered by a resolution adopted under 23617  
section 5705.212 or 5705.213 of the Revised Code shall be 23618  
submitted as a separate question, but may be printed on the same 23619  
ballot with any other question submitted at the same election, 23620  
other than the election of officers. More than one question may be 23621  
submitted at the same election. 23622

(E) Taxes voted in excess of the ten-mill limitation under 23623  
division (B) or (C) of this section shall be certified to the tax 23624  
commissioner. If an additional tax is to be placed upon the tax 23625  
list of the current year, as specified in the resolution providing 23626  
for its submission, the result of the election shall be certified 23627  
immediately after the canvass by the board of elections to the 23628  
board of education. The board of education immediately shall make 23629  
the necessary levy and certify it to the county auditor, who shall 23630  
extend it on the tax list for collection. After the first year, 23631  
the levy shall be included in the annual tax budget that is 23632  
certified to the county budget commission. 23633

**Sec. 5705.261.** The question of decrease of an increased rate 23634  
of levy approved for a continuing period of time by the voters of 23635  
a subdivision may be initiated by the filing of a petition with 23636  
the board of elections of the proper county not less than 23637  
~~seventy-five~~ eighty-five days before the general election in any 23638  
year requesting that an election be held on such question. Such 23639  
petition shall state the amount of the proposed decrease in the 23640  
rate of levy and shall be signed by qualified electors residing in 23641  
the subdivision equal in number to at least ten per cent of the 23642  
total number of votes cast in the subdivision for the office of 23643  
governor at the most recent general election for that office. Only 23644  
one such petition may be filed during each five-year period 23645  
following the election at which the voters approved the increased 23646  
rate for a continuing period of time. 23647

After determination by it that such petition is valid, the 23648  
board of elections shall submit the question to the electors of 23649  
the district at the succeeding general election. The election 23650  
shall be conducted, canvassed, and certified in the same manner as 23651  
regular elections in such subdivision for county offices. Notice 23652  
of the election shall be published in a newspaper of general 23653  
circulation in the district once a week for two consecutive weeks 23654  
prior to the election, and, if the board of elections operates and 23655  
maintains a web site, the board of elections shall post notice of 23656  
the election on its web site for thirty days prior to the 23657  
election. The notice shall state the purpose, the amount of the 23658  
proposed decrease in rate, and the time and place of the election. 23659  
The form of the ballot cast at such election shall be prescribed 23660  
by the secretary of state. The question covered by such petition 23661  
shall be submitted as a separate proposition but it may be printed 23662  
on the same ballot with any other propositions submitted at the 23663  
same election other than the election of officers. If a majority 23664  
of the qualified electors voting on the question of a decrease at 23665  
such election approve the proposed decrease in rate, the result of 23666  
the election shall be certified immediately after the canvass by 23667  
the board of elections to the subdivision's taxing authority, 23668  
which shall thereupon, after the current year, cease to levy such 23669  
increased rate or levy such tax at such reduced rate upon the 23670  
duplicate of the subdivision. If notes have been issued in 23671  
anticipation of the collection of such levy, the taxing authority 23672  
shall continue to levy and collect under authority of the election 23673  
authorizing the original levy such amounts as will be sufficient 23674  
to pay the principal of and interest on such anticipation notes as 23675  
the same fall due. 23676

**Sec. 5705.27.** There is hereby created in each county a county 23677  
budget commission consisting of the county auditor, the county 23678  
treasurer, and the prosecuting attorney. Upon petition filed with 23679

the board of elections, signed by the number of electors of the 23680  
county equal in amount to three per cent of the total number of 23681  
votes cast for governor at the most recent election therefor, 23682  
there shall be submitted to the electors of the county at the next 23683  
general election occurring not sooner than ~~seventy-five~~ 23684  
eighty-five days after the filing of the petition, the question 23685  
"Shall the county budget commission consist of two additional 23686  
members to be elected from the county?" Provision shall be made on 23687  
the ballot for the election from the county at large of two 23688  
additional members of the county budget commission who shall be 23689  
electors of the county if a majority of the electors voting on the 23690  
question shall have voted in the affirmative. In such counties, 23691  
where the electors have voted in the affirmative, the county 23692  
budget commission shall consist of such two elected members in 23693  
addition to the county auditor, the county treasurer and the 23694  
prosecuting attorney. Such members, who shall not hold any other 23695  
public office, shall serve for a term of four years. The 23696  
commission shall meet at the office of the county auditor in each 23697  
county on the first Monday in February and on the first Monday in 23698  
August, annually, and shall complete its work on or before the 23699  
first day of September, annually, unless for good cause the tax 23700  
commissioner extends the time for completing the work. A majority 23701  
of members shall constitute a quorum, provided that no action of 23702  
the commission shall be valid unless agreed to by a majority of 23703  
the members of the commission. The auditor shall be the secretary 23704  
of the commission and shall keep a full and accurate record of all 23705  
proceedings. The auditor shall appoint such messengers and clerks 23706  
as the commission deems necessary, and the budget commissioners 23707  
shall be allowed their actual and necessary expenses. The elected 23708  
members of the commission shall also receive twenty dollars for 23709  
each day in attendance at commission meetings and in discharge of 23710  
official duties. Any vacancy among such elected members shall be 23711  
filled by the presiding judge of the court of common pleas. In 23712

adjusting the rates of taxation and fixing the amount of taxes to 23713  
be levied each year, the commissioners shall be governed by the 23714  
amount of the taxable property shown on the auditor's tax list for 23715  
the current year; provided that if the auditor's tax list has not 23716  
been completed, the auditor shall estimate, as nearly as 23717  
practicable, the amount of the taxable property for such year, and 23718  
such officers shall be governed by such estimate. 23719

In any county in which two members of the commission are 23720  
elected, upon petition filed with the board of elections, signed 23721  
by the number of electors of the county equal in amount to three 23722  
per cent of the votes cast for governor at the most recent 23723  
election therefor, there shall be submitted to the electors of the 23724  
county at the next general election occurring not sooner than 23725  
~~seventy-five~~ eighty-five days after the filing of the petition, 23726  
the question "Shall the elected members be eliminated from the 23727  
county budget commission?" If the majority of the electors voting 23728  
thereon shall have voted in the affirmative, the county budget 23729  
commission shall consist solely of the county auditor, the county 23730  
treasurer, and the prosecuting attorney. 23731

**Sec. 5705.71.** (A) The electors of a county may initiate the 23732  
question of a tax levy for support of senior citizens services or 23733  
facilities by the filing of a petition with the board of elections 23734  
of that county not less than ~~seventy-five~~ eighty-five days before 23735  
the date of any primary or general election requesting that an 23736  
election be held on such question. The petition shall be signed by 23737  
at least ten per cent of the qualified electors residing in the 23738  
county and voting for the office of governor at the last general 23739  
election. 23740

(B) The petition shall state the purpose for which the senior 23741  
citizens tax levy is being proposed, shall specify the amount of 23742  
the proposed increase in rate, the period of time during which the 23743

increase is to be in effect, and whether the levy is to be imposed 23744  
in the current year. The number of years may be any number not 23745  
exceeding five, except that when the additional rate is for the 23746  
payment of debt charges the increased rate shall be for the life 23747  
of the indebtedness. 23748

(C) After determination by it that such petition is valid, 23749  
the board of elections shall submit the question to the electors 23750  
of the county at the succeeding primary or general election. 23751

(D) The election shall be conducted, canvassed, and certified 23752  
in the same manner as regular elections in such county for county 23753  
offices. Notice of the election shall be published in a newspaper 23754  
of general circulation in the county once a week for two 23755  
consecutive weeks prior to the election, and, if the board of 23756  
elections operates and maintains a web site, the board of 23757  
elections shall post notice of the election on its web site for 23758  
thirty days prior to the election. The notice shall state the 23759  
purpose, the amount of the proposed increase in rate, and the time 23760  
and place of the election. 23761

(E) The form of the ballot cast at such election shall be 23762  
prescribed by the secretary of state. If the tax is to be placed 23763  
on the tax list of the current tax year, the form of the ballot 23764  
shall include a statement to that effect and shall indicate the 23765  
first calendar year the tax will be due. The question covered by 23766  
such petition shall be submitted as a separate proposition but it 23767  
may be printed on the same ballot with any other propositions 23768  
submitted at the same election other than the election of 23769  
officers. 23770

(F) If a majority of electors voting on the question vote in 23771  
favor of the levy, the board of county commissioners shall levy a 23772  
tax, for the period and the purpose stated within the petition. If 23773  
the tax is to be placed upon the tax list of the current year, as 23774  
specified in the petition, the result of the election shall be 23775



certified immediately after the canvass by the board of elections 23776  
to the board of county commissioners, which shall forthwith make 23777  
the necessary levy and certify it to the county auditor, who shall 23778  
extend it on the tax list for collection. After the first year, 23779  
the tax levy shall be included in the annual tax budget that is 23780  
certified to the county budget commission. 23781

**Sec. 5739.021.** (A) For the purpose of providing additional 23782  
general revenues for the county or supporting criminal and 23783  
administrative justice services in the county, or both, and to pay 23784  
the expenses of administering such levy, any county may levy a tax 23785  
at the rate of not more than one per cent at any multiple of 23786  
one-fourth of one per cent upon every retail sale made in the 23787  
county, except sales of watercraft and outboard motors required to 23788  
be titled pursuant to Chapter 1548. of the Revised Code and sales 23789  
of motor vehicles, and may increase the rate of an existing tax to 23790  
not more than one per cent at any multiple of one-fourth of one 23791  
per cent. 23792

The tax shall be levied and the rate increased pursuant to a 23793  
resolution of the board of county commissioners. The resolution 23794  
shall state the purpose for which the tax is to be levied and the 23795  
number of years for which the tax is to be levied, or that it is 23796  
for a continuing period of time. If the tax is to be levied for 23797  
the purpose of providing additional general revenues and for the 23798  
purpose of supporting criminal and administrative justice 23799  
services, the resolution shall state the rate or amount of the tax 23800  
to be apportioned to each such purpose. The rate or amount may be 23801  
different for each year the tax is to be levied, but the rates or 23802  
amounts actually apportioned each year shall not be different from 23803  
that stated in the resolution for that year. If the resolution is 23804  
adopted as an emergency measure necessary for the immediate 23805  
preservation of the public peace, health, or safety, it must 23806  
receive an affirmative vote of all of the members of the board of 23807

county commissioners and shall state the reasons for such 23808  
necessity. The board shall deliver a certified copy of the 23809  
resolution to the tax commissioner, not later than the sixty-fifth 23810  
day prior to the date on which the tax is to become effective, 23811  
which shall be the first day of the calendar quarter. 23812

Prior to the adoption of any resolution under this section, 23813  
the board of county commissioners shall conduct two public 23814  
hearings on the resolution, the second hearing to be not less than 23815  
three nor more than ten days after the first. Notice of the date, 23816  
time, and place of the hearings shall be given by publication in a 23817  
newspaper of general circulation in the county once a week on the 23818  
same day of the week for two consecutive weeks, the second 23819  
publication being not less than ten nor more than thirty days 23820  
prior to the first hearing. 23821

Except as provided in division (B)(3) of this section, the 23822  
resolution shall be subject to a referendum as provided in 23823  
sections 305.31 to 305.41 of the Revised Code. 23824

If a petition for a referendum is filed, the county auditor 23825  
with whom the petition was filed shall, within five days, notify 23826  
the board of county commissioners and the tax commissioner of the 23827  
filing of the petition by certified mail. If the board of 23828  
elections with which the petition was filed declares the petition 23829  
invalid, the board of elections, within five days, shall notify 23830  
the board of county commissioners and the tax commissioner of that 23831  
declaration by certified mail. If the petition is declared to be 23832  
invalid, the effective date of the tax or increased rate of tax 23833  
levied by this section shall be the first day of a calendar 23834  
quarter following the expiration of sixty-five days from the date 23835  
the commissioner receives notice from the board of elections that 23836  
the petition is invalid. 23837

(B)(1) A resolution that is not adopted as an emergency 23838  
measure may direct the board of elections to submit the question 23839

of levying the tax or increasing the rate of tax to the electors 23840  
of the county at a special election held on the date specified by 23841  
the board of county commissioners in the resolution, provided that 23842  
the election occurs not less than ~~seventy-five~~ eighty-five days 23843  
after a certified copy of such resolution is transmitted to the 23844  
board of elections and the election is not held in February or 23845  
August of any year. Upon transmission of the resolution to the 23846  
board of elections, the board of county commissioners shall notify 23847  
the tax commissioner in writing of the levy question to be 23848  
submitted to the electors. No resolution adopted under this 23849  
division shall go into effect unless approved by a majority of 23850  
those voting upon it, and, except as provided in division (B)(3) 23851  
of this section, shall become effective on the first day of a 23852  
calendar quarter following the expiration of sixty-five days from 23853  
the date the tax commissioner receives notice from the board of 23854  
elections of the affirmative vote. 23855

(2) A resolution that is adopted as an emergency measure 23856  
shall go into effect as provided in division (A) of this section, 23857  
but may direct the board of elections to submit the question of 23858  
repealing the tax or increase in the rate of the tax to the 23859  
electors of the county at the next general election in the county 23860  
occurring not less than ~~seventy-five~~ eighty-five days after a 23861  
certified copy of the resolution is transmitted to the board of 23862  
elections. Upon transmission of the resolution to the board of 23863  
elections, the board of county commissioners shall notify the tax 23864  
commissioner in writing of the levy question to be submitted to 23865  
the electors. The ballot question shall be the same as that 23866  
prescribed in section 5739.022 of the Revised Code. The board of 23867  
elections shall notify the board of county commissioners and the 23868  
tax commissioner of the result of the election immediately after 23869  
the result has been declared. If a majority of the qualified 23870  
electors voting on the question of repealing the tax or increase 23871  
in the rate of the tax vote for repeal of the tax or repeal of the 23872

increase, the board of county commissioners, on the first day of a 23873  
calendar quarter following the expiration of sixty-five days after 23874  
the date the board and tax commissioner receive notice of the 23875  
result of the election, shall, in the case of a repeal of the tax, 23876  
cease to levy the tax, or, in the case of a repeal of an increase 23877  
in the rate of the tax, cease to levy the increased rate and levy 23878  
the tax at the rate at which it was imposed immediately prior to 23879  
the increase in rate. 23880

(3) If a vendor that is registered with the central 23881  
electronic registration system provided for in section 5740.05 of 23882  
the Revised Code makes a sale in this state by printed catalog and 23883  
the consumer computed the tax on the sale based on local rates 23884  
published in the catalog, any tax levied or repealed or rate 23885  
changed under this section shall not apply to such a sale until 23886  
the first day of a calendar quarter following the expiration of 23887  
one hundred twenty days from the date of notice by the tax 23888  
commissioner pursuant to division (H) of this section. 23889

(C) If a resolution is rejected at a referendum or if a 23890  
resolution adopted after January 1, 1982, as an emergency measure 23891  
is repealed by the electors pursuant to division (B)(2) of this 23892  
section or section 5739.022 of the Revised Code, then for one year 23893  
after the date of the election at which the resolution was 23894  
rejected or repealed the board of county commissioners may not 23895  
adopt any resolution authorized by this section as an emergency 23896  
measure. 23897

(D) The board of county commissioners, at any time while a 23898  
tax levied under this section is in effect, may by resolution 23899  
reduce the rate at which the tax is levied to a lower rate 23900  
authorized by this section. Any reduction in the rate at which the 23901  
tax is levied shall be made effective on the first day of a 23902  
calendar quarter next following the sixty-fifth day after a 23903  
certified copy of the resolution is delivered to the tax 23904

commissioner. 23905

(E) The tax on every retail sale subject to a tax levied 23906  
pursuant to this section shall be in addition to the tax levied by 23907  
section 5739.02 of the Revised Code and any tax levied pursuant to 23908  
section 5739.023 or 5739.026 of the Revised Code. 23909

A county that levies a tax pursuant to this section shall 23910  
levy a tax at the same rate pursuant to section 5741.021 of the 23911  
Revised Code. 23912

The additional tax levied by the county shall be collected 23913  
pursuant to section 5739.025 of the Revised Code. If the 23914  
additional tax or some portion thereof is levied for the purpose 23915  
of criminal and administrative justice services, the revenue from 23916  
the tax, or the amount or rate apportioned to that purpose, shall 23917  
be credited to a special fund created in the county treasury for 23918  
receipt of that revenue. 23919

Any tax levied pursuant to this section is subject to the 23920  
exemptions provided in section 5739.02 of the Revised Code and in 23921  
addition shall not be applicable to sales not within the taxing 23922  
power of a county under the Constitution of the United States or 23923  
the Ohio Constitution. 23924

(F) For purposes of this section, a copy of a resolution is 23925  
"certified" when it contains a written statement attesting that 23926  
the copy is a true and exact reproduction of the original 23927  
resolution. 23928

(G) If a board of commissioners intends to adopt a resolution 23929  
to levy a tax in whole or in part for the purpose of criminal and 23930  
administrative justice services, the board shall prepare and make 23931  
available at the first public hearing at which the resolution is 23932  
considered a statement containing the following information: 23933

(1) For each of the two preceding fiscal years, the amount of 23934  
expenditures made by the county from the county general fund for 23935

the purpose of criminal and administrative justice services; 23936

(2) For the fiscal year in which the resolution is adopted, 23937  
the board's estimate of the amount of expenditures to be made by 23938  
the county from the county general fund for the purpose of 23939  
criminal and administrative justice services; 23940

(3) For each of the two fiscal years after the fiscal year in 23941  
which the resolution is adopted, the board's preliminary plan for 23942  
expenditures to be made from the county general fund for the 23943  
purpose of criminal and administrative justice services, both 23944  
under the assumption that the tax will be imposed for that purpose 23945  
and under the assumption that the tax would not be imposed for 23946  
that purpose, and for expenditures to be made from the special 23947  
fund created under division (E) of this section under the 23948  
assumption that the tax will be imposed for that purpose. 23949

The board shall prepare the statement and the preliminary 23950  
plan using the best information available to the board at the time 23951  
the statement is prepared. Neither the statement nor the 23952  
preliminary plan shall be used as a basis to challenge the 23953  
validity of the tax in any court of competent jurisdiction, nor 23954  
shall the statement or preliminary plan limit the authority of the 23955  
board to appropriate, pursuant to section 5705.38 of the Revised 23956  
Code, an amount different from that specified in the preliminary 23957  
plan. 23958

(H) Upon receipt from a board of county commissioners of a 23959  
certified copy of a resolution required by division (A) or (D) of 23960  
this section, or from the board of elections of a notice of the 23961  
results of an election required by division (A) or (B)(1) or (2) 23962  
of this section, the tax commissioner shall provide notice of a 23963  
tax rate change in a manner that is reasonably accessible to all 23964  
affected vendors. The commissioner shall provide this notice at 23965  
least sixty days prior to the effective date of the rate change. 23966  
The commissioner, by rule, may establish the method by which 23967

notice will be provided. 23968

(I) As used in this section, "criminal and administrative 23969  
justice services" means the exercise by the county sheriff of all 23970  
powers and duties vested in that office by law; the exercise by 23971  
the county prosecuting attorney of all powers and duties vested in 23972  
that office by law; the exercise by any court in the county of all 23973  
powers and duties vested in that court; the exercise by the clerk 23974  
of the court of common pleas, any clerk of a municipal court 23975  
having jurisdiction throughout the county, or the clerk of any 23976  
county court of all powers and duties vested in the clerk by law 23977  
except, in the case of the clerk of the court of common pleas, the 23978  
titling of motor vehicles or watercraft pursuant to Chapter 1548. 23979  
or 4505. of the Revised Code; the exercise by the county coroner 23980  
of all powers and duties vested in that office by law; making 23981  
payments to any other public agency or a private, nonprofit 23982  
agency, the purposes of which in the county include the diversion, 23983  
adjudication, detention, or rehabilitation of criminals or 23984  
juvenile offenders; the operation and maintenance of any detention 23985  
facility, as defined in section 2921.01 of the Revised Code; and 23986  
the construction, acquisition, equipping, or repair of such a 23987  
detention facility, including the payment of any debt charges 23988  
incurred in the issuance of securities pursuant to Chapter 133. of 23989  
the Revised Code for the purpose of constructing, acquiring, 23990  
equipping, or repairing such a facility. 23991

**Sec. 5739.022.** (A) The question of repeal of either a county 23992  
permissive tax or an increase in the rate of a county permissive 23993  
tax that was adopted as an emergency measure pursuant to section 23994  
5739.021 or 5739.026 of the Revised Code may be initiated by 23995  
filing with the board of elections of the county not less than 23996  
~~seventy-five~~ eighty-five days before the general election in any 23997  
year a petition requesting that an election be held on the 23998  
question. The question of repealing an increase in the rate of the 23999

county permissive tax shall be submitted to the electors as a 24000  
separate question from the repeal of the tax in effect prior to 24001  
the increase in the rate. Any petition filed under this section 24002  
shall be signed by qualified electors residing in the county equal 24003  
in number to ten per cent of those voting for governor at the most 24004  
recent gubernatorial election. 24005

After determination by it that the petition is valid, the 24006  
board of elections shall submit the question to the electors of 24007  
the county at the next general election. The election shall be 24008  
conducted, canvassed, and certified in the same manner as regular 24009  
elections for county offices in the county. The board of elections 24010  
shall notify the tax commissioner, in writing, of the election 24011  
upon determining that the petition is valid. Notice of the 24012  
election shall also be published in a newspaper of general 24013  
circulation in the district once a week for two consecutive weeks 24014  
prior to the election, and, if the board of elections operates and 24015  
maintains a web site, the board of elections shall post notice of 24016  
the election on its web site for thirty days prior to the 24017  
election. The notice shall state the purpose, time, and place of 24018  
the election. The form of the ballot cast at the election shall be 24019  
prescribed by the secretary of state; however, the ballot question 24020  
shall read, "shall the tax (or, increase in the rate of the tax) 24021  
be retained? 24022

	Yes
	No

"

24023  
24024  
24025  
24026  
The question covered by the petition shall be submitted as a 24027  
separate proposition, but it may be printed on the same ballot 24028  
with any other proposition submitted at the same election other 24029  
than the election of officers. 24030



(B) If a majority of the qualified electors voting on the question of repeal of either a county permissive tax or an increase in the rate of a county permissive tax approve the repeal, the board of elections shall notify the board of county commissioners and the tax commissioner of the result of the election immediately after the result has been declared. The board of county commissioners shall, on the first day of the calendar quarter following the expiration of sixty-five days after the date the board and the tax commissioner receive the notice, in the case of a repeal of a county permissive tax, cease to levy the tax, or, in the case of a repeal of an increase in the rate of a county permissive tax, levy the tax at the rate at which it was imposed immediately prior to the increase in rate and cease to levy the increased rate.

(C) Upon receipt from a board of elections of a notice of the results of an election required by division (B) of this section, the tax commissioner shall provide notice of a tax repeal or rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

(D) If a vendor that is registered with the central electronic registration system provided for in section 5740.05 of the Revised Code makes a sale in this state by printed catalog and the consumer computed the tax on the sale based on local rates published in the catalog, any tax repealed or rate changed under this section shall not apply to such a sale until the first day of a calendar quarter following the expiration of one hundred twenty days from the date of notice by the tax commissioner pursuant to division (C) of this section.

Sec. 5739.026. (A) A board of county commissioners may levy a 24062  
tax of one-fourth or one-half of one per cent on every retail sale 24063  
in the county, except sales of watercraft and outboard motors 24064  
required to be titled pursuant to Chapter 1548. of the Revised 24065  
Code and sales of motor vehicles, and may increase an existing 24066  
rate of one-fourth of one per cent to one-half of one per cent, to 24067  
pay the expenses of administering the tax and, except as provided 24068  
in division (A)(6) of this section, for any one or more of the 24069  
following purposes provided that the aggregate levy for all such 24070  
purposes does not exceed one-half of one per cent: 24071

(1) To provide additional revenues for the payment of bonds 24072  
or notes issued in anticipation of bonds issued by a convention 24073  
facilities authority established by the board of county 24074  
commissioners under Chapter 351. of the Revised Code and to 24075  
provide additional operating revenues for the convention 24076  
facilities authority; 24077

(2) To provide additional revenues for a transit authority 24078  
operating in the county; 24079

(3) To provide additional revenue for the county's general 24080  
fund; 24081

(4) To provide additional revenue for permanent improvements 24082  
within the county to be distributed by the community improvements 24083  
board in accordance with section 307.283 and to pay principal, 24084  
interest, and premium on bonds issued under section 307.284 of the 24085  
Revised Code; 24086

(5) To provide additional revenue for the acquisition, 24087  
construction, equipping, or repair of any specific permanent 24088  
improvement or any class or group of permanent improvements, which 24089  
improvement or class or group of improvements shall be enumerated 24090  
in the resolution required by division (D) of this section, and to 24091  
pay principal, interest, premium, and other costs associated with 24092

the issuance of bonds or notes in anticipation of bonds issued 24093  
pursuant to Chapter 133. of the Revised Code for the acquisition, 24094  
construction, equipping, or repair of the specific permanent 24095  
improvement or class or group of permanent improvements; 24096

(6) To provide revenue for the implementation and operation 24097  
of a 9-1-1 system in the county. If the tax is levied or the rate 24098  
increased exclusively for such purpose, the tax shall not be 24099  
levied or the rate increased for more than five years. At the end 24100  
of the last year the tax is levied or the rate increased, any 24101  
balance remaining in the special fund established for such purpose 24102  
shall remain in that fund and be used exclusively for such purpose 24103  
until the fund is completely expended, and, notwithstanding 24104  
section 5705.16 of the Revised Code, the board of county 24105  
commissioners shall not petition for the transfer of money from 24106  
such special fund, and the tax commissioner shall not approve such 24107  
a petition. 24108

If the tax is levied or the rate increased for such purpose 24109  
for more than five years, the board of county commissioners also 24110  
shall levy the tax or increase the rate of the tax for one or more 24111  
of the purposes described in divisions (A)(1) to (5) of this 24112  
section and shall prescribe the method for allocating the revenues 24113  
from the tax each year in the manner required by division (C) of 24114  
this section. 24115

(7) To provide additional revenue for the operation or 24116  
maintenance of a detention facility, as that term is defined under 24117  
division (F) of section 2921.01 of the Revised Code; 24118

(8) To provide revenue to finance the construction or 24119  
renovation of a sports facility, but only if the tax is levied for 24120  
that purpose in the manner prescribed by section 5739.028 of the 24121  
Revised Code. 24122

As used in division (A)(8) of this section: 24123

(a) "Sports facility" means a facility intended to house major league professional athletic teams. 24124  
24125

(b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment. 24126  
24127

(9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county; 24128  
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(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services. 24134  
24135

Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code. 24136  
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The rate of tax shall be a multiple of one-fourth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the Revised Code has been reduced, and the rate of tax levied under this section has been increased, pursuant to section 5739.028 of the Revised Code, in which case the aggregate of the rates of tax levied under this section and section 5739.023 of the Revised Code shall be a multiple of one-fourth of one per cent. The tax shall be levied and the rate increased pursuant to a resolution adopted by a majority of the members of the board. The board shall deliver a certified copy of the resolution to the tax commissioner, not later than the sixty-fifth day prior to the date on which the tax is to become effective, which shall be the first day of a calendar quarter. 24141  
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Prior to the adoption of any resolution to levy the tax or to 24154

increase the rate of tax exclusively for the purpose set forth in 24155  
division (A)(3) of this section, the board of county commissioners 24156  
shall conduct two public hearings on the resolution, the second 24157  
hearing to be no fewer than three nor more than ten days after the 24158  
first. Notice of the date, time, and place of the hearings shall 24159  
be given by publication in a newspaper of general circulation in 24160  
the county once a week on the same day of the week for two 24161  
consecutive weeks, the second publication being no fewer than ten 24162  
nor more than thirty days prior to the first hearing. Except as 24163  
provided in division (E) of this section, the resolution shall be 24164  
subject to a referendum as provided in sections 305.31 to 305.41 24165  
of the Revised Code. If the resolution is adopted as an emergency 24166  
measure necessary for the immediate preservation of the public 24167  
peace, health, or safety, it must receive an affirmative vote of 24168  
all of the members of the board of county commissioners and shall 24169  
state the reasons for the necessity. 24170

If the tax is for more than one of the purposes set forth in 24171  
divisions (A)(1) to (7), (9), and (10) of this section, or is 24172  
exclusively for one of the purposes set forth in division (A)(1), 24173  
(2), (4), (5), (6), (7), (9), or (10) of this section, the 24174  
resolution shall not go into effect unless it is approved by a 24175  
majority of the electors voting on the question of the tax. 24176

(B) The board of county commissioners shall adopt a 24177  
resolution under section 351.02 of the Revised Code creating the 24178  
convention facilities authority, or under section 307.283 of the 24179  
Revised Code creating the community improvements board, before 24180  
adopting a resolution levying a tax for the purpose of a 24181  
convention facilities authority under division (A)(1) of this 24182  
section or for the purpose of a community improvements board under 24183  
division (A)(4) of this section. 24184

(C)(1) If the tax is to be used for more than one of the 24185  
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 24186

this section, the board of county commissioners shall establish 24187  
the method that will be used to determine the amount or proportion 24188  
of the tax revenue received by the county during each year that 24189  
will be distributed for each of those purposes, including, if 24190  
applicable, provisions governing the reallocation of a convention 24191  
facilities authority's allocation if the authority is dissolved 24192  
while the tax is in effect. The allocation method may provide that 24193  
different proportions or amounts of the tax shall be distributed 24194  
among the purposes in different years, but it shall clearly 24195  
describe the method that will be used for each year. Except as 24196  
otherwise provided in division (C)(2) of this section, the 24197  
allocation method established by the board is not subject to 24198  
amendment during the life of the tax. 24199

(2) Subsequent to holding a public hearing on the proposed 24200  
amendment, the board of county commissioners may amend the 24201  
allocation method established under division (C)(1) of this 24202  
section for any year, if the amendment is approved by the 24203  
governing board of each entity whose allocation for the year would 24204  
be reduced by the proposed amendment. In the case of a tax that is 24205  
levied for a continuing period of time, the board may not so amend 24206  
the allocation method for any year before the sixth year that the 24207  
tax is in effect. 24208

(a) If the additional revenues provided to the convention 24209  
facilities authority are pledged by the authority for the payment 24210  
of convention facilities authority revenue bonds for as long as 24211  
such bonds are outstanding, no reduction of the authority's 24212  
allocation of the tax shall be made for any year except to the 24213  
extent that the reduced authority allocation, when combined with 24214  
the authority's other revenues pledged for that purpose, is 24215  
sufficient to meet the debt service requirements for that year on 24216  
such bonds. 24217

(b) If the additional revenues provided to the county are 24218

pledged by the county for the payment of bonds or notes described 24219  
in division (A)(4) or (5) of this section, for as long as such 24220  
bonds or notes are outstanding, no reduction of the county's or 24221  
the community improvements board's allocation of the tax shall be 24222  
made for any year, except to the extent that the reduced county or 24223  
community improvements board allocation is sufficient to meet the 24224  
debt service requirements for that year on such bonds or notes. 24225

(c) If the additional revenues provided to the transit 24226  
authority are pledged by the authority for the payment of revenue 24227  
bonds issued under section 306.37 of the Revised Code, for as long 24228  
as such bonds are outstanding, no reduction of the authority's 24229  
allocation of tax shall be made for any year, except to the extent 24230  
that the authority's reduced allocation, when combined with the 24231  
authority's other revenues pledged for that purpose, is sufficient 24232  
to meet the debt service requirements for that year on such bonds. 24233

(d) If the additional revenues provided to the county are 24234  
pledged by the county for the payment of bonds or notes issued 24235  
under section 133.60 of the Revised Code, for so long as the bonds 24236  
or notes are outstanding, no reduction of the county's allocation 24237  
of the tax shall be made for any year, except to the extent that 24238  
the reduced county allocation is sufficient to meet the debt 24239  
service requirements for that year on the bonds or notes. 24240

(D)(1) The resolution levying the tax or increasing the rate 24241  
of tax shall state the rate of the tax or the rate of the 24242  
increase; the purpose or purposes for which it is to be levied; 24243  
the number of years for which it is to be levied or that it is for 24244  
a continuing period of time; the allocation method required by 24245  
division (C) of this section; and if required to be submitted to 24246  
the electors of the county under division (A) of this section, the 24247  
date of the election at which the proposal shall be submitted to 24248  
the electors of the county, which shall be not less than 24249  
~~seventy-five~~ eighty-five days after the certification of a copy of 24250

the resolution to the board of elections and, if the tax is to be 24251  
levied exclusively for the purpose set forth in division (A)(3) of 24252  
this section, shall not occur in February or August of any year. 24253  
Upon certification of the resolution to the board of elections, 24254  
the board of county commissioners shall notify the tax 24255  
commissioner in writing of the levy question to be submitted to 24256  
the electors. If approved by a majority of the electors, the tax 24257  
shall become effective on the first day of a calendar quarter next 24258  
following the sixty-fifth day following the date the board of 24259  
county commissioners and tax commissioner receive from the board 24260  
of elections the certification of the results of the election, 24261  
except as provided in division (E) of this section. 24262

(2)(a) A resolution specifying that the tax is to be used 24263  
exclusively for the purpose set forth in division (A)(3) of this 24264  
section that is not adopted as an emergency measure may direct the 24265  
board of elections to submit the question of levying the tax or 24266  
increasing the rate of the tax to the electors of the county at a 24267  
special election held on the date specified by the board of county 24268  
commissioners in the resolution, provided that the election occurs 24269  
not less than ~~seventy-five~~ eighty-five days after the resolution 24270  
is certified to the board of elections and the election is not 24271  
held in February or August of any year. Upon certification of the 24272  
resolution to the board of elections, the board of county 24273  
commissioners shall notify the tax commissioner in writing of the 24274  
levy question to be submitted to the electors. No resolution 24275  
adopted under division (D)(2)(a) of this section shall go into 24276  
effect unless approved by a majority of those voting upon it and, 24277  
except as provided in division (E) of this section, not until the 24278  
first day of a calendar quarter following the expiration of 24279  
sixty-five days from the date the tax commissioner receives notice 24280  
from the board of elections of the affirmative vote. 24281

(b) A resolution specifying that the tax is to be used 24282



exclusively for the purpose set forth in division (A)(3) of this 24283  
section that is adopted as an emergency measure shall become 24284  
effective as provided in division (A) of this section, but may 24285  
direct the board of elections to submit the question of repealing 24286  
the tax or increase in the rate of the tax to the electors of the 24287  
county at the next general election in the county occurring not 24288  
less than ~~seventy-five~~ eighty-five days after the resolution is 24289  
certified to the board of elections. Upon certification of the 24290  
resolution to the board of elections, the board of county 24291  
commissioners shall notify the tax commissioner in writing of the 24292  
levy question to be submitted to the electors. The ballot question 24293  
shall be the same as that prescribed in section 5739.022 of the 24294  
Revised Code. The board of elections shall notify the board of 24295  
county commissioners and the tax commissioner of the result of the 24296  
election immediately after the result has been declared. If a 24297  
majority of the qualified electors voting on the question of 24298  
repealing the tax or increase in the rate of the tax vote for 24299  
repeal of the tax or repeal of the increase, the board of county 24300  
commissioners, on the first day of a calendar quarter following 24301  
the expiration of sixty-five days after the date the board and tax 24302  
commissioner received notice of the result of the election, shall, 24303  
in the case of a repeal of the tax, cease to levy the tax, or, in 24304  
the case of a repeal of an increase in the rate of the tax, cease 24305  
to levy the increased rate and levy the tax at the rate at which 24306  
it was imposed immediately prior to the increase in rate. 24307

(c) A board of county commissioners, by resolution, may 24308  
reduce the rate of a tax levied exclusively for the purpose set 24309  
forth in division (A)(3) of this section to a lower rate 24310  
authorized by this section. Any such reduction shall be made 24311  
effective on the first day of the calendar quarter next following 24312  
the sixty-fifth day after the tax commissioner receives a 24313  
certified copy of the resolution from the board. 24314

(E) If a vendor that is registered with the central 24315  
electronic registration system provided for in section 5740.05 of 24316  
the Revised Code makes a sale in this state by printed catalog and 24317  
the consumer computed the tax on the sale based on local rates 24318  
published in the catalog, any tax levied or repealed or rate 24319  
changed under this section shall not apply to such a sale until 24320  
the first day of a calendar quarter following the expiration of 24321  
one hundred twenty days from the date of notice by the tax 24322  
commissioner pursuant to division (G) of this section. 24323

(F) The tax levied pursuant to this section shall be in 24324  
addition to the tax levied by section 5739.02 of the Revised Code 24325  
and any tax levied pursuant to section 5739.021 or 5739.023 of the 24326  
Revised Code. 24327

A county that levies a tax pursuant to this section shall 24328  
levy a tax at the same rate pursuant to section 5741.023 of the 24329  
Revised Code. 24330

The additional tax levied by the county shall be collected 24331  
pursuant to section 5739.025 of the Revised Code. 24332

Any tax levied pursuant to this section is subject to the 24333  
exemptions provided in section 5739.02 of the Revised Code and in 24334  
addition shall not be applicable to sales not within the taxing 24335  
power of a county under the Constitution of the United States or 24336  
the Ohio Constitution. 24337

(G) Upon receipt from a board of county commissioners of a 24338  
certified copy of a resolution required by division (A) of this 24339  
section, or from the board of elections a notice of the results of 24340  
an election required by division (D)(1), (2)(a), (b), or (c) of 24341  
this section, the tax commissioner shall provide notice of a tax 24342  
rate change in a manner that is reasonably accessible to all 24343  
affected vendors. The commissioner shall provide this notice at 24344  
least sixty days prior to the effective date of the rate change. 24345

The commissioner, by rule, may establish the method by which 24346  
notice will be provided. 24347

**Sec. 5743.021.** (A) As used in this section, "qualifying 24348  
regional arts and cultural district" means a regional arts and 24349  
cultural district created under section 3381.04 of the Revised 24350  
Code in a county having a population of one million two hundred 24351  
thousand or more according to the 2000 federal decennial census. 24352

(B) For one or more of the purposes for which a tax may be 24353  
levied under section 3381.16 of the Revised Code and for the 24354  
purposes of paying the expenses of administering the tax and the 24355  
expenses charged by a board of elections to hold an election on a 24356  
question submitted under this section, the board of county 24357  
commissioners of a county that has within its territorial 24358  
boundaries a qualifying regional arts and cultural district may 24359  
levy a tax on the sale of cigarettes sold for resale at retail in 24360  
the county composing the district. The rate of the tax, when added 24361  
to the rate of any other tax concurrently levied by the board 24362  
under this section, shall not exceed fifteen mills per cigarette, 24363  
and shall be computed on each cigarette sold. Only one sale of the 24364  
same article shall be used in computing the amount of tax due. The 24365  
tax may be levied for any number of years not exceeding ten years. 24366

The tax shall be levied pursuant to a resolution of the board 24367  
of county commissioners approved by a majority of the electors in 24368  
the county voting on the question of levying the tax. The 24369  
resolution shall specify the rate of the tax, the number of years 24370  
the tax will be levied, and the purposes for which the tax is 24371  
levied. The election may be held on the date of a general, 24372  
primary, or special election held not sooner than ~~seventy-five~~ 24373  
eighty-five days after the date the board certifies its resolution 24374  
to the board of elections. If approved by the electors, the tax 24375  
shall take effect on the first day of the month specified in the 24376

resolution but not sooner than the first day of the month that is 24377  
at least sixty days after the certification of the election 24378  
results by the board of elections. A copy of the resolution 24379  
levying the tax shall be certified to the tax commissioner at 24380  
least sixty days prior to the date on which the tax is to become 24381  
effective. 24382

(C) The form of the ballot in an election held under this 24383  
section shall be as follows, or in any other form acceptable to 24384  
the secretary of state: 24385

"For the purpose of ..... (insert the purpose or 24386  
purposes of the tax), shall an excise tax be levied throughout 24387  
..... County for the benefit of the ..... (name of the 24388  
qualifying regional arts and cultural district) on the sale of 24389  
cigarettes at wholesale at the rate of .... mills per cigarette 24390  
for ..... years? 24391

	For the tax	
	Against the tax	"

24392  
24393  
24394

(D) The treasurer of state shall credit all moneys arising 24395  
from taxes levied on behalf of each district under this section 24396  
and section 5743.321 of the Revised Code as follows: 24397

(1) To the tax refund fund created by section 5703.052 of the 24398  
Revised Code, amounts equal to the refunds from each tax levied 24399  
under this section certified by the tax commissioner pursuant to 24400  
section 5743.05 of the Revised Code; 24401

(2) Following the crediting of amounts pursuant to division 24402  
(D)(1) of this section: 24403

(a) To the permissive tax distribution fund created under 24404  
section 4301.423 of the Revised Code, an amount equal to 24405  
ninety-eight per cent of the remainder collected; 24406

(b) To the local excise tax administrative fund, which is 24407  
hereby created in the state treasury, an amount equal to two per 24408  
cent of such remainder, for use by the tax commissioner in 24409  
defraying costs incurred in administering the tax. 24410

On or before the second working day of each month, the 24411  
treasurer of state shall certify to the tax commissioner the 24412  
amount of taxes levied on behalf of each district under sections 24413  
5743.021 and 5743.321 of the Revised Code and paid to the 24414  
treasurer of state during the preceding month. 24415

On or before the tenth day of each month, the tax 24416  
commissioner shall distribute the amount credited to the 24417  
permissive tax distribution fund during the preceding month by 24418  
providing for payment of the appropriate amount to the county 24419  
treasurer of the county in which the tax is levied. 24420

**Sec. 5743.024.** (A) For the purposes of section 307.696 of the 24421  
Revised Code, to pay the expenses of administering the tax, and to 24422  
pay any or all of the charge the board of elections makes against 24423  
the county to hold the election on the question of levying the 24424  
tax, or for such purposes and to provide revenues to the county 24425  
for permanent improvements, the board of county commissioners may 24426  
levy a tax on sales of cigarettes sold for resale at retail in the 24427  
county. The tax shall not exceed two and twenty-five hundredths of 24428  
a mill per cigarette, and shall be computed on each cigarette 24429  
sold. The tax may be levied for any number of years not exceeding 24430  
twenty. Only one sale of the same article shall be used in 24431  
computing the amount of tax due. 24432

The tax shall be levied pursuant to a resolution of the 24433  
county commissioners approved by a majority of the electors in the 24434  
county voting on the question of levying the tax. The resolution 24435  
shall specify the rate of the tax, the number of years the tax 24436  
will be levied, and the purposes for which the tax is levied. Such 24437

election may be held on the date of a general or special election 24438  
held not sooner than ~~seventy-five~~ eighty-five days after the date 24439  
the board certifies its resolution to the board of elections. If 24440  
approved by the electors, the tax shall take effect on the first 24441  
day of the month specified in the resolution but not sooner than 24442  
the first day of the month that is at least sixty days after the 24443  
certification of the election results by the board of elections. A 24444  
copy of the resolution levying the tax shall be certified to the 24445  
tax commissioner at least sixty days prior to the date on which 24446  
the tax is to become effective. 24447

A resolution under this section may be joined on the ballot 24448  
as a single question with a resolution adopted under section 24449  
307.697 or 4301.421 of the Revised Code to levy a tax for the same 24450  
purposes and for the purpose of paying the expenses of 24451  
administering the tax. The form of the ballot in an election held 24452  
pursuant to this section shall be as prescribed in section 307.697 24453  
of the Revised Code. 24454

(B) The treasurer of state shall credit all moneys arising 24455  
from each county's taxes levied under this section and section 24456  
5743.323 of the Revised Code as follows: 24457

(1) To the tax refund fund created by section 5703.052 of the 24458  
Revised Code, amounts equal to the refunds from each tax levied 24459  
under this section certified by the tax commissioner pursuant to 24460  
section 5743.05 of the Revised Code; 24461

(2) Following the crediting of amounts pursuant to division 24462  
(B)(1) of this section: 24463

(a) To the permissive tax distribution fund created by 24464  
division (B)(1) of section 4301.423 of the Revised Code, an amount 24465  
equal to ninety-eight per cent of the remainder collected; 24466

(b) To the local excise tax administrative fund, which is 24467  
hereby created in the state treasury, an amount equal to two per 24468

cent of such remainder, for use by the tax commissioner in 24469  
defraying costs incurred in administering the tax. 24470

On or before the second working day of each month, the 24471  
treasurer of state shall certify to the tax commissioner the 24472  
amount of each county's taxes levied under sections 5743.024 and 24473  
5743.323 of the Revised Code and paid to the treasurer of state 24474  
during the preceding month. 24475

On or before the tenth day of each month, the tax 24476  
commissioner shall distribute the amount credited to the 24477  
permissive tax distribution fund during the preceding month by 24478  
providing for payment of the appropriate amount to the county 24479  
treasurer of each county levying the tax. 24480

(C) The board of county commissioners of a county in which a 24481  
tax is imposed under this section on July 19, 1995, may levy a tax 24482  
for the purpose of section 307.673 of the Revised Code regardless 24483  
of whether or not the cooperative agreement authorized under that 24484  
section has been entered into prior to the day the resolution 24485  
adopted under division (C)(1) or (2) of this section is adopted, 24486  
and for the purpose of reimbursing a county for costs incurred in 24487  
the construction of a sports facility pursuant to an agreement 24488  
entered into by the county under section 307.696 of the Revised 24489  
Code. The tax shall be levied and approved in one of the manners 24490  
prescribed by division (C)(1) or (2) of this section. 24491

(1) The tax may be levied pursuant to a resolution adopted by 24492  
a majority of the members of the board of county commissioners not 24493  
later than forty-five days after July 19, 1995. A board of county 24494  
commissioners approving a tax under division (C)(1) of this 24495  
section may approve a tax under division (D)(1) of section 307.697 24496  
or division (B)(1) of section 4301.421 of the Revised Code at the 24497  
same time. Subject to the resolution being submitted to a 24498  
referendum under sections 305.31 to 305.41 of the Revised Code, 24499  
the resolution shall take effect immediately, but the tax levied 24500

pursuant to the resolution shall not be levied prior to the day 24501  
following the last day taxes levied pursuant to division (A) of 24502  
this section may be levied. 24503

(2) The tax may be levied pursuant to a resolution adopted by 24504  
a majority of the members of the board of county commissioners not 24505  
later than forty-five days after July 19, 1995, and approved by a 24506  
majority of the electors of the county voting on the question of 24507  
levying the tax at the next succeeding general election following 24508  
July 19, 1995. The board of county commissioners shall certify a 24509  
copy of the resolution to the board of elections immediately upon 24510  
adopting a resolution under division (C)(2) of this section, and 24511  
the board of elections shall place the question of levying the tax 24512  
on the ballot at that election. The form of the ballot shall be as 24513  
prescribed by division (C) of section 307.697 of the Revised Code, 24514  
except that the phrase "paying not more than one-half of the costs 24515  
of providing a sports facility together with related redevelopment 24516  
and economic development projects" shall be replaced by the phrase 24517  
"paying the costs of constructing or renovating a sports facility 24518  
and reimbursing a county for costs incurred by the county in the 24519  
construction of a sports facility," and the phrase ", beginning 24520  
..... (here insert the earliest date the tax would take 24521  
effect)" shall be appended after "years." A board of county 24522  
commissioners submitting the question of a tax under division 24523  
(C)(2) of this section may submit the question of a tax under 24524  
division (D)(2) of section 307.697 or division (B)(2) of section 24525  
4301.421 of the Revised Code as a single question, and the form of 24526  
the ballot shall include each of the proposed taxes. 24527

24528

If approved by a majority of electors voting on the question, 24529  
the tax shall take effect on the day specified on the ballot, 24530  
which shall not be earlier than the day following the last day the 24531  
tax levied pursuant to division (A) of this section may be levied. 24532



The rate of a tax levied pursuant to division (C)(1) or (2) 24533  
of this section shall not exceed the rate specified in division 24534  
(A) of this section. A tax levied pursuant to division (C)(1) or 24535  
(2) of this section may be levied for any number of years not 24536  
exceeding twenty. 24537

A board of county commissioners adopting a resolution under 24538  
this division shall certify a copy of the resolution to the tax 24539  
commissioner immediately upon adoption of the resolution. 24540

(E) No tax shall be levied under this section on or after ~~the~~ 24541  
~~effective date of the amendment of this section by H.B. 562 of the~~ 24542  
~~127th general assembly~~ September 23, 2008. This division does not 24543  
prevent the collection of any tax levied under this section before 24544  
that date so long as that tax remains effective. 24545

**Sec. 5743.026.** For the purposes of section 351.26 of the 24546  
Revised Code, to pay the expenses of administering the tax, and to 24547  
pay any or all of the charge the board of elections makes against 24548  
the county to hold the election on the question of levying the 24549  
tax, the board of county commissioners, in the manner prescribed 24550  
by division (A) of section 351.26 of the Revised Code, may levy a 24551  
tax on sales of cigarettes sold for resale at retail in the 24552  
county. The rate of the tax shall not exceed two and twenty-five 24553  
hundredths mills per cigarette, and shall be computed on each 24554  
cigarette sold. The tax may be levied for any number of years not 24555  
to exceed twenty. Only one sale of the same article shall be used 24556  
in computing the amount of tax due. 24557

The tax shall be levied pursuant to a resolution of the board 24558  
of county commissioners adopted as prescribed by division (A) of 24559  
section 351.26 of the Revised Code and approved by a majority of 24560  
the electors in the county voting on the question of levying the 24561  
tax. The resolution shall specify the rate of the tax, the number 24562  
of years the tax will be levied, and the purposes for which the 24563

tax is levied. Such election may be held on the date of a general 24564  
or special election held not sooner than ~~seventy-five~~ eighty-five 24565  
days after the date the board certifies its resolution to the 24566  
board of elections. If approved by voters, the tax shall take 24567  
effect on the first day of the month specified in the resolution 24568  
but not sooner than the first day of the month that is at least 24569  
sixty days after the certification of the election results by the 24570  
board of elections. A copy of the resolution levying the tax shall 24571  
be certified to the tax commissioner at least sixty days prior to 24572  
the date on which the tax is to become effective. 24573

A resolution under this section may be joined on the ballot 24574  
as a single question with a resolution adopted under section 24575  
4301.424 of the Revised Code to levy a tax for the same purposes 24576  
and for the purpose of paying the expenses of administering the 24577  
tax. The form of the ballot in an election held pursuant to this 24578  
section shall be as prescribed in section 351.26 of the Revised 24579  
Code. 24580

The treasurer of state shall credit all moneys arising from 24581  
each tax levied under this section and section 5743.324 of the 24582  
Revised Code in the same manner prescribed by section 5743.024 of 24583  
the Revised Code for the crediting of money arising from taxes 24584  
levied under that section, except that the tax commissioner shall 24585  
distribute the amount credited to the permissive tax distribution 24586  
fund by providing for payment of the appropriate amount to the 24587  
county treasurer of the county in which the tax is levied, who 24588  
shall credit the payment to the fund or account designated by the 24589  
board of directors of the convention facilities authority levying 24590  
the tax. 24591

**Sec. 5748.02.** (A) The board of education of any school 24592  
district, except a joint vocational school district, may declare, 24593  
by resolution, the necessity of raising annually a specified 24594

amount of money for school district purposes. The resolution shall 24595  
specify whether the income that is to be subject to the tax is 24596  
taxable income of individuals and estates as defined in divisions 24597  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 24598  
taxable income of individuals as defined in division (E)(1)(b) of 24599  
that section. A copy of the resolution shall be certified to the 24600  
tax commissioner no later than ~~eighty-five~~ ninety-five days prior 24601  
to the date of the election at which the board intends to propose 24602  
a levy under this section. Upon receipt of the copy of the 24603  
resolution, the tax commissioner shall estimate both of the 24604  
following: 24605

(1) The property tax rate that would have to be imposed in 24606  
the current year by the district to produce an equivalent amount 24607  
of money; 24608

(2) The income tax rate that would have had to have been in 24609  
effect for the current year to produce an equivalent amount of 24610  
money from a school district income tax. 24611

Within ten days of receiving the copy of the board's 24612  
resolution, the commissioner shall prepare these estimates and 24613  
certify them to the board. Upon receipt of the certification, the 24614  
board may adopt a resolution proposing an income tax under 24615  
division (B) of this section at the estimated rate contained in 24616  
the certification rounded to the nearest one-fourth of one per 24617  
cent. The commissioner's certification applies only to the board's 24618  
proposal to levy an income tax at the election for which the board 24619  
requested the certification. If the board intends to submit a 24620  
proposal to levy an income tax at any other election, it shall 24621  
request another certification for that election in the manner 24622  
prescribed in this division. 24623

(B)(1) Upon the receipt of a certification from the tax 24624  
commissioner under division (A) of this section, a majority of the 24625  
members of a board of education may adopt a resolution proposing 24626

the levy of an annual tax for school district purposes on school 24627  
district income. The proposed levy may be for a continuing period 24628  
of time or for a specified number of years. The resolution shall 24629  
set forth the purpose for which the tax is to be imposed, the rate 24630  
of the tax, which shall be the rate set forth in the 24631  
commissioner's certification rounded to the nearest one-fourth of 24632  
one per cent, the number of years the tax will be levied or that 24633  
it will be levied for a continuing period of time, the date on 24634  
which the tax shall take effect, which shall be the first day of 24635  
January of any year following the year in which the question is 24636  
submitted, and the date of the election at which the proposal 24637  
shall be submitted to the electors of the district, which shall be 24638  
on the date of a primary, general, or special election the date of 24639  
which is consistent with section 3501.01 of the Revised Code. The 24640  
resolution shall specify whether the income that is to be subject 24641  
to the tax is taxable income of individuals and estates as defined 24642  
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 24643  
Code or taxable income of individuals as defined in division 24644  
(E)(1)(b) of that section. The specification shall be the same as 24645  
the specification in the resolution adopted and certified under 24646  
division (A) of this section. 24647

If the tax is to be levied for current expenses and permanent 24648  
improvements, the resolution shall apportion the annual rate of 24649  
the tax. The apportionment may be the same or different for each 24650  
year the tax is levied, but the respective portions of the rate 24651  
actually levied each year for current expenses and for permanent 24652  
improvements shall be limited by the apportionment. 24653

If the board of education currently imposes an income tax 24654  
pursuant to this chapter that is due to expire and a question is 24655  
submitted under this section for a proposed income tax to take 24656  
effect upon the expiration of the existing tax, the board may 24657  
specify in the resolution that the proposed tax renews the 24658

expiring tax. Two or more expiring income taxes may be renewed 24659  
under this paragraph if the taxes are due to expire on the same 24660  
date. If the tax rate being proposed is no higher than the total 24661  
tax rate imposed by the expiring tax or taxes, the resolution may 24662  
state that the proposed tax is not an additional income tax. 24663

(2) A board of education adopting a resolution under division 24664  
(B)(1) of this section proposing a school district income tax for 24665  
a continuing period of time and limited to the purpose of current 24666  
expenses may propose in that resolution to reduce the rate or 24667  
rates of one or more of the school district's property taxes 24668  
levied for a continuing period of time in excess of the ten-mill 24669  
limitation for the purpose of current expenses. The reduction in 24670  
the rate of a property tax may be any amount, expressed in mills 24671  
per one dollar in valuation, not exceeding the rate at which the 24672  
tax is authorized to be levied. The reduction in the rate of a tax 24673  
shall first take effect for the tax year that includes the day on 24674  
which the school district income tax first takes effect, and shall 24675  
continue for each tax year that both the school district income 24676  
tax and the property tax levy are in effect. 24677

In addition to the matters required to be set forth in the 24678  
resolution under division (B)(1) of this section, a resolution 24679  
containing a proposal to reduce the rate of one or more property 24680  
taxes shall state for each such tax the maximum rate at which it 24681  
currently may be levied and the maximum rate at which the tax 24682  
could be levied after the proposed reduction, expressed in mills 24683  
per one dollar in valuation, and that the tax is levied for a 24684  
continuing period of time. 24685

If a board of education proposes to reduce the rate of one or 24686  
more property taxes under division (B)(2) of this section, the 24687  
board, when it makes the certification required under division (A) 24688  
of this section, shall designate the specific levy or levies to be 24689  
reduced, the maximum rate at which each levy currently is 24690

authorized to be levied, and the rate by which each levy is 24691  
proposed to be reduced. The tax commissioner, when making the 24692  
certification to the board under division (A) of this section, 24693  
also shall certify the reduction in the total effective tax rate 24694  
for current expenses for each class of property that would have 24695  
resulted if the proposed reduction in the rate or rates had been 24696  
in effect the previous tax year. As used in this paragraph, 24697  
"effective tax rate" has the same meaning as in section 323.08 of 24698  
the Revised Code. 24699

(C) A resolution adopted under division (B) of this section 24700  
shall go into immediate effect upon its passage, and no 24701  
publication of the resolution shall be necessary other than that 24702  
provided for in the notice of election. Immediately after its 24703  
adoption and at least ~~seventy-five~~ eighty-five days prior to the 24704  
election at which the question will appear on the ballot, a copy 24705  
of the resolution shall be certified to the board of elections of 24706  
the proper county, which shall submit the proposal to the electors 24707  
on the date specified in the resolution. The form of the ballot 24708  
shall be as provided in section 5748.03 of the Revised Code. 24709  
Publication of notice of the election shall be made in one or more 24710  
newspapers of general circulation in the county once a week for 24711  
two consecutive weeks prior to the election, and, if the board of 24712  
elections operates and maintains a web site, the board of 24713  
elections shall post notice of the election on its web site for 24714  
thirty days prior to the election. The notice shall contain the 24715  
time and place of the election and the question to be submitted to 24716  
the electors. The question covered by the resolution shall be 24717  
submitted as a separate proposition, but may be printed on the 24718  
same ballot with any other proposition submitted at the same 24719  
election, other than the election of officers. 24720

(D) No board of education shall submit the question of a tax 24721  
on school district income to the electors of the district more 24722

than twice in any calendar year. If a board submits the question 24723  
twice in any calendar year, one of the elections on the question 24724  
shall be held on the date of the general election. 24725

(E)(1) No board of education may submit to the electors of 24726  
the district the question of a tax on school district income on 24727  
the taxable income of individuals as defined in division (E)(1)(b) 24728  
of section 5748.01 of the Revised Code if that tax would be in 24729  
addition to an existing tax on the taxable income of individuals 24730  
and estates as defined in divisions (E)(1)(a) and (2) of that 24731  
section. 24732

(2) No board of education may submit to the electors of the 24733  
district the question of a tax on school district income on the 24734  
taxable income of individuals and estates as defined in divisions 24735  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that 24736  
tax would be in addition to an existing tax on the taxable income 24737  
of individuals as defined in division (E)(1)(b) of that section. 24738

**Sec. 5748.04.** (A) The question of the repeal of a school 24739  
district income tax levied for more than five years may be 24740  
initiated not more than once in any five-year period by filing 24741  
with the board of elections of the appropriate counties not later 24742  
than ~~seventy-five~~ eighty-five days before the general election in 24743  
any year after the year in which it is approved by the electors a 24744  
petition requesting that an election be held on the question. The 24745  
petition shall be signed by qualified electors residing in the 24746  
school district levying the income tax equal in number to ten per 24747  
cent of those voting for governor at the most recent gubernatorial 24748  
election. 24749

The board of elections shall determine whether the petition 24750  
is valid, and if it so determines, it shall submit the question to 24751  
the electors of the district at the next general election. The 24752  
election shall be conducted, canvassed, and certified in the same 24753

manner as regular elections for county offices in the county. 24754  
Notice of the election shall be published in a newspaper of 24755  
general circulation in the district once a week for two 24756  
consecutive weeks prior to the election, and, if the board of 24757  
elections operates and maintains a web site, the board of 24758  
elections shall post notice of the election on its web site for 24759  
thirty days prior to the election. The notice shall state the 24760  
purpose, time, and place of the election. The form of the ballot 24761  
cast at the election shall be as follows: 24762

"Shall the annual income tax of ..... per cent, currently 24763  
levied on the school district income of individuals and estates by 24764  
..... (state the name of the school district) for the purpose 24765  
of ..... (state purpose of the tax), be repealed? 24766

	For repeal of the income tax
	Against repeal of the income tax

"

(B)(1) If the tax is imposed on taxable income as defined in 24771  
division (E)(1)(b) of section 5748.01 of the Revised Code, the 24772  
form of the ballot shall be modified by stating that the tax 24773  
currently is levied on the "earned income of individuals residing 24774  
in the school district" in lieu of the "school district income of 24775  
individuals and estates." 24776

(2) If the rate of one or more property tax levies was 24777  
reduced for the duration of the income tax levy pursuant to 24778  
division (B)(2) of section 5748.02 of the Revised Code, the form 24779  
of the ballot shall be modified by adding the following language 24780  
immediately after "repealed": ", and shall the rate of an existing 24781  
tax on property for the purpose of current expenses, which rate 24782  
was reduced for the duration of the income tax, be INCREASED from 24783  
..... mills to ..... mills per one dollar of valuation beginning 24784



in ..... (state the first year for which the rate of the property tax will increase)." In lieu of "for repeal of the income tax" and "against repeal of the income tax," the phrases "for the issue" and "against the issue," respectively, shall be substituted.

(3) If the rate of more than one property tax was reduced for the duration of the income tax, the ballot language shall be modified accordingly to express the rates at which those taxes currently are levied and the rates to which the taxes would be increased.

(C) The question covered by the petition shall be submitted as a separate proposition, but it may be printed on the same ballot with any other proposition submitted at the same election other than the election of officers. If a majority of the qualified electors voting on the question vote in favor of it, the result shall be certified immediately after the canvass by the board of elections to the board of education of the school district and the tax commissioner, who shall thereupon, after the current year, cease to levy the tax, except that if notes have been issued pursuant to section 5748.05 of the Revised Code the tax commissioner shall continue to levy and collect under authority of the election authorizing the levy an annual amount, rounded upward to the nearest one-fourth of one per cent, as will be sufficient to pay the debt charges on the notes as they fall due.

(D) If a school district income tax repealed pursuant to this section was approved in conjunction with a reduction in the rate of one or more school district property taxes as provided in division (B)(2) of section 5748.02 of the Revised Code, then each such property tax may be levied after the current year at the rate at which it could be levied prior to the reduction, subject to any adjustments required by the county budget commission pursuant to Chapter 5705. of the Revised Code. Upon the repeal of a school

district income tax under this section, the board of education may 24817  
resume levying a property tax, the rate of which has been reduced 24818  
pursuant to a question approved under section 5748.02 of the 24819  
Revised Code, at the rate the board originally was authorized to 24820  
levy the tax. A reduction in the rate of a property tax under 24821  
section 5748.02 of the Revised Code is a reduction in the rate at 24822  
which a board of education may levy that tax only for the period 24823  
during which a school district income tax is levied prior to any 24824  
repeal pursuant to this section. The resumption of the authority 24825  
to levy the tax upon such a repeal does not constitute a tax 24826  
levied in excess of the one per cent limitation prescribed by 24827  
Section 2 of Article XII, Ohio Constitution, or in excess of the 24828  
ten-mill limitation. 24829

(E) This section does not apply to school district income tax 24830  
levies that are levied for five or fewer years. 24831

**Sec. 5748.08.** (A) The board of education of a city, local, or 24832  
exempted village school district, at any time by a vote of 24833  
two-thirds of all its members, may declare by resolution that it 24834  
may be necessary for the school district to do all of the 24835  
following: 24836

(1) Raise a specified amount of money for school district 24837  
purposes by levying an annual tax on school district income; 24838

(2) Issue general obligation bonds for permanent 24839  
improvements, stating in the resolution the necessity and purpose 24840  
of the bond issue and the amount, approximate date, estimated rate 24841  
of interest, and maximum number of years over which the principal 24842  
of the bonds may be paid; 24843

(3) Levy a tax outside the ten-mill limitation to pay debt 24844  
charges on the bonds and any anticipatory securities; 24845

(4) Submit the question of the school district income tax and 24846

bond issue to the electors of the district at a special election. 24847

The resolution shall specify whether the income that is to be 24848  
subject to the tax is taxable income of individuals and estates as 24849  
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 24850  
Revised Code or taxable income of individuals as defined in 24851  
division (E)(1)(b) of that section. 24852

On adoption of the resolution, the board shall certify a copy 24853  
of it to the tax commissioner and the county auditor no later than 24854  
~~ninety~~ one hundred days prior to the date of the special election 24855  
at which the board intends to propose the income tax and bond 24856  
issue. Not later than ten days of receipt of the resolution, the 24857  
tax commissioner, in the same manner as required by division (A) 24858  
of section 5748.02 of the Revised Code, shall estimate the rates 24859  
designated in divisions (A)(1) and (2) of that section and certify 24860  
them to the board. Not later than ten days of receipt of the 24861  
resolution, the county auditor shall estimate and certify to the 24862  
board the average annual property tax rate required throughout the 24863  
stated maturity of the bonds to pay debt charges on the bonds, in 24864  
the same manner as under division (C) of section 133.18 of the 24865  
Revised Code. 24866

(B) On receipt of the tax commissioner's and county auditor's 24867  
certifications prepared under division (A) of this section, the 24868  
board of education of the city, local, or exempted village school 24869  
district, by a vote of two-thirds of all its members, may adopt a 24870  
resolution proposing for a specified number of years or for a 24871  
continuing period of time the levy of an annual tax for school 24872  
district purposes on school district income and declaring that the 24873  
amount of taxes that can be raised within the ten-mill limitation 24874  
will be insufficient to provide an adequate amount for the present 24875  
and future requirements of the school district; that it is 24876  
necessary to issue general obligation bonds of the school district 24877  
for specified permanent improvements and to levy an additional tax 24878

in excess of the ten-mill limitation to pay the debt charges on 24879  
the bonds and any anticipatory securities; and that the question 24880  
of the bonds and taxes shall be submitted to the electors of the 24881  
school district at a special election, which shall not be earlier 24882  
than ~~seventy-five~~ eighty-five days after certification of the 24883  
resolution to the board of elections, and the date of which shall 24884  
be consistent with section 3501.01 of the Revised Code. The 24885  
resolution shall specify all of the following: 24886

(1) The purpose for which the school district income tax is 24887  
to be imposed and the rate of the tax, which shall be the rate set 24888  
forth in the tax commissioner's certification rounded to the 24889  
nearest one-fourth of one per cent; 24890

(2) Whether the income that is to be subject to the tax is 24891  
taxable income of individuals and estates as defined in divisions 24892  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 24893  
taxable income of individuals as defined in division (E)(1)(b) of 24894  
that section. The specification shall be the same as the 24895  
specification in the resolution adopted and certified under 24896  
division (A) of this section. 24897

(3) The number of years the tax will be levied, or that it 24898  
will be levied for a continuing period of time; 24899

(4) The date on which the tax shall take effect, which shall 24900  
be the first day of January of any year following the year in 24901  
which the question is submitted; 24902

(5) The county auditor's estimate of the average annual 24903  
property tax rate required throughout the stated maturity of the 24904  
bonds to pay debt charges on the bonds. 24905

(C) A resolution adopted under division (B) of this section 24906  
shall go into immediate effect upon its passage, and no 24907  
publication of the resolution shall be necessary other than that 24908  
provided for in the notice of election. Immediately after its 24909

adoption and at least ~~seventy-five~~ eighty-five days prior to the 24910  
election at which the question will appear on the ballot, the 24911  
board of education shall certify a copy of the resolution, along 24912  
with copies of the auditor's estimate and its resolution under 24913  
division (A) of this section, to the board of elections of the 24914  
proper county. The board of education shall make the arrangements 24915  
for the submission of the question to the electors of the school 24916  
district, and the election shall be conducted, canvassed, and 24917  
certified in the same manner as regular elections in the district 24918  
for the election of county officers. 24919

The resolution shall be put before the electors as one ballot 24920  
question, with a majority vote indicating approval of the school 24921  
district income tax, the bond issue, and the levy to pay debt 24922  
charges on the bonds and any anticipatory securities. The board of 24923  
elections shall publish the notice of the election in one or more 24924  
newspapers of general circulation in the school district once a 24925  
week for two consecutive weeks prior to the election and, if the 24926  
board of elections operates and maintains a web site, also shall 24927  
post notice of the election on its web site for thirty days prior 24928  
to the election. The notice of election shall state all of the 24929  
following: 24930

(1) The questions to be submitted to the electors; 24931

(2) The rate of the school district income tax; 24932

(3) The principal amount of the proposed bond issue; 24933

(4) The permanent improvements for which the bonds are to be 24934  
issued; 24935

(5) The maximum number of years over which the principal of 24936  
the bonds may be paid; 24937

(6) The estimated additional average annual property tax rate 24938  
to pay the debt charges on the bonds, as certified by the county 24939  
auditor; 24940

(7) The time and place of the special election. 24941

(D) The form of the ballot on a question submitted to the 24942  
electors under this section shall be as follows: 24943

"Shall the ..... school district be authorized to do both 24944  
of the following: 24945

(1) Impose an annual income tax of ..... (state the proposed 24946  
rate of tax) on the school district income of individuals and of 24947  
estates, for ..... (state the number of years the tax would be 24948  
levied, or that it would be levied for a continuing period of 24949  
time), beginning ..... (state the date the tax would first take 24950  
effect), for the purpose of ..... (state the purpose of the 24951  
tax)? 24952

(2) Issue bonds for the purpose of ..... in the principal 24953  
amount of \$....., to be repaid annually over a maximum period of 24954  
..... years, and levy a property tax outside the ten-mill 24955  
limitation estimated by the county auditor to average over the 24956  
bond repayment period ..... mills for each one dollar of tax 24957  
valuation, which amounts to ..... (rate expressed in cents or 24958  
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 24959  
tax valuation, to pay the annual debt charges on the bonds, and to 24960  
pay debt charges on any notes issued in anticipation of those 24961  
bonds? 24962

24963

	FOR THE INCOME TAX AND BOND ISSUE		24964
	AGAINST THE INCOME TAX AND BOND ISSUE	"	24965

24966

(E) If the question submitted to electors proposes a school 24967  
district income tax only on the taxable income of individuals as 24968  
defined in division (E)(1)(b) of section 5748.01 of the Revised 24969  
Code, the form of the ballot shall be modified by stating that the 24970  
tax is to be levied on the "earned income of individuals residing 24971

in the school district" in lieu of the "school district income of individuals and of estates." 24972  
24973

(F) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it, the income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution, and the board of education may proceed with issuance of the bonds and with the levy and collection of the property taxes to pay debt charges on the bonds, at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code. 24974  
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(G) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance. 24987  
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(H) The question of repeal of a school district income tax levied for more than five years may be initiated and submitted in accordance with section 5748.04 of the Revised Code. 24995  
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(I) No board of education shall submit a question under this section to the electors of the school district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held on the date of the general election. 24998  
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25000  
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**Sec. 6105.18.** At any time after the third year following the 25003  
creation of a watershed district a referendum may be held on the 25004  
question of dissolution of the district. The question of 25005  
dissolution of a watershed district may be presented to the 25006  
electors within the territorial boundaries of the district, at any 25007  
general election, by the filing of a petition, signed by at least 25008  
two hundred qualified electors residing within the territorial 25009  
boundaries of the district, with the board of elections of that 25010  
county or part of a county with a population within the 25011  
territorial boundaries of the district, according to the last 25012  
federal decennial census, greater than that of any other county or 25013  
part of a county within the territorial boundaries of the 25014  
district. 25015

Such petition shall be filed with such board not later than 25016  
four p.m. of the ~~seventy-fifth~~ eighty-fifth day before the day of 25017  
the general election at which such question is to be presented to 25018  
the electors. 25019

**Sec. 6105.20.** The board of elections with which a petition 25020  
has been filed under section 6105.18 of the Revised Code, after 25021  
determining that the petition is in proper form and is signed by 25022  
at least two hundred qualified electors residing within the 25023  
territorial boundaries of the watershed district, shall, on or 25024  
before the ~~seventy-fifth~~ eighty-fifth day before the day of the 25025  
election at which the question of dissolving the district is to be 25026  
submitted to the electors, certify to the board of elections of 25027  
each watershed county the question of whether or not the district 25028  
shall be dissolved. 25029

The board of elections of each of such counties shall place 25030  
such question on the questions and issues ballot, to be voted at 25031  
such election by the electors of the county residing within the 25032  
territorial boundaries of the district, by placing on such ballot 25033



the words "For continuing the existence of (name of the district  
to be here inserted)" and "Against continuing the existence of  
(name of the district to be here inserted)," with a square before  
each proposition and a direction to record the vote in the square  
before one or the other of said propositions as the voter favors  
or opposes the dissolution of the district.

The vote on the question of the dissolution of the district  
shall be counted and canvassed in the same manner as the vote for  
candidates for district office are counted and canvassed.

The board of elections with which the petition was originally  
filed shall certify the results of such election.

If a majority of the electors voting upon the proposition  
vote against continuing the existence of the district, the  
district shall be dissolved as of the thirty-first day of December  
immediately thereafter.

If a majority of the electors voting upon the proposition  
vote for continuing the existence of the district, no further  
referendum shall be held on the same proposition for a period of  
three years.

**Sec. 6119.31.** The board of county commissioners at any time  
not less than ~~seventy-five~~ eighty-five days before the general  
election in any year, by a vote of two-thirds of its members, may  
declare by resolution that the amount of taxes which may be raised  
within the ten-mill limitation will be insufficient to provide an  
adequate amount for the necessary requirements of the county, and  
that it is necessary to levy a tax in excess of such limitation  
for the purpose of paying the cost of the preparation of plans,  
specifications, surveys, soundings, drillings, maps, and other  
data needed or determined necessary in order to develop plans for  
the proper purification, filtration, and distribution of water or  
proper collection and treatment of sewage within the county or a

part thereof, or beyond the limits of the county but within the 25065  
same drainage area as is in part within the county. 25066

Such resolution shall be confined to a single purpose and 25067  
shall specify the amount of increase in rate which it is necessary 25068  
to levy, not to exceed three-tenths of a mill, the purpose 25069  
thereof, the number of years during which such increase shall be 25070  
in effect, not to exceed five years, which increase may or may not 25071  
include a levy upon the duplicate of the current year. 25072

Such resolution shall go into effect upon its passage and no 25073  
publication of it is necessary other than that provided for in the 25074  
notice of election. 25075

**Sec. 6119.32.** A copy of the resolution provided for in 25076  
section 6119.31 of the Revised Code shall be certified to the 25077  
board of elections for the county not less than ~~seventy-five~~ 25078  
eighty-five days before the general election in any year and said 25079  
board shall submit the proposal to the electors of the county at 25080  
the succeeding November election in accordance with section 25081  
5705.25 of the Revised Code. 25082

If the per cent required for approval of a levy as set forth 25083  
in section 5705.26 of the Revised Code vote in favor thereof, the 25084  
board of county commissioners may levy a tax within the county at 25085  
the additional rate outside the ten-mill limitation during the 25086  
period and for the purpose stated in the resolution, or at any 25087  
less rate or for any less number of years. 25088

**Section 2.** That existing sections 133.06, 133.18, 302.03, 25089  
302.09, 303.11, 303.12, 303.25, 305.02, 305.31, 306.32, 306.321, 25090  
306.70, 306.71, 307.676, 307.677, 307.695, 307.697, 307.791, 25091  
307.94, 307.95, 322.02, 322.021, 324.02, 324.021, 345.03, 351.26, 25092  
503.02, 503.161, 503.24, 503.41, 504.01, 504.03, 505.13, 505.14, 25093  
511.01, 511.22, 511.27, 511.28, 511.33, 511.34, 513.06, 513.13, 25094

513.18, 517.05, 519.11, 519.12, 519.25, 705.01, 707.21, 709.29, 25095  
709.39, 709.45, 709.462, 709.48, 709.50, 715.69, 715.691, 715.70, 25096  
715.71, 715.77, 718.01, 718.09, 718.10, 731.03, 731.28, 731.29, 25097  
733.09, 733.261, 733.262, 733.31, 733.48, 749.021, 755.01, 757.02, 25098  
759.25, 1515.28, 1545.21, 1545.36, 1711.30, 1901.07, 1901.10, 25099  
1901.31, 1907.13, 2101.43, 2301.02, 3311.053, 3311.059, 3311.21, 25100  
3311.213, 3311.22, 3311.231, 3311.25, 3311.26, 3311.37, 3311.38, 25101  
3311.50, 3311.73, 3316.08, 3318.06, 3318.061, 3318.361, 3354.12, 25102  
3355.02, 3355.09, 3357.02, 3357.11, 3375.19, 3375.201, 3375.211, 25103  
3375.212, 3501.01, 3501.02, 3501.03, 3501.05, 3501.07, 3501.10, 25104  
3501.11, 3501.17, 3501.18, 3501.21, 3501.22, 3501.38, 3501.39, 25105  
3501.90, 3503.01, 3503.04, 3503.06, 3503.10, 3503.11, 3503.14, 25106  
3503.15, 3503.16, 3503.19, 3503.21, 3503.24, 3503.28, 3505.01, 25107  
3505.03, 3505.04, 3505.06, 3505.062, 3505.08, 3505.10, 3505.11, 25108  
3505.12, 3505.13, 3505.18, 3505.181, 3505.182, 3505.183, 3505.20, 25109  
3505.21, 3505.23, 3505.28, 3505.30, 3505.32, 3506.02, 3506.11, 25110  
3506.12, 3506.21, 3509.01, 3509.02, 3509.03, 3509.031, 3509.04, 25111  
3509.05, 3509.06, 3509.08, 3509.09, 3511.01, 3511.02, 3511.03, 25112  
3511.04, 3511.05, 3511.06, 3511.08, 3511.10, 3511.11, 3511.13, 25113  
3513.01, 3513.02, 3513.041, 3513.05, 3513.052, 3513.121, 3513.122, 25114  
3513.151, 3513.19, 3513.251, 3513.253, 3513.254, 3513.255, 25115  
3513.256, 3513.257, 3513.259, 3513.263, 3513.30, 3513.31, 25116  
3513.311, 3513.312, 3517.01, 3517.012, 3517.02, 3517.03, 3519.08, 25117  
3519.16, 3521.03, 3709.051, 3709.071, 3709.29, 3767.05, 3769.27, 25118  
4301.33, 4301.331, 4301.332, 4301.333, 4301.334, 4301.356, 25119  
4301.421, 4301.424, 4303.29, 4305.14, 4504.021, 4504.15, 4504.16, 25120  
4504.21, 4506.03, 4507.13, 4507.52, 4928.20, 4929.26, 4931.51, 25121  
4931.52, 4931.53, 4951.44, 4955.05, 5705.19, 5705.191, 5705.195, 25122  
5705.199, 5705.20, 5705.21, 5705.211, 5705.212, 5705.213, 25123  
5705.217, 5705.218, 5705.219, 5705.2111, 5705.22, 5705.221, 25124  
5705.222, 5705.23, 5705.24, 5705.25, 5705.251, 5705.261, 5705.27, 25125  
5705.71, 5739.021, 5739.022, 5739.026, 5743.021, 5743.024, 25126  
5743.026, 5748.02, 5748.04, 5748.08, 6105.18, 6105.20, 6119.31, 25127

and 6119.32, and sections 3503.18, 3503.33, 3505.19, 3505.22, 25128  
3506.13, 3509.022, 3509.07, 3511.07, 3511.09, 3511.12, and 3513.20 25129  
of the Revised Code are hereby repealed. 25130

**Section 3.** (A) As used in this section, "county vote center" 25132  
means a polling location at which any person registered to vote in 25133  
a county may appear to cast a ballot on the day of a general 25134  
election, regardless of the location of the precinct within the 25135  
county in which the person resides. 25136

(B)(1) The Secretary of State may implement a pilot project 25137  
to evaluate the use of county vote centers for general elections 25138  
for state and county office in the year 2011 as an alternative to 25139  
operating precinct polling places. 25140

(2) A board of elections that desires to participate in the 25141  
pilot project authorized by this section shall hold a public 25142  
hearing regarding the county's potential participation in the 25143  
pilot project. The board of elections shall submit a transcript or 25144  
audio and video recording of the public comments made at the 25145  
hearing to the Secretary of State. The Secretary of State may 25146  
consider the public comments when selecting counties to 25147  
participate in the pilot project. A board of elections that 25148  
desires to participate in the pilot project authorized by this 25149  
section shall notify the board of county commissioners of its 25150  
desire to participate not later than the date for increasing the 25151  
pay of a judge of election under division (E)(1)(a) of section 25152  
3501.28 of the Revised Code for the year the board of elections 25153  
wishes to participate. 25154

(C)(1) If the Secretary of State implements a pilot project 25155  
under this section, the Secretary of State shall select one or 25156  
more counties to participate in the project that meet all of the 25157  
following requirements: 25158

(a) The county board of elections has held a public hearing 25159  
as required under division (B)(2) of this section and submitted 25160  
the required information to the Secretary of State; 25161

(b) The county board of elections has implemented a 25162  
computerized voter registration list that allows an election 25163  
official at the county vote center to verify that a person who 25164  
appears to vote at the county vote center has not otherwise voted 25165  
in the same election; and 25166

(c) The Secretary of State has determined that the county has 25167  
the appropriate capabilities to implement county vote centers. 25168

(2) In selecting one or more counties for participation in a 25169  
pilot project under this section, the Secretary of State shall 25170  
attempt to include counties of diverse geography, population, 25171  
race, and location within the state, to the extent practicable. 25172

(D) Following the conclusion of the pilot project, and not 25173  
later than January 1, 2012, the Secretary of State shall file a 25174  
report regarding the pilot project with the Speaker of the House 25175  
of Representatives and the President of the Senate. The report may 25176  
include the Secretary of State's recommendations on the future use 25177  
of county vote centers and suggestions for permanent statutory 25178  
authority regarding county vote centers. 25179

**Section 4.** (A) Notwithstanding any provision of Chapter 3509. 25180  
or 3511. of the Revised Code to the contrary, the Secretary of 25181  
State may implement a pilot project to evaluate the effectiveness 25182  
and reliability of transmitting unvoted absent voter's ballots and 25183  
unvoted armed service absent voter's ballots by secure electronic 25184  
transmission to voters who are eligible to vote those ballots 25185  
under the "Uniformed and Overseas Citizens Absent Voting Act," 25186  
Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, et seq., as 25187  
amended. Any pilot project implemented under this section shall be 25188  
concluded not later than December 1, 2010. 25189

(B) If the Secretary of State implements a pilot project 25190  
under this section, the Secretary of State shall select one or 25191  
more counties to participate in the project. In selecting one or 25192  
more counties for participation in a pilot project under this 25193  
section, the Secretary of State shall do both of the following: 25194

(1) Select counties that have the necessary technological 25195  
means to transmit ballots by secure electronic transmission; and 25196

(2) Attempt to include counties of diverse geography, 25197  
population, race, and location within the state, to the extent 25198  
practicable. 25199

(C) Following the conclusion of the pilot project, and not 25200  
later than January 1, 2011, the Secretary of State shall file a 25201  
report regarding the pilot project with the Speaker of the House 25202  
of Representatives and the President of the Senate. The report may 25203  
include the Secretary of State's recommendations on the future use 25204  
of secure electronic transmission of unvoted absent voter's 25205  
ballots and armed service absent voter's ballots and suggestions 25206  
for permanent statutory authority regarding such electronic ballot 25207  
transmission. 25208

**Section 5.** (A) There is hereby created the Joint Task Force 25209  
on Special Elections and Cost Reductions, which shall study both 25210  
of the following: 25211

(1) The timing and conduct of special elections, including 25212  
special elections conducted pursuant to a municipal or county 25213  
charter on a day other than the day of a statewide primary, 25214  
general, or special election for the purpose of developing 25215  
recommendations to unify, to the extent practical, the dates of 25216  
elections throughout the state; 25217

(2) Opportunities to reduce the cost of election 25218  
administration, including partnerships between government agencies 25219

and streamlining elections processes, for the purpose of 25220  
developing recommendations to maintain unfettered voter access to 25221  
democracy while reducing the cost of election administration. 25222

(B) The Task Force shall be composed of the following 25223  
eighteen members, to be appointed by the Governor: 25224

(1) Three members of the House of Representatives who are 25225  
members of the same political party as the Speaker of the House of 25226  
Representatives; 25227

(2) Two members of the House of Representatives who are 25228  
members of the largest political party represented in the House of 25229  
Representatives of which the Speaker of the House is not a member; 25230

(3) Two members of the Senate who are members of the same 25231  
political party as the President of the Senate; 25232

(4) One member of the Senate who is a member of the largest 25233  
party represented in the Senate of which the President of the 25234  
Senate is not a member; 25235

(5) Two representatives from the Ohio Association of 25236  
Elections Officials who are members of different political 25237  
parties; 25238

(6) Two representatives from the County Commissioners 25239  
Association of Ohio who are members of different political 25240  
parties; 25241

(7) Two representatives from the Ohio Municipal League who 25242  
are members of different political parties; 25243

(8) Two representatives from the general public; and 25244

(9) Two representatives from the office of the Secretary of 25245  
State. 25246

The Governor shall designate two members of the Task Force 25247  
who are members of different political parties as co-chairs of the 25248  
Task Force: 25249

(B) The Task Force shall forward its findings to the Speaker 25250  
of the House of Representatives, the President of the Senate, and 25251  
all charter counties and charter municipal corporations in Ohio 25252  
not later than December 31, 2010, at which time the Task Force is 25253  
abolished. 25254

**Section 6.** The General Assembly, applying the principle 25255  
stated in division (B) of section 1.52 of the Revised Code that 25256  
amendments are to be harmonized if reasonably capable of 25257  
simultaneous operation, finds that the following section, 25258  
presented in this act as a composite of the section as amended by 25259  
the acts indicated, is the resulting versions of the section in 25260  
effect prior to the effective date of the section as presented in 25261  
this act: 25262

Section 3509.05 of the Revised Code as amended by both Am. 25263  
Sub. H.B. 350 and Am. Sub. H.B. 562 of the 127th General Assembly. 25264  
25265

**Section 7.** Section 1901.31 of the Revised Code is presented 25266  
in this act as a composite of the section as amended by both Am. 25267  
Sub. H.B. 420 of the 127th General Assembly and Am. Sub. H.B. 1 of 25268  
the 128th General Assembly. Section 3357.02 of the Revised Code is 25269  
presented in this act as a composite of the section as amended by 25270  
both Am. Sub. H.B. 99 and Am. Sub. H.B. 117 of the 121st General 25271  
Assembly. Section 4504.21 of the Revised Code is presented in this 25272  
act as a composite of the section as amended by both H.B. 353 and 25273  
S.B. 310 of the 121st General Assembly. The General Assembly, 25274  
applying the principle stated in division (B) of section 1.52 of 25275  
the Revised Code that amendments are to be harmonized if 25276  
reasonably capable of simultaneous operation, finds that the 25277  
composites are the resulting versions of the sections in effect 25278  
prior to the effective date of the sections as presented in this 25279  
act. 25280