

**As Reported by the House Elections and Ethics Committee**

**128th General Assembly**

**Regular Session**

**2009-2010**

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

**Representatives Stewart, Heard**

**Cosponsors: Representatives Book, Domenick, Dyer, Foley, Garland,**

**Letson, Okey, Skindell, Weddington, Williams, B., Yuko**

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**A B I L L**

To amend sections 133.06, 133.18, 302.03, 302.09, 1  
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5748.04, 5748.08, 6105.18, 6105.20, 6119.31, and	52
6119.32, to enact new sections 3509.07 and 3511.09	53
and sections 125.042, 3501.012, 3501.40, 3503.141,	54
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3511.041, 3511.14, and 3599.30, and to repeal	57
sections 3503.18, 3503.33, 3505.19, 3505.22,	58
3506.13, 3509.022, 3509.07, 3511.07, 3511.09,	59
3511.12, and 3513.20 of the Revised Code to revise	60
the Election Law.	61
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**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
303.11, 303.12, 303.25, 305.02, 305.31, 306.32, 306.321, 306.70,	64
306.71, 307.676, 307.677, 307.695, 307.697, 307.791, 307.94,	65
307.95, 322.02, 322.021, 324.02, 324.021, 345.03, 351.26, 503.02,	66
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5705.23, 5705.24, 5705.25, 5705.251, 5705.261, 5705.27, 5705.71, 99  
5739.021, 5739.022, 5739.026, 5743.021, 5743.024, 5743.026, 100  
5748.02, 5748.04, 5748.08, 6105.18, 6105.20, 6119.31, and 6119.32 101  
be amended and new sections 3509.07 and 3511.09 and sections 102  
125.042, 3501.012, 3501.40, 3503.141, 3503.142, 3503.191, 3503.20, 103  
3503.22, 3505.331, 3507.01, 3507.02, 3507.03, 3509.10, 3511.021, 104  
3511.041, 3511.14, and 3599.30 of the Revised Code be enacted to 105  
read as follows: 106  
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Sec. 125.042. (A) The department of administrative services, 108  
by rule adopted under Chapter 119. of the Revised Code, shall 109  
establish a purchasing program through which the department enters 110  
into purchase contracts for supplies used by boards of elections, 111  
including any polling place supplies required under section 112  
3501.30 of the Revised Code. A board of elections that opts to 113  
participate in the purchasing program may purchase its supplies 114  
through the contracts entered into by the department. 115

(B) Purchases that a board of elections makes under this 116

section are exempt from any competitive selection procedures 117  
otherwise required by law. 118

**Sec. 133.06.** (A) A school district shall not incur, without a 119  
vote of the electors, net indebtedness that exceeds an amount 120  
equal to one-tenth of one per cent of its tax valuation, except as 121  
provided in divisions (G) and (H) of this section and in division 122  
(C) of section 3313.372 of the Revised Code, or as prescribed in 123  
section 3318.052 or 3318.44 of the Revised Code, or as provided in 124  
division (J) of this section. 125

(B) Except as provided in divisions (E), (F), and (I) of this 126  
section, a school district shall not incur net indebtedness that 127  
exceeds an amount equal to nine per cent of its tax valuation. 128

(C) A school district shall not submit to a vote of the 129  
electors the question of the issuance of securities in an amount 130  
that will make the district's net indebtedness after the issuance 131  
of the securities exceed an amount equal to four per cent of its 132  
tax valuation, unless the superintendent of public instruction, 133  
acting under policies adopted by the state board of education, and 134  
the tax commissioner, acting under written policies of the 135  
commissioner, consent to the submission. A request for the 136  
consents shall be made at least one hundred ~~five~~ fifteen days 137  
prior to the election at which the question is to be submitted. 138

The superintendent of public instruction shall certify to the 139  
district the superintendent's and the tax commissioner's decisions 140  
within thirty days after receipt of the request for consents. 141

If the electors do not approve the issuance of securities at 142  
the election for which the superintendent of public instruction 143  
and tax commissioner consented to the submission of the question, 144  
the school district may submit the same question to the electors 145  
on the date that the next special election may be held under 146  
section 3501.01 of the Revised Code without submitting a new 147

request for consent. If the school district seeks to submit the 148  
same question at any other subsequent election, the district shall 149  
first submit a new request for consent in accordance with this 150  
division. 151

(D) In calculating the net indebtedness of a school district, 152  
none of the following shall be considered: 153

(1) Securities issued to acquire school buses and other 154  
equipment used in transporting pupils or issued pursuant to 155  
division (D) of section 133.10 of the Revised Code; 156

(2) Securities issued under division (F) of this section, 157  
under section 133.301 of the Revised Code, and, to the extent in 158  
excess of the limitation stated in division (B) of this section, 159  
under division (E) of this section; 160

(3) Indebtedness resulting from the dissolution of a joint 161  
vocational school district under section 3311.217 of the Revised 162  
Code, evidenced by outstanding securities of that joint vocational 163  
school district; 164

(4) Loans, evidenced by any securities, received under 165  
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the 166  
Revised Code; 167

(5) Debt incurred under section 3313.374 of the Revised Code; 168

(6) Debt incurred pursuant to division (B)(5) of section 169  
3313.37 of the Revised Code to acquire computers and related 170  
hardware; 171

(7) Debt incurred under section 3318.042 of the Revised Code. 172

(E) A school district may become a special needs district as 173  
to certain securities as provided in division (E) of this section. 174

(1) A board of education, by resolution, may declare its 175  
school district to be a special needs district by determining both 176  
of the following: 177

(a) The student population is not being adequately serviced	178
by the existing permanent improvements of the district.	179
(b) The district cannot obtain sufficient funds by the	180
issuance of securities within the limitation of division (B) of	181
this section to provide additional or improved needed permanent	182
improvements in time to meet the needs.	183
(2) The board of education shall certify a copy of that	184
resolution to the superintendent of public instruction with a	185
statistical report showing all of the following:	186
(a) A history of and a projection of the growth of the	187
student population;	188
(b) The history of and a projection of the growth of the tax	189
valuation;	190
(c) The projected needs;	191
(d) The estimated cost of permanent improvements proposed to	192
meet such projected needs.	193
(3) The superintendent of public instruction shall certify	194
the district as an approved special needs district if the	195
superintendent finds both of the following:	196
(a) The district does not have available sufficient	197
additional funds from state or federal sources to meet the	198
projected needs.	199
(b) The projection of the potential average growth of tax	200
valuation during the next five years, according to the information	201
certified to the superintendent and any other information the	202
superintendent obtains, indicates a likelihood of potential	203
average growth of tax valuation of the district during the next	204
five years of an average of not less than three per cent per year.	205
The findings and certification of the superintendent shall be	206
conclusive.	207

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

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

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

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

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

(a) School buildings or other necessary school facilities in the district have been wholly or partially destroyed, or condemned by a constituted public authority, or that such buildings or facilities are partially constructed, or so constructed or planned as to require additions and improvements to them before the buildings or facilities are usable for their intended purpose, or that corrections to permanent improvements are necessary to remove or prevent health or safety hazards.

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



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

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

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

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

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

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

(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, 270  
professional engineer, or other person experienced in the design 271  
and implementation of energy conservation measures for an analysis 272  
and recommendations pertaining to installations, modifications of 273  
installations, or remodeling that would significantly reduce 274  
energy consumption in buildings owned by the district. The report 275  
shall include estimates of all costs of such installations, 276  
modifications, or remodeling, including costs of design, 277  
engineering, installation, maintenance, repairs, and debt service, 278  
and estimates of the amounts by which energy consumption and 279  
resultant operational and maintenance costs, as defined by the 280  
Ohio school facilities commission, would be reduced. 281

If the board finds after receiving the report that the amount 282  
of money the district would spend on such installations, 283  
modifications, or remodeling is not likely to exceed the amount of 284  
money it would save in energy and resultant operational and 285  
maintenance costs over the ensuing fifteen years, the board may 286  
submit to the commission a copy of its findings and a request for 287  
approval to incur indebtedness to finance the making or 288  
modification of installations or the remodeling of buildings for 289  
the purpose of significantly reducing energy consumption. 290

If the commission determines that the board's findings are 291  
reasonable, it shall approve the board's request. Upon receipt of 292  
the commission's approval, the district may issue securities 293  
without a vote of the electors in a principal amount not to exceed 294  
nine-tenths of one per cent of its tax valuation for the purpose 295  
of making such installations, modifications, or remodeling, but 296  
the total net indebtedness of the district without a vote of the 297  
electors incurred under this and all other sections of the Revised 298  
Code, except section 3318.052 of the Revised Code, shall not 299  
exceed one per cent of the district's tax valuation. 300

So long as any securities issued under division (G) of this 301

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

(H) With the consent of the superintendent of public 316  
instruction, a school district may incur without a vote of the 317  
electors net indebtedness that exceeds the amounts stated in 318  
divisions (A) and (G) of this section for the purpose of paying 319  
costs of permanent improvements, if and to the extent that both of 320  
the following conditions are satisfied: 321

(1) The fiscal officer of the school district estimates that 322  
receipts of the school district from payments made under or 323  
pursuant to agreements entered into pursuant to section 725.02, 324  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 325  
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 326  
Code, or distributions under division (C) of section 5709.43 of 327  
the Revised Code, or any combination thereof, are, after 328  
accounting for any appropriate coverage requirements, sufficient 329  
in time and amount, and are committed by the proceedings, to pay 330  
the debt charges on the securities issued to evidence that 331  
indebtedness and payable from those receipts, and the taxing 332  
authority of the district confirms the fiscal officer's estimate, 333

which confirmation is approved by the superintendent of public instruction; 334  
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(2) The fiscal officer of the school district certifies, and the taxing authority of the district confirms, that the district, at the time of the certification and confirmation, reasonably expects to have sufficient revenue available for the purpose of operating such permanent improvements for their intended purpose upon acquisition or completion thereof, and the superintendent of public instruction approves the taxing authority's confirmation. 336  
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The maximum maturity of securities issued under division (H) of this section shall be the lesser of twenty years or the maximum maturity calculated under section 133.20 of the Revised Code. 343  
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(I) A school district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in excess of the limit specified in division (B) or (C) of this section when necessary to raise the school district portion of the basic project cost and any additional funds necessary to participate in a project under Chapter 3318. of the Revised Code, including the cost of items designated by the Ohio school facilities commission as required locally funded initiatives and the cost for site acquisition. The school facilities commission shall notify the superintendent of public instruction whenever a school district will exceed either limit pursuant to this division. 346  
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(J) A school district whose portion of the basic project cost of its classroom facilities project under sections 3318.01 to 3318.20 of the Revised Code is greater than or equal to one hundred million dollars may incur without a vote of the electors net indebtedness in an amount up to two per cent of its tax valuation through the issuance of general obligation securities in order to generate all or part of the amount of its portion of the basic project cost if the controlling board has approved the 358  
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school facilities commission's conditional approval of the project 366  
under section 3318.04 of the Revised Code. The school district 367  
board and the Ohio school facilities commission shall include the 368  
dedication of the proceeds of such securities in the agreement 369  
entered into under section 3318.08 of the Revised Code. No state 370  
moneys shall be released for a project to which this section 371  
applies until the proceeds of any bonds issued under this section 372  
that are dedicated for the payment of the school district portion 373  
of the project are first deposited into the school district's 374  
project construction fund. 375

**Sec. 133.18.** (A) The taxing authority of a subdivision may by 376  
legislation submit to the electors of the subdivision the question 377  
of issuing any general obligation bonds, for one purpose, that the 378  
subdivision has power or authority to issue. 379

(B) When the taxing authority of a subdivision desires or is 380  
required by law to submit the question of a bond issue to the 381  
electors, it shall pass legislation that does all of the 382  
following: 383

(1) Declares the necessity and purpose of the bond issue; 384

(2) States the date of the authorized election at which the 385  
question shall be submitted to the electors; 386

(3) States the amount, approximate date, estimated net 387  
average rate of interest, and maximum number of years over which 388  
the principal of the bonds may be paid; 389

(4) Declares the necessity of levying a tax outside the tax 390  
limitation to pay the debt charges on the bonds and any 391  
anticipatory securities. 392

The estimated net average interest rate shall be determined 393  
by the taxing authority based on, among other factors, then 394  
existing market conditions, and may reflect adjustments for any 395

anticipated direct payments expected to be received by the taxing authority from the government of the United States relating to the bonds and the effect of any federal tax credits anticipated to be available to owners of all or a portion of the bonds. The estimated net average rate of interest, and any statutory or charter limit on interest rates that may then be in effect and that is subsequently amended, shall not be a limitation on the actual interest rate or rates on the securities when issued.

(C)(1) The taxing authority shall certify a copy of the legislation passed under division (B) of this section to the county auditor. The county auditor shall promptly calculate and advise and, not later than ~~seventy-five~~ eighty-five days before the election, confirm that advice by certification to, the taxing authority 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, that the county auditor estimates to be required throughout the stated maturity of the bonds to pay the debt charges on the bonds. In calculating the estimated average annual property tax levy for this purpose, the county auditor shall assume that the bonds are issued in one series bearing interest and maturing in substantially equal principal amounts in each year over the maximum number of years over which the principal of the bonds may be paid as stated in that legislation, and that the amount of the tax valuation of the subdivision for the current year remains the same throughout the maturity of the bonds, except as otherwise provided in division (C)(2) of this section. If the 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 429  
subdivision for purposes of certifying the estimated average 430  
annual property tax levy. 431

(2) When considering the tangible personal property component 432  
of the tax valuation of the subdivision, the county auditor shall 433  
take into account the assessment percentages prescribed in section 434  
5711.22 of the Revised Code. The tax commissioner may issue rules, 435  
orders, or instructions directing how the assessment percentages 436  
must be utilized. 437

(D) After receiving the county auditor's advice under 438  
division (C) of this section, the taxing authority by legislation 439  
may determine to proceed with submitting the question of the issue 440  
of securities, and shall, not later than the ~~seventy-fifth~~ 441  
eighty-fifth day before the day of the election, file the 442  
following with the board of elections: 443

(1) Copies of the legislation provided for in divisions (B) 444  
and (D) of this section; 445

(2) The amount of the estimated average annual property tax 446  
levy, expressed in cents or dollars and cents for each one hundred 447  
dollars of tax valuation and in mills for each one dollar of tax 448  
valuation, as estimated and certified to the taxing authority by 449  
the county auditor. 450

(E)(1) The board of elections shall prepare the ballots and 451  
make other necessary arrangements for the submission of the 452  
question to the electors of the subdivision. If the subdivision is 453  
located in more than one county, the board shall inform the boards 454  
of elections of the other counties of the filings with it, and 455  
those other boards shall if appropriate make the other necessary 456  
arrangements for the election in their counties. The election 457  
shall be conducted, canvassed, and certified in the manner 458  
provided in Title XXXV of the Revised Code. 459

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

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

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

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

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

(d) The estimated additional 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, to be levied outside the tax limitation, as estimated and certified to the taxing authority by the county auditor;

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

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

(a) "Shall bonds be issued by the ..... (name of subdivision) for the purpose of ..... (purpose of the bond issue) in the principal amount of ..... (principal amount of the bond issue), to be repaid annually over a maximum period of



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

	For the bond issue
	Against the bond issue

"

503  
504  
505  
506  
(b) In the case of an election held pursuant to legislation 507  
adopted under section 3375.43 or 3375.431 of the Revised Code: 508  
"Shall bonds be issued for ..... (name of library) for 509  
the purpose of ..... (purpose of the bond issue), in the 510  
principal amount of ..... (amount of the bond issue) by 511  
..... (the name of the subdivision that is to issue the bonds 512  
and levy the tax) as the issuer of the bonds, to be repaid 513  
annually over a maximum period of ..... (the maximum number 514  
of years over which the principal of the bonds may be paid) years, 515  
and an annual levy of property taxes be made outside the ten-mill 516  
limitation, estimated by the county auditor to average over the 517  
repayment period of the bond issue ..... (number of mills) 518  
mills for each one dollar of tax valuation, which amounts to 519  
..... (rate expressed in cents or dollars and cents, such as 520  
"36 cents" or "\$1.41") for each one hundred dollars of tax 521

valuation, commencing in ..... (first year the tax will be 522  
 levied), first due in calendar year ..... (first calendar 523  
 year in which the tax shall be due), to pay the annual debt 524  
 charges on the bonds, and to pay debt charges on any notes issued 525  
 in anticipation of those bonds? 526

	For the bond issue	
	Against the bond issue	"

527  
 528  
 529  
 530

(2) The purpose for which the bonds are to be issued shall be 531  
 printed in the space indicated, in boldface type. 532

(G) The board of elections shall promptly certify the results 533  
 of the election to the tax commissioner, the county auditor of 534  
 each county in which any part of the subdivision is located, and 535  
 the fiscal officer of the subdivision. The election, including the 536  
 proceedings for and result of the election, is incontestable other 537  
 than in a contest filed under section 3515.09 of the Revised Code 538  
 in which the plaintiff prevails. 539

(H) If a majority of the electors voting upon the question 540  
 vote for it, the taxing authority of the subdivision may proceed 541  
 under sections 133.21 to 133.33 of the Revised Code with the 542  
 issuance of the securities and with the levy and collection of a 543  
 property tax outside the tax limitation during the period the 544  
 securities are outstanding sufficient in amount to pay the debt 545  
 charges on the securities, including debt charges on any 546  
 anticipatory securities required to be paid from that tax. If 547  
 legislation passed under section 133.22 or 133.23 of the Revised 548  
 Code authorizing those securities is filed with the county auditor 549  
 on or before the last day of November, the amount of the voted 550  
 property tax levy required to pay debt charges or estimated debt 551  
 charges on the securities payable in the following year shall if 552

requested by the taxing authority be included in the taxes levied 553  
for collection in the following year under section 319.30 of the 554  
Revised Code. 555

(I)(1) If, before any securities authorized at an election 556  
under this section are issued, the net indebtedness of the 557  
subdivision exceeds that applicable to that subdivision or those 558  
securities, then and so long as that is the case none of the 559  
securities may be issued. 560

(2) No securities authorized at an election under this 561  
section may be initially issued after the first day of the sixth 562  
January following the election, but this period of limitation 563  
shall not run for any time during which any part of the permanent 564  
improvement for which the securities have been authorized, or the 565  
issuing or validity of any part of the securities issued or to be 566  
issued, or the related proceedings, is involved or questioned 567  
before a court or a commission or other tribunal, administrative 568  
agency, or board. 569

(3) Securities representing a portion of the amount 570  
authorized at an election that are issued within the applicable 571  
limitation on net indebtedness are valid and in no manner affected 572  
by the fact that the balance of the securities authorized cannot 573  
be issued by reason of the net indebtedness limitation or lapse of 574  
time. 575

(4) Nothing in this division (I) shall be interpreted or 576  
applied to prevent the issuance of securities in an amount to fund 577  
or refund anticipatory securities lawfully issued. 578

(5) The limitations of divisions (I)(1) and (2) of this 579  
section do not apply to any securities authorized at an election 580  
under this section if at least ten per cent of the principal 581  
amount of the securities, including anticipatory securities, 582  
authorized has theretofore been issued, or if the securities are 583

to be issued for the purpose of participating in any federally or 584  
state-assisted program. 585

(6) The certificate of the fiscal officer of the subdivision 586  
is conclusive proof of the facts referred to in this division. 587

**Sec. 302.03.** (A) The board of county commissioners of any 588  
county may, by a two-thirds vote of the board, or shall, upon 589  
petition by three per cent of the electors of the county as 590  
determined by the number of votes cast therein for the office of 591  
governor at the most recent gubernatorial election, by resolution, 592  
cause the board of elections in the county to submit to the 593  
electors of the county the question of adopting one of the 594  
alternative forms of county government authorized by sections 595  
302.01 to 302.24 of the Revised Code. The question shall be voted 596  
upon at the next general election occurring not less than 597  
~~seventy-five~~ eighty-five days after the certification of the 598  
resolution to the board of elections. 599

(B) If, in any county, a resolution is adopted by the board 600  
of county commissioners requiring that the question of choosing a 601  
commission to frame a county charter be submitted to the electors 602  
thereof prior to the resolution provided for in this section, the 603  
proposition to adopt an alternative form of county government 604  
provided in sections 302.01 to 302.24 of the Revised Code, shall 605  
not be submitted in that county as long as the question of 606  
choosing such commission or of adopting a charter framed by such 607  
commission is pending therein. 608

(C) Any proposition for an alternative form of county 609  
government shall specify the number of members of the board of 610  
county commissioners, how many shall be elected at large, or how 611  
many shall be elected by districts. 612

**Sec. 302.09.** When a vacancy occurs in the board of county 613

commissioners or in the office of county auditor, county 614  
treasurer, prosecuting attorney, clerk of the court of common 615  
pleas, sheriff, county recorder, county engineer, or coroner more 616  
than ~~forty~~ fifty days before the next general election for state 617  
and county officers, the vacancy shall be filled as provided for 618  
in divisions (A) and (B) of section 305.02 of the Revised Code. 619

**Sec. 303.11.** If the zoning resolution is adopted by the board 620  
of county commissioners, such board shall cause the question of 621  
whether or not the proposed plan of zoning shall be put into 622  
effect to be submitted to the electors residing in the 623  
unincorporated area of the county included in the proposed plan of 624  
zoning for their approval or rejection at the next primary or 625  
general election, or a special election may be called for this 626  
purpose. Such resolution shall be filed with the board of 627  
elections not later than four p.m. on the ~~seventy-fifth~~ 628  
eighty-fifth day before the day of the election. No zoning 629  
regulations shall be put into effect in any township, unless a 630  
majority of the vote cast on the issue in that township is in 631  
favor of the proposed plan of zoning. Upon certification by the 632  
board of elections the resolution shall take immediate effect in 633  
all townships which voted approval, eliminating from the plan any 634  
township which did not vote approval. 635

Within five working days after the resolution's effective 636  
date, the board of county commissioners shall file it, including 637  
text and maps, in the office of the county recorder. The board 638  
shall also file duplicates of the same documents with the regional 639  
or county planning commission, if one exists, within the same 640  
period. 641

The board shall file all resolutions, including text and 642  
maps, that are in effect on January 1, 1992, in the office of the 643  
county recorder within thirty working days after that date. The 644

board shall also file duplicates of the same documents with the 645  
regional or county planning commission, if one exists, within the 646  
same period. 647

The failure to file a resolution, or any text and maps, or 648  
duplicates of any of these documents, with the office of the 649  
county recorder or the county or regional planning commission as 650  
required by this section does not invalidate the resolution and is 651  
not grounds for an appeal of any decision of the board of zoning 652  
appeals. 653

**Sec. 303.12.** (A)(1) Amendments to the zoning resolution may 654  
be initiated by motion of the county rural zoning commission, by 655  
the passage of a resolution by the board of county commissioners, 656  
or by the filing of an application by one or more of the owners or 657  
lessees of property within the area proposed to be changed or 658  
affected by the proposed amendment with the county rural zoning 659  
commission. The board of county commissioners may require that the 660  
owner or lessee of property filing an application to amend the 661  
zoning resolution pay a fee to defray the cost of advertising, 662  
mailing, filing with the county recorder, and other expenses. If 663  
the board of county commissioners requires such a fee, it shall be 664  
required generally, for each application. The board of county 665  
commissioners, upon the passage of such a resolution, shall 666  
certify it to the county rural zoning commission. 667

(2) Upon the adoption of a motion by the county rural zoning 668  
commission, the certification of a resolution by the board of 669  
county commissioners to the commission, or the filing of an 670  
application by property owners or lessees as described in division 671  
(A)(1) of this section with the commission, the commission shall 672  
set a date for a public hearing, which date shall not be less than 673  
twenty nor more than forty days from the date of adoption of such 674  
a motion, the date of the certification of such a resolution, or 675

the date of the filing of such an application. Notice of the 676  
hearing shall be given by the commission by one publication in one 677  
or more newspapers of general circulation in each township 678  
affected by the proposed amendment at least ten days before the 679  
date of the hearing. 680

(B) If the proposed amendment intends to rezone or redistrict 681  
ten or fewer parcels of land, as listed on the county auditor's 682  
current tax list, written notice of the hearing shall be mailed by 683  
the county rural zoning commission, by first class mail, at least 684  
ten days before the date of the public hearing to all owners of 685  
property within and contiguous to and directly across the street 686  
from the area proposed to be rezoned or redistricted to the 687  
addresses of those owners appearing on the county auditor's 688  
current tax list. The failure of delivery of that notice shall not 689  
invalidate any such amendment. 690

(C) If the proposed amendment intends to rezone or redistrict 691  
ten or fewer parcels of land as listed on the county auditor's 692  
current tax list, the published and mailed notices shall set forth 693  
the time, date, and place of the public hearing and include all of 694  
the following: 695

(1) The name of the county rural zoning commission that will 696  
be conducting the hearing; 697

(2) A statement indicating that the motion, resolution, or 698  
application is an amendment to the zoning resolution; 699

(3) A list of the addresses of all properties to be rezoned 700  
or redistricted by the proposed amendment and of the names of 701  
owners of these properties, as they appear on the county auditor's 702  
current tax list; 703

(4) The present zoning classification of property named in 704  
the proposed amendment and the proposed zoning classification of 705  
that property; 706

(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;

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

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

(8) Any other information requested by the commission.

(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:

(1) The name of the county rural zoning commission 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) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of county commissioners for its action;

(6) Any other information requested by the commission.

Hearings shall be held in the county court house or in a



public place designated by the commission. 737

(E) Within five days after the adoption of the motion 738  
described in division (A) of this section, the certification of 739  
the resolution described in division (A) of this section, or the 740  
filing of the application described in division (A) of this 741  
section, the county rural zoning commission shall transmit a copy 742  
of it together with text and map pertaining to it to the county or 743  
regional planning commission, if there is such a commission. 744

The county or regional planning commission shall recommend 745  
the approval or denial of the proposed amendment or the approval 746  
of some modification of it and shall submit its recommendation to 747  
the county rural zoning commission. The recommendation shall be 748  
considered at the public hearing held by the county rural zoning 749  
commission on the proposed amendment. 750

The county rural zoning commission, within thirty days after 751  
the hearing, shall recommend the approval or denial of the 752  
proposed amendment, or the approval of some modification of it, 753  
and shall submit that recommendation together with the motion, 754  
application, or resolution involved, the text and map pertaining 755  
to the proposed amendment, and the recommendation of the county or 756  
regional planning commission on it to the board of county 757  
commissioners. 758

The board of county commissioners, upon receipt of that 759  
recommendation, shall set a time for a public hearing on the 760  
proposed amendment, which date shall be not more than thirty days 761  
from the date of the receipt of that recommendation. Notice of the 762  
hearing shall be given by the board by one publication in one or 763  
more newspapers of general circulation in the county, at least ten 764  
days before the date of the hearing. 765

(F) If the proposed amendment intends to rezone or redistrict 766  
ten or fewer parcels of land as listed on the county auditor's 767

current tax list, the published notice shall set forth the time, 768  
date, and place of the public hearing and include all of the 769  
following: 770

(1) The name of the board of county commissioners that will 771  
be conducting the hearing; 772

(2) A statement indicating that the motion, application, or 773  
resolution is an amendment to the zoning resolution; 774

(3) A list of the addresses of all properties to be rezoned 775  
or redistricted by the proposed amendment and of the names of 776  
owners of those properties, as they appear on the county auditor's 777  
current tax list; 778

(4) The present zoning classification of property named in 779  
the proposed amendment and the proposed zoning classification of 780  
that property; 781

(5) The time and place where the motion, application, or 782  
resolution proposing to amend the zoning resolution will be 783  
available for examination for a period of at least ten days prior 784  
to the hearing; 785

(6) The name of the person responsible for giving notice of 786  
the hearing by publication, by mail, or by both publication and 787  
mail; 788

(7) Any other information requested by the board. 789

(G) If the proposed amendment alters the text of the zoning 790  
resolution, or rezones or redistricts more than ten parcels of 791  
land as listed on the county auditor's current tax list, the 792  
published notice shall set forth the time, date, and place of the 793  
public hearing and include all of the following: 794

(1) The name of the board of county commissioners that will 795  
be conducting the hearing on the proposed amendment; 796

(2) A statement indicating that the motion, application, or 797

resolution is an amendment to the zoning resolution; 798

(3) The time and place where the text and maps of the 799  
proposed amendment will be available for examination for a period 800  
of at least ten days prior to the hearing; 801

(4) The name of the person responsible for giving notice of 802  
the hearing by publication; 803

(5) Any other information requested by the board. 804

(H) Within twenty days after its public hearing, the board of 805  
county commissioners shall either adopt or deny the recommendation 806  
of the county rural zoning commission or adopt some modification 807  
of it. If the board denies or modifies the commission's 808  
recommendation, a majority vote of the board shall be required. 809

The proposed amendment, if adopted by the board, shall become 810  
effective in thirty days after the date of its adoption, unless, 811  
within thirty days after the adoption, there is presented to the 812  
board of county commissioners a petition, signed by a number of 813  
qualified voters residing in the unincorporated area of the 814  
township or part of that unincorporated area included in the 815  
zoning plan equal to not less than eight per cent of the total 816  
vote cast for all candidates for governor in that area at the most 817  
recent general election at which a governor was elected, 818  
requesting the board to submit the amendment to the electors of 819  
that area for approval or rejection at a special election to be 820  
held on the day of the next primary or general election occurring 821  
at least eighty-five days after the petition is submitted. Each 822  
part of this petition shall contain the number and the full and 823  
correct title, if any, of the zoning amendment resolution, motion, 824  
or application, furnishing the name by which the amendment is 825  
known and a brief summary of its contents. In addition to meeting 826  
the requirements of this section, each petition shall be governed 827  
by the rules specified in section 3501.38 of the Revised Code. 828



declare under penalty of election falsification that I am an 860  
elector of the state of Ohio and reside at the address appearing 861  
below my signature; that I am the circulator of the foregoing part 862  
petition containing .....(number)..... signatures; that I have 863  
witnessed the affixing of every signature; that all signers were 864  
to the best of my knowledge and belief qualified to sign; and that 865  
every signature is to the best of my knowledge and belief the 866  
signature of the person whose signature it purports to be or of an 867  
attorney in fact acting pursuant to section 3501.382 of the 868  
Revised Code. 869

..... 870  
(Signature of circulator) 871  
..... 872  
(Address of circulator's permanent 873  
residence in this state) 874  
..... 875  
(City, village, or township, 876  
and zip code) 877

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 878  
OF THE FIFTH DEGREE." 879

No amendment for which such a referendum vote has been 880  
requested shall be put into effect unless a majority of the vote 881  
cast on the issue is in favor of the amendment. Upon certification 882  
by the board of elections that the amendment has been approved by 883  
the voters, it shall take immediate effect. 884

Within five working days after an amendment's effective date, 885  
the board of county commissioners shall file the text and maps of 886  
the amendment in the office of the county recorder and with the 887  
regional or county planning commission, if one exists. 888

The failure to file any amendment, or any text and maps, or 889  
duplicates of any of these documents, with the office of the 890  
county recorder or the county or regional planning commission as 891

required by this section does not invalidate the amendment and is 892  
not grounds for an appeal of any decision of the board of zoning 893  
appeals. 894

**Sec. 303.25.** In any township in which there is in force a 895  
plan of county zoning, the plan may be repealed by the board of 896  
county commissioners, as to such township, in the following 897  
manner: 898

(A) The board may adopt a resolution upon its own initiative. 899

(B) The board shall adopt a resolution, if there is presented 900  
to it a petition, similar in all relevant aspects to that 901  
prescribed in section 303.12 of the Revised Code, signed by a 902  
number of qualified voters residing in the unincorporated area of 903  
such township included in the zoning plan equal to not less than 904  
eight per cent of the total vote cast for all candidates for 905  
governor in such area at the most recent general election at which 906  
a governor was elected, requesting the question of whether or not 907  
the plan of zoning in effect in such township shall be repealed, 908  
to be submitted to the electors residing in the unincorporated 909  
area of the township included in the zoning plan at a special 910  
election to be held on the day of the next primary or general 911  
election. The resolution adopted by the board of county 912  
commissioners to cause such question to be submitted to the 913  
electors shall be certified to the board of elections not later 914  
than ~~seventy-five~~ eighty-five days prior to the day of election at 915  
which the question is to be voted upon. In the event a majority of 916  
the vote cast on such question in the township is in favor of 917  
repeal of zoning, then such regulations shall no longer be of any 918  
effect. Not more than one such election shall be held in any two 919  
calendar years. 920

**Sec. 305.02.** (A) If a vacancy in the office of county 921

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

In either event, the vacancy shall be filled as provided in 929  
this section and the appointee shall hold ~~his~~ office until a 930  
successor is elected and qualified. 931

(B) If a vacancy occurs from any cause in any of the offices 932  
named in division (A) of this section, the county central 933  
committee of the political party with which the last occupant of 934  
the office was affiliated shall appoint a person to hold the 935  
office and to perform the duties thereof until a successor is 936  
elected and has qualified, except that if such vacancy occurs 937  
because of the death, resignation, or inability to take the office 938  
of an officer-elect whose term has not yet begun, an appointment 939  
to take such office at the beginning of the term shall be made by 940  
the central committee of the political party with which such 941  
officer-elect was affiliated. 942

(C) Not less than five nor more than forty-five days after a 943  
vacancy occurs, the county central committee shall meet for the 944  
purpose of making an appointment under this section. Not less than 945  
four days before the date of such meeting the ~~chairman~~ chairperson 946  
or secretary of such central committee shall send by first class 947  
mail to every member of such central committee a written notice 948  
which shall state the time and place of such meeting and the 949  
purpose thereof. A majority of the members of the central 950  
committee present at such meeting may make the appointment. 951

(D) If the last occupant of the office or the officer-elect 952  
was elected as an independent candidate, the board of county 953

commissioners shall make such appointment at the time when the 954  
vacancy occurs, except where the vacancy is in the office of 955  
county commissioner, in which case the prosecuting attorney and 956  
the remaining commissioners or a majority of them shall make the 957  
appointment. 958

(E) Appointments made under this section shall be certified 959  
by the appointing county central committee or by the board of 960  
county commissioners to the county board of elections and to the 961  
secretary of state, and the persons so appointed and certified 962  
shall be entitled to all remuneration provided by law for the 963  
offices to which they are appointed. 964

(F) The board of county commissioners may appoint a person to 965  
hold any of the offices named in division (A) of this section as 966  
an acting officer and to perform the duties thereof between the 967  
occurrence of the vacancy and the time when the officer appointed 968  
by the central committee qualifies and takes the office. 969

(G) A person appointed prosecuting attorney or assistant 970  
prosecuting attorney shall give bond and take the oath of office 971  
prescribed by section 309.03 of the Revised Code for the 972  
prosecuting attorney. 973

**Sec. 305.31.** The procedure for submitting to a referendum a 974  
resolution adopted by a board of county commissioners under 975  
division (H) of section 307.695 of the Revised Code that is not 976  
submitted to the electors of the county for their approval or 977  
disapproval; any resolution adopted by a board of county 978  
commissioners pursuant to division (D)(1) of section 307.697, 979  
section 322.02, 322.06, or 324.02, sections 1515.22 and 1515.24, 980  
division (B)(1) of section 4301.421, section 4504.02, 5739.021, or 981  
5739.026, division (A)(6) of section 5739.09, section 5741.021 or 982  
5741.023, or division (C)(1) of section 5743.024 of the Revised 983  
Code; or a rule adopted pursuant to section 307.79 of the Revised 984



Code shall be as prescribed by this section. 985

Except as otherwise provided in this paragraph, when a 986  
petition, signed by ten per cent of the number of electors who 987  
voted for governor at the most recent general election for the 988  
office of governor in the county, is filed with the county auditor 989  
within thirty days after the date the resolution is passed or rule 990  
is adopted by the board of county commissioners, or is filed 991  
within forty-five days after the resolution is passed, in the case 992  
of a resolution adopted pursuant to section 5739.021 of the 993  
Revised Code that is passed within one year after a resolution 994  
adopted pursuant to that section has been rejected or repealed by 995  
the electors, requesting that the resolution be submitted to the 996  
electors of the county for their approval or rejection, the county 997  
auditor shall, after ten days following the filing of the 998  
petition, and not later than four p.m. of the ~~seventy-fifth~~ 999  
eighty-fifth day before the day of election, transmit a certified 1000  
copy of the text of the resolution or rule to the board of 1001  
elections. In the case of a petition requesting that a resolution 1002  
adopted under division (D)(1) of section 307.697, division (B)(1) 1003  
of section 4301.421, or division (C)(1) of section 5743.024 of the 1004  
Revised Code be submitted to electors for their approval or 1005  
rejection, the petition shall be signed by seven per cent of the 1006  
number of electors who voted for governor at the most recent 1007  
election for the office of governor in the county. The county 1008  
auditor shall transmit the petition to the board together with the 1009  
certified copy of the resolution or rule. The board shall examine 1010  
all signatures on the petition to determine the number of electors 1011  
of the county who signed the petition. The board shall return the 1012  
petition to the auditor within ten days after receiving it, 1013  
together with a statement attesting to the number of such electors 1014  
who signed the petition. The board shall submit the resolution or 1015  
rule to the electors of the county, for their approval or 1016  
rejection, at the succeeding general election held in the county 1017

in any year, or on the day of the succeeding primary election held 1018  
in the county in even-numbered years, occurring subsequent to 1019  
~~seventy-five~~ eighty-five days after the auditor certifies the 1020  
sufficiency and validity of the petition to the board of 1021  
elections. 1022

No resolution shall go into effect until approved by the 1023  
majority of those voting upon it. However, a rule shall take 1024  
effect and remain in effect unless and until a majority of the 1025  
electors voting on the question of repeal approve the repeal. 1026  
Sections 305.31 to 305.41 of the Revised Code do not prevent a 1027  
county, after the passage of any resolution or adoption of any 1028  
rule, from proceeding at once to give any notice or make any 1029  
publication required by the resolution or rule. 1030

The board of county commissioners shall make available to any 1031  
person, upon request, a certified copy of any resolution or rule 1032  
subject to the procedure for submitting a referendum under 1033  
sections 305.31 to 305.42 of the Revised Code beginning on the 1034  
date the resolution or rule is adopted by the board. The board may 1035  
charge a fee for the cost of copying the resolution or rule. 1036

As used in this section, "certified copy" means a copy 1037  
containing a written statement attesting that it is a true and 1038  
exact reproduction of the original resolution or rule. 1039

**Sec. 306.32.** Any county, or any two or more counties, 1040  
municipal corporations, or townships, or any combination of these, 1041  
may create a regional transit authority by the adoption of a 1042  
resolution or ordinance by the board of county commissioners of 1043  
each county, the legislative authority of each municipal 1044  
corporation, and the board of township trustees of each township 1045  
which is to create or to join in the creation of the regional 1046  
transit authority. The resolution or ordinance shall state: 1047

(A) The necessity for the creation of a regional transit 1048

authority; 1049

(B) The counties, municipal corporations, or townships which 1050  
are to create or to join in the creation of the regional transit 1051  
authority; 1052

(C) The official name by which the regional transit authority 1053  
shall be known; 1054

(D) The place in which the principal office of the regional 1055  
transit authority will be located or the manner in which it may be 1056  
selected; 1057

(E) The number, term, and compensation, or method for 1058  
establishing compensation, of the members of the board of trustees 1059  
of the regional transit authority. Compensation shall not exceed 1060  
fifty dollars for each board and committee meeting attended by a 1061  
member, except that if compensation is provided annually it shall 1062  
not exceed six thousand dollars for the president of the board or 1063  
four thousand eight hundred dollars for each other board member. 1064

(F) The manner in which vacancies on the board of trustees of 1065  
the regional transit authority shall be filled; 1066

(G) The manner and to what extent the expenses of the 1067  
regional transit authority shall be apportioned among the 1068  
counties, municipal corporations, and townships creating it; 1069

(H) The purposes, including the kinds of transit facilities, 1070  
for which the regional transit authority is organized. 1071

The regional transit authority provided for in the resolution 1072  
or ordinance shall be deemed to be created upon the adoption of 1073  
the resolution or ordinance by the board of county commissioners 1074  
of each county, the legislative authority of each municipal 1075  
corporation, and the board of township trustees of each township 1076  
enumerated in the resolution or ordinance. 1077

The resolution or ordinance creating a regional transit 1078

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

After each county, municipal corporation, and township which 1086  
has created or joined or proposes to join the regional transit 1087  
authority has adopted its resolution or ordinance approving 1088  
inclusion of additional counties, municipal corporations, or 1089  
townships in the regional transit authority, a copy of each 1090  
resolution or ordinance shall be filed with the clerk of the board 1091  
of the county commissioners of each county, the clerk of the 1092  
legislative authority of each municipal corporation, and the 1093  
fiscal officer of the board of trustees of each township proposed 1094  
to be included in the regional transit authority. The inclusion is 1095  
effective when all such filing has been completed, unless the 1096  
regional transit authority to which territory is to be added has 1097  
authority to levy an ad valorem tax on property, or a sales tax, 1098  
within its territorial boundaries, in which event the inclusion 1099  
shall become effective on the sixtieth day after the last such 1100  
filing is accomplished, unless, prior to the expiration of the 1101  
sixty-day period, qualified electors residing in the area proposed 1102  
to be added to the regional transit authority, equal in number to 1103  
at least ten per cent of the qualified electors from the area who 1104  
voted for governor at the last gubernatorial election, file a 1105  
petition of referendum against the inclusion. Any petition of 1106  
referendum filed under this section shall be filed at the office 1107  
of the secretary of the board of trustees of the regional transit 1108  
authority. The person presenting the petition shall be given a 1109  
receipt containing on it the time of the day, the date, and the 1110  
purpose of the petition. The secretary of the board of trustees of 1111

the regional transit authority shall cause the appropriate board 1112  
or boards of elections to check the sufficiency of signatures on 1113  
any petition of referendum filed under this section and, if found 1114  
to be sufficient, shall present the petition to the board of 1115  
trustees at a meeting of said board which occurs not later than 1116  
thirty days following the filing of said petition. Upon 1117  
presentation to the board of trustees of a petition of referendum 1118  
against the proposed inclusion, the board of trustees shall 1119  
promptly certify the proposal to the board or boards of elections 1120  
for the purpose of having the proposal placed on the ballot at the 1121  
next general or primary election which occurs not less than 1122  
~~seventy-five~~ eighty-five days after the date of the meeting of 1123  
said board, or at a special election, the date of which shall be 1124  
specified in the certification, which date shall be not less than 1125  
~~seventy-five~~ eighty-five days after the date of such meeting of 1126  
the board. Signatures on a petition of referendum may be withdrawn 1127  
up to and including the meeting of the board of trustees 1128  
certifying the proposal to the appropriate board or boards of 1129  
elections. If territory of more than one county, municipal 1130  
corporation, or township is to be added to the regional transit 1131  
authority, the electors of the territories of the counties, 1132  
municipal corporations, or townships which are to be added shall 1133  
vote as a district, and the majority affirmative vote shall be 1134  
determined by the vote cast in the district as a whole. Upon 1135  
certification of a proposal to the appropriate board or boards of 1136  
elections pursuant to this section, the board or boards of 1137  
election shall make the necessary arrangements for the submission 1138  
of the question to the electors of the territory to be added to 1139  
the regional transit authority qualified to vote on the question, 1140  
and the election shall be held, canvassed, and certified in the 1141  
manner provided for the submission of tax levies under section 1142  
5705.191 of the Revised Code, except that the question appearing 1143  
on the ballot shall read: 1144

"Shall the territory within the ..... 1145  
(Name or names of political subdivisions to be joined) be added to 1146  
..... (Name) regional transit 1147  
authority?" and shall a(n) ..... (here insert type of tax or 1148  
taxes) at a rate of taxation not to exceed ..... (here insert 1149  
maximum tax rate or rates) be levied for all transit purposes?" 1150

If the question is approved by at least a majority of the 1151  
electors voting on the question, the joinder is immediately 1152  
effective, and the regional transit authority may extend the levy 1153  
of the tax against all the taxable property within the territory 1154  
which has been added. If the question is approved at a general 1155  
election or at a special election occurring prior to the general 1156  
election but after the fifteenth day of July, the regional transit 1157  
authority may amend its budget and resolution adopted pursuant to 1158  
section 5705.34 of the Revised Code, and the levy shall be placed 1159  
on the current tax list and duplicate and collected as other taxes 1160  
are collected from all taxable property within the territorial 1161  
boundaries of the regional transit authority, including the 1162  
territory within each political subdivision added as a result of 1163  
the election. 1164

The territorial boundaries of a regional transit authority 1165  
shall be coextensive with the territorial boundaries of the 1166  
counties, municipal corporations, and townships included within 1167  
the regional transit authority, provided that the same area may be 1168  
included in more than one regional transit authority so long as 1169  
the regional transit authorities are not organized for purposes as 1170  
provided for in the resolutions or ordinances creating the same, 1171  
and any amendments to them, relating to the same kinds of transit 1172  
facilities; and provided further, that if a regional transit 1173  
authority includes only a portion of an entire county, a regional 1174  
transit authority for the same purposes may be created in the 1175  
remaining portion of the same county by resolution of the board of 1176

county commissioners acting alone or in conjunction with municipal 1177  
corporations and townships as provided in this section. 1178

No regional transit authority shall be organized after 1179  
January 1, 1975, to include any area already included in a 1180  
regional transit authority, except that any regional transit 1181  
authority organized after June 29, 1974, and having territorial 1182  
boundaries entirely within a single county shall, upon adoption by 1183  
the board of county commissioners of the county of a resolution 1184  
creating a regional transit authority including within its 1185  
territorial jurisdiction the existing regional transit authority 1186  
and for purposes including the purposes for which the existing 1187  
regional transit authority was created, be dissolved and its 1188  
territory included in such new regional transit authority. Any 1189  
resolution creating such a new regional transit authority shall 1190  
make adequate provision for satisfaction of the obligations of the 1191  
dissolved regional transit authority. 1192

**Sec. 306.321.** The resolution or ordinance creating a regional 1193  
transit authority may be amended to include additional counties, 1194  
municipal corporations, or townships by the adoption of an 1195  
amendment by the board of county commissioners of each county, the 1196  
legislative authority of each municipal corporation, and the board 1197  
of township trustees of each township which has created or, prior 1198  
to the adoption of the amendment, joined or proposes to join the 1199  
regional transit authority. 1200

After each county, municipal corporation, and township which 1201  
has created or, prior to the adoption of the amendment, joined or 1202  
proposes to join the regional transit authority has adopted its 1203  
resolution or ordinance approving inclusion of additional 1204  
counties, municipal corporations, or townships in the regional 1205  
transit authority, a copy of each resolution or ordinance shall be 1206  
filed with the clerk of the board of the county commissioners of 1207

each county, the clerk of the legislative authority of each 1208  
municipal corporation, and the fiscal officer of the board of 1209  
trustees of each township proposed to be included in the regional 1210  
transit authority. 1211

Any ordinances or resolutions adopted pursuant to this 1212  
section approving inclusion of additional counties, municipal 1213  
corporations, or townships in the regional transit authority shall 1214  
provide that the board of trustees of the regional transit 1215  
authority must, not later than the tenth day following the day on 1216  
which the filing of the ordinances or resolutions, as required by 1217  
the immediately preceding paragraph, is completed, adopt its 1218  
resolution providing for submission to the electors of the 1219  
regional transit authority as enlarged, of the question pursuant 1220  
to section 306.49 of the Revised Code, of the renewal, the renewal 1221  
and increase, or the increase of, or the imposition of an 1222  
additional, ad valorem tax, or of the question pursuant to section 1223  
306.70 of the Revised Code, of the renewal, the renewal and 1224  
increase, or the increase of, or the imposition of an additional, 1225  
sales and use tax. The resolution submitting the question of the 1226  
tax shall specify the date of the election, which shall be not 1227  
less than ~~seventy-five~~ eighty-five days after certification of the 1228  
resolution to the board of elections and which shall be consistent 1229  
with the requirements of section 3501.01 of the Revised Code. The 1230  
inclusion of the territory of the additional counties, municipal 1231  
corporations, or townships in the regional transit authority shall 1232  
be effective as of the date on which the resolution of the board 1233  
of trustees of the regional transit authority is adopted 1234  
submitting the question to the electors, provided that until the 1235  
question is approved, existing contracts providing payment for 1236  
transit services within the added territory shall remain in effect 1237  
and transit services shall not be affected by the inclusion of the 1238  
additional territory. The resolution shall be certified to the 1239  
board of elections and the election shall be held, canvassed, and 1240



certified as provided in section 306.49 of the Revised Code in the 1241  
case of an ad valorem tax or in section 306.70 of the Revised Code 1242  
in the case of a sales and use tax. 1243

If the question of the tax which is submitted is not approved 1244  
by a majority of the electors of the enlarged regional transit 1245  
authority voting on the question, as of the day following the day 1246  
on which the results of the election become conclusive, the 1247  
additional counties, municipal corporations, or townships, which 1248  
had been included in the regional transit authority as of the date 1249  
of the adoption of the resolution submitting to the electors the 1250  
question, shall be removed from the territory of the regional 1251  
transit authority and shall no longer be a part of that authority 1252  
without any further action by either the political subdivisions 1253  
which were included in the authority prior to the adoption of the 1254  
resolution submitting the question to the electors or of the 1255  
political subdivisions added to the authority as a result of the 1256  
adoption of the resolution. The regional transit authority reduced 1257  
to its territory as it existed prior to the inclusion of the 1258  
additional counties, municipal corporations, or townships, shall 1259  
be entitled to levy and collect any ad valorem or sales and use 1260  
taxes which it was authorized to levy and collect prior to the 1261  
enlargement of its territory and for which authorization has not 1262  
expired, as if the enlargement had not occurred. 1263

If the question of the tax which is submitted provides for a 1264  
sales and use tax to be imposed and the question is approved, and 1265  
the regional transit authority had previously been authorized 1266  
pursuant to section 306.49 of the Revised Code to levy an ad 1267  
valorem tax, the regional transit authority shall appropriate from 1268  
the first moneys received from the sales and use tax in each year, 1269  
the full amount required in order to pay the principal of and 1270  
interest on any notes of the regional transit authority issued 1271  
pursuant to section 306.49 of the Revised Code, in anticipation of 1272

the collection of the ad valorem tax; and shall not thereafter 1273  
levy and collect the ad valorem tax previously approved unless the 1274  
levy and collection is necessary to pay the principal of and 1275  
interest on notes issued in anticipation of the tax in order to 1276  
avoid impairing the obligation of the contract between the 1277  
regional transit authority and the note holders. 1278

If the question of the additional or renewal tax levy is 1279  
approved, the tax may be levied and collected as is otherwise 1280  
provided for an ad valorem tax or a sales and use tax imposed by a 1281  
regional transit authority, provided that if a question relating 1282  
to an ad valorem tax is approved at the general election or at a 1283  
special election occurring prior to a general election, but after 1284  
the fifteenth day of July, the regional transit authority may 1285  
amend its budget for its next fiscal year and its resolution 1286  
adopted pursuant to section 5705.34 of the Revised Code or adopt 1287  
such resolution, and the levy shall be placed on the current tax 1288  
list and duplicate and collected as all other taxes are collected 1289  
from all taxable property within the enlarged territory of the 1290  
regional transit authority including the territory within each 1291  
political subdivision which has been added to the regional transit 1292  
authority pursuant to this section, provided further that if a 1293  
question relating to sales and use tax is approved after the 1294  
fifteenth day of July in any calendar year, the regional transit 1295  
authority may amend its budget for the current and next fiscal 1296  
year and any resolution adopted pursuant to section 5705.34 of the 1297  
Revised Code, to reflect the imposition of the sales and use tax 1298  
and shall amend its budget for the next fiscal year and any 1299  
resolution adopted pursuant to section 5705.34 of the Revised Code 1300  
to comply with the immediately preceding paragraph. If the budget 1301  
of the regional transit authority is amended pursuant to this 1302  
paragraph, the county auditor shall prepare and deliver an amended 1303  
certificate of estimated resources to reflect the change in 1304  
anticipated revenues of the regional transit authority. 1305

The procedures of this section are in addition to and an 1306  
alternative to those established in section 306.32 of the Revised 1307  
Code for joining to a regional transit authority additional 1308  
counties, municipal corporations, or townships. 1309

**Sec. 306.70.** A tax proposed to be levied by a board of county 1310  
commissioners or by the board of trustees of a regional transit 1311  
authority pursuant to sections 5739.023 and 5741.022 of the 1312  
Revised Code shall not become effective until it is submitted to 1313  
the electors residing within the county or within the territorial 1314  
boundaries of the regional transit authority and approved by a 1315  
majority of the electors voting on it. Such question shall be 1316  
submitted at a general election or at a special election on a day 1317  
specified in the resolution levying the tax and occurring not less 1318  
than ~~seventy-five~~ eighty-five days after such resolution is 1319  
certified to the board of elections, in accordance with section 1320  
3505.071 of the Revised Code. 1321

The board of elections of the county or of each county in 1322  
which any territory of the regional transit authority is located 1323  
shall make the necessary arrangements for the submission of such 1324  
question to the electors of the county or regional transit 1325  
authority, and the election shall be held, canvassed, and 1326  
certified in the same manner as regular elections for the election 1327  
of county officers. Notice of the election shall be published in 1328  
one or more newspapers which in the aggregate are of general 1329  
circulation in the territory of the county or of the regional 1330  
transit authority once a week for two consecutive weeks prior to 1331  
the election and, if the board of elections operates and maintains 1332  
a web site, notice of the election also shall be posted on that 1333  
web site for thirty days prior to the election. The notice shall 1334  
state the type, rate, and purpose of the tax to be levied, the 1335  
length of time during which the tax will be in effect, and the 1336  
time and place of the election. 1337

More than one such question may be submitted at the same 1338  
election. The form of the ballots cast at such election shall be: 1339

"Shall a(n) ..... (sales and use) ..... 1340  
tax be levied for all transit purposes of the ..... 1341  
(here insert name of the county or regional transit authority) at 1342  
a rate not exceeding ..... (here insert percentage) 1343  
per cent for ..... (here insert number of years the tax 1344  
is to be in effect, or that it is to be in effect for a continuing 1345  
period of time)?" 1346

If the tax proposed to be levied is a continuation of an 1347  
existing tax, whether at the same rate or at an increased or 1348  
reduced rate, or an increase in the rate of an existing tax, the 1349  
notice and ballot form shall so state. 1350

The board of elections to which the resolution was certified 1351  
shall certify the results of the election to the county auditor of 1352  
the county or secretary-treasurer of the regional transit 1353  
authority levying the tax and to the tax commissioner of the 1354  
state. 1355

**Sec. 306.71.** The question of the decrease of the rate of a 1356  
tax approved for a continuing period of time by the voters of a 1357  
county or regional transit authority pursuant to sections 5739.023 1358  
and 5741.022 of the Revised Code may be initiated by the filing of 1359  
a petition with the board of elections of the county, or in the 1360  
case of a regional transit authority with the board of elections 1361  
as determined pursuant to section 3505.071 of the Revised Code, 1362  
prior to the ~~seventy-fifth~~ eighty-fifth day before the general 1363  
election in any year requesting that an election be held on such 1364  
question. Such petition shall state the amount of the proposed 1365  
decrease in the rate of the tax and shall be signed by at least 1366  
ten per cent of the number of qualified electors residing in such 1367  
county, or in the territory of the regional transit authority, who 1368

voted at the last general election. 1369

After determination by it that such petition is valid, the 1370  
board of elections shall submit the question to the electors of 1371  
the county or regional transit authority at the succeeding general 1372  
election. The election shall be conducted, notice thereof shall be 1373  
given, and the results thereof shall be certified in the manner 1374  
provided in section 306.70 of the Revised Code. If a majority of 1375  
the qualified electors voting on such question approve the 1376  
proposed decrease in rate, such decrease in rate shall become 1377  
effective on the first day of the second January after such 1378  
election. 1379

In any case where bonds, or notes in anticipation of bonds, 1380  
of a regional transit authority have been issued under section 1381  
306.40 of the Revised Code without a vote of the electors while 1382  
the tax proposed to be reduced was in effect, the board of 1383  
trustees of the regional transit authority shall continue to levy 1384  
and collect under authority of the original election authorizing 1385  
the tax a rate of tax in each year which the authority reasonably 1386  
estimates will produce an amount in that year equal to the amount 1387  
of principal of and interest on such bonds as is payable in that 1388  
year. 1389

**Sec. 307.676.** (A) As used in this section: 1390

(1) "Food and beverages" means any raw, cooked, or processed 1391  
edible substance used or intended for use in whole or in part for 1392  
human consumption, including ice, water, spirituous liquors, wine, 1393  
mixed beverages, beer, soft drinks, soda, and other beverages. 1394

(2) "Convention facilities authority" has the same meaning as 1395  
in section 351.01 of the Revised Code. 1396

(3) "Convention center" has the same meaning as in section 1397  
307.695 of the Revised Code. 1398

(B) The legislative authority of a county with a population 1399  
of one million or more according to the most recent federal 1400  
decennial census may, by resolution adopted on or before August 1401  
30, 2004, by a majority of the members of the legislative 1402  
authority and with the subsequent approval of a majority of the 1403  
electors of the county voting upon it, levy a tax of not more than 1404  
two per cent on every retail sale in the county of food and 1405  
beverages to be consumed on the premises where sold to pay the 1406  
expenses of administering the tax and to provide revenues for the 1407  
county general fund. Such resolution shall direct the board of 1408  
elections to submit the question of levying the tax to the 1409  
electors of the county at the next primary or general election in 1410  
the county occurring not less than ~~seventy-five~~ eighty-five days 1411  
after the resolution is certified to the board of elections, and 1412  
such resolution may further direct the board of elections to 1413  
include upon the ballot submitted to the electors any specific 1414  
purposes for which the tax will be used. The legislative authority 1415  
shall establish all regulations necessary to provide for the 1416  
administration and allocation of the tax. The regulations may 1417  
prescribe the time for payment of the tax and may provide for 1418  
imposition of a penalty, interest, or both for late payments, 1419  
provided that any such penalty may not exceed ten per cent of the 1420  
amount of tax due and the rate at which interest accrues may not 1421  
exceed the rate per annum required under section 5703.47 of the 1422  
Revised Code. 1423

(C) A tax levied under this section shall remain in effect 1424  
for the period of time specified in the resolution or ordinance 1425  
levying the tax, but in no case for a longer period than forty 1426  
years. 1427

(D) A tax levied under this section is in addition to any 1428  
other tax levied under Chapter 307., 4301., 4305., 5739., 5741., 1429  
or any other chapter of the Revised Code. "Price," as defined in 1430

sections 5739.01 and 5741.01 of the Revised Code, does not include 1431  
any tax levied under this section and any tax levied under this 1432  
section does not include any tax imposed under Chapter 5739. or 1433  
5741. of the Revised Code. 1434

(E)(1) No amount collected from a tax levied under this 1435  
section shall be contributed to a convention facilities authority, 1436  
corporation, or other entity created after July 1, 2003, for the 1437  
principal purpose of constructing, improving, expanding, 1438  
equipping, financing, or operating a convention center unless the 1439  
mayor of the municipal corporation in which the convention center 1440  
is to be operated by that convention facilities authority, 1441  
corporation, or other entity has consented to the creation of that 1442  
convention facilities authority, corporation, or entity. 1443  
Notwithstanding any contrary provision of section 351.04 of the 1444  
Revised Code, if a tax is levied by a county under this section, 1445  
the board of county commissioners of that county may determine the 1446  
manner of selection, the qualifications, the number, and terms of 1447  
office of the members of the board of directors of any convention 1448  
facilities authority, corporation, or other entity described in 1449  
division (E)(1) of this section. 1450

(2)(a) No amount collected from a tax levied under this 1451  
section may be used for any purpose other than paying the direct 1452  
and indirect costs of constructing, improving, expanding, 1453  
equipping, financing, or operating a convention center and for the 1454  
real and actual costs of administering the tax, unless, prior to 1455  
the adoption of the resolution of the legislative authority of the 1456  
county directing the board of elections to submit the question of 1457  
the levy, extension, or increase to the electors of the county, 1458  
the county and the mayor of the most populous municipal 1459  
corporation in that county have entered into an agreement as to 1460  
the use of such amounts, provided that such agreement has been 1461  
approved by a majority of the mayors of the other municipal 1462

corporations in that county. The agreement shall provide that the amounts to be used for purposes other than paying the convention center or administrative costs described in division (E)(2)(a) of this section be used only for the direct and indirect costs of capital improvements in accordance with the agreement, including the financing of capital improvements. Immediately following the execution of the agreement, the county shall:

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

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

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

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

(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.



<b>Sec. 307.677.</b> (A) As used in this section:	1493
(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.	1494 1495 1496 1497
(2) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.	1498 1499
(3) "Convention center" has the same meaning as in section 307.695 of the Revised Code.	1500 1501
(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 than <del>seventy-five</del> <u>eighty-five</u> days after the resolution is certified to the board of elections. The legislative authority shall establish all rules necessary to provide for the administration and allocation of the tax. The rules may prescribe the time for payment of the tax and may provide for imposition of	1502 1503 1504 1505 1506 1507 1508 1509 1510 1511 1512 1513 1514 1515 1516 1517 1518 1519 1520 1521 1522 1523

a penalty, interest, or both for late payments, but any such 1524  
penalty shall not exceed ten per cent of the amount of tax due and 1525  
the rate at which interest accrues shall not exceed the rate per 1526  
annum required under section 5703.47 of the Revised Code. 1527

(C) A tax levied under this section shall remain in effect 1528  
for the period of time specified in the resolution or ordinance 1529  
levying the tax, but not for a longer period than forty years. 1530

(D) A tax levied under this section is in addition to any 1531  
other tax levied under Chapter 307., 4301., 4305., 5739., 5741., 1532  
or any other chapter of the Revised Code. "Price," as defined in 1533  
sections 5739.01 and 5741.01 of the Revised Code, does not include 1534  
any tax levied under this section and any tax levied under this 1535  
section does not include any tax imposed under Chapter 5739. or 1536  
5741. of the Revised Code. 1537

(E) Any amount collected from a tax levied under this section 1538  
may be contributed to a convention facilities authority created 1539  
before July 1, 2005, but no amount collected from a tax levied 1540  
under this section may be contributed to a convention facilities 1541  
authority, corporation, or other entity created after July 1, 1542  
2005, unless the mayor of the municipal corporation in which the 1543  
convention center is to be operated by that convention facilities 1544  
authority, corporation, or other entity has consented to the 1545  
creation of that convention facilities authority, corporation, or 1546  
entity. 1547

(F) The levy of any taxes under Chapter 5739. of the Revised 1548  
Code on the same transactions subject to a tax under this section 1549  
does not prevent the levy of a tax under this section. 1550

**Sec. 307.695.** (A) As used in this section: 1551

(1) "Arena" means any structure designed and constructed for 1552  
the purpose of providing a venue for public entertainment and 1553

recreation by the presentation of concerts, sporting and athletic 1554  
events, and other events and exhibitions, including facilities 1555  
intended to house or provide a site for one or more athletic or 1556  
sports teams or activities, spectator facilities, parking 1557  
facilities, walkways, and auxiliary facilities, real and personal 1558  
property, property rights, easements, leasehold estates, and 1559  
interests that may be appropriate for, or used in connection with, 1560  
the operation of the arena. 1561

(2) "Convention center" means any structure expressly 1562  
designed and constructed for the purposes of presenting 1563  
conventions, public meetings, and exhibitions and includes parking 1564  
facilities that serve the center and any personal property used in 1565  
connection with any such structure or facilities. 1566

(3) "Eligible county" means a county having a population of 1567  
at least four hundred thousand but not more than eight hundred 1568  
thousand according to the 2000 federal decennial census and that 1569  
directly borders the geographic boundaries of another state. 1570

(4) "Entity" means a nonprofit corporation, a municipal 1571  
corporation, a port authority created under Chapter 4582. of the 1572  
Revised Code, or a convention facilities authority created under 1573  
Chapter 351. of the Revised Code. 1574

(5) "Lodging taxes" means excise taxes levied under division 1575  
(A)(1), (A)(2), or (C) of section 5739.09 of the Revised Code and 1576  
the revenues arising therefrom. 1577

(6) "Nonprofit corporation" means a nonprofit corporation 1578  
that is organized under the laws of this state and that includes 1579  
within the purposes for which it is incorporated the authorization 1580  
to lease and operate facilities such as a convention center or an 1581  
arena or a combination of an arena and convention center. 1582

(7) "Project" means acquiring, constructing, reconstructing, 1583  
renovating, rehabilitating, expanding, adding to, equipping, 1584

furnishing or otherwise improving an arena, a convention center, 1585  
or a combination of an arena and convention center. For purposes 1586  
of this section, a project is a permanent improvement for one 1587  
purpose under Chapter 133. of the Revised Code. 1588

(8) "Project revenues" means money received by a county with 1589  
a population greater than four hundred thousand wherein the 1590  
population of the largest city comprises more than one-third of 1591  
that county's population, other than money from taxes or from the 1592  
proceeds of securities secured by taxes, in connection with, 1593  
derived from, related to, or resulting from a project, including, 1594  
but not limited to, rentals and other payments received under a 1595  
lease or agreement with respect to the project, ticket charges or 1596  
surcharges for admission to events at a project, charges or 1597  
surcharges for parking for events at a project, charges for the 1598  
use of a project or any portion of a project, including suites and 1599  
seating rights, the sale of naming rights for the project or a 1600  
portion of the project, unexpended proceeds of any county revenue 1601  
bonds issued for the project, and any income and profit from the 1602  
investment of the proceeds of any such revenue bonds or any 1603  
project revenues. 1604

(9) "Chapter 133. securities," "debt charges," "general 1605  
obligation," "legislation," "one purpose," "outstanding," 1606  
"permanent improvement," "person," and "securities" have the 1607  
meanings given to those terms in section 133.01 of the Revised 1608  
Code. 1609

(B) A board of county commissioners may enter into an 1610  
agreement with a convention and visitors' bureau operating in the 1611  
county under which: 1612

(1) The bureau agrees to construct and equip a convention 1613  
center in the county and to pledge and contribute from the tax 1614  
revenues received by it under division (A) of section 5739.09 of 1615  
the Revised Code, not more than such portion thereof that it is 1616

authorized to pledge and contribute for the purpose described in 1617  
division (C) of this section; and 1618

(2) The board agrees to levy a tax under division (C) of 1619  
section 5739.09 of the Revised Code and pledge and contribute the 1620  
revenues therefrom for the purpose described in division (C) of 1621  
this section. 1622

(C) The purpose of the pledges and contributions described in 1623  
divisions (B)(1) and (2) of this section is payment of principal, 1624  
interest, and premium, if any, on bonds and notes issued by or for 1625  
the benefit of the bureau to finance the construction and 1626  
equipping of a convention center. The pledges and contributions 1627  
provided for in the agreement shall be for the period stated in 1628  
the agreement. Revenues determined from time to time by the board 1629  
to be needed to cover the real and actual costs of administering 1630  
the tax imposed by division (C) of section 5739.09 of the Revised 1631  
Code may not be pledged or contributed. The agreement shall 1632  
provide that any such bonds and notes shall be secured by a trust 1633  
agreement between the bureau or other issuer acting for the 1634  
benefit of the bureau and a corporate trustee that is a trust 1635  
company or bank having the powers of a trust company within or 1636  
without the state, and the trust agreement shall pledge or assign 1637  
to the retirement of the bonds or notes, all moneys paid by the 1638  
county under this section. A tax the revenues from which are 1639  
pledged under an agreement entered into by a board of county 1640  
commissioners under this section shall not be subject to 1641  
diminution by initiative or referendum, or diminution by statute, 1642  
unless provision is made therein for an adequate substitute 1643  
therefor reasonably satisfactory to the trustee under the trust 1644  
agreement that secures the bonds and notes. 1645

(D) A pledge of money by a county under division (B) of this 1646  
section shall not be indebtedness of the county for purposes of 1647  
Chapter 133. of the Revised Code. 1648

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

(F) In addition to the authority granted to a board of county commissioners under divisions (B) to (E) of this section, a board of county commissioners in a county with a population of one million two hundred thousand or more, or 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 purchase, for cash or by installment payments, enter into lease-purchase agreements for, lease with an option to purchase, lease, construct, enlarge, improve, rebuild, equip, or furnish a convention center.

(G) 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 undertake, finance, operate, and maintain a project. The board may lease a project to an entity on terms that the board determines to be in the best interest of the county and in furtherance of the public purpose of the project; the lease may be for a term of thirty-five years or less and may provide for an option of the entity to renew the lease for a term of thirty-five years or less. The board may enter into an agreement with an entity with respect to a project on terms that the board determines to be in the best interest of the county and in furtherance of the public purpose of the project. To the extent provided for in an agreement or a lease with an entity, the board may authorize the entity to administer on behalf of the board any contracts for the project. The board may enter into an agreement

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

(H) Notwithstanding any contrary provision in Chapter 5739. 1703  
of the Revised Code, after adopting a resolution declaring it to 1704  
be in the best interest of the county to undertake a project as 1705  
described in division (G) of this section, the board of county 1706  
commissioners of an eligible county may adopt a resolution 1707  
enacting or increasing any lodging taxes within the limits 1708  
specified in Chapter 5739. of the Revised Code with respect to 1709  
those lodging taxes and amending any prior resolution under which 1710  
any of its lodging taxes have been imposed in order to provide 1711  
that those taxes, after deducting the real and actual costs of 1712  
administering the taxes and any portion of the taxes returned to 1713

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

A resolution adopted under division (H) of this section may 1729  
direct the board of elections to submit the question of enacting 1730  
or increasing lodging taxes, as the case may be, to the electors 1731  
of the county at a special election held on the date specified by 1732  
the board in the resolution, provided that the election occurs not 1733  
less than ~~seventy-five~~ eighty-five days after a certified copy of 1734  
the resolution is transmitted to the board of elections and no 1735  
later than January 15, 2008. A resolution submitted to the 1736  
electors under this division shall not go into effect unless it is 1737  
approved by a majority of those voting upon it. A resolution 1738  
adopted under division (H) of this section that is not submitted 1739  
to the electors of the county for their approval or disapproval is 1740  
subject to a referendum as provided in sections 305.31 to 305.41 1741  
of the Revised Code. 1742

A resolution adopted under division (H) of this section takes 1743  
effect upon its adoption, unless the resolution is submitted to 1744  
the electors of the county for their approval or disapproval, in 1745



which case the resolution takes effect on the date the board of 1746  
county commissioners receives notification from the board of 1747  
elections of the affirmative vote. Lodging taxes received after 1748  
the effective date of the resolution may be used for the purposes 1749  
described in division (H) of this section, except that lodging 1750  
taxes that have been pledged to the payment of debt charges on any 1751  
bonds or notes issued by or for the benefit of a convention and 1752  
visitors' bureau under division (C) of this section shall be used 1753  
exclusively for that purpose until such time as the bonds or notes 1754  
are no longer outstanding under the trust agreement securing those 1755  
bonds or notes. 1756

(I)(1) The board of county commissioners of a county with a 1757  
population greater than four hundred thousand wherein the 1758  
population of the largest city comprises more than one-third of 1759  
that county's population may issue the following securities of the 1760  
county for the purpose of paying costs of the project, refunding 1761  
any outstanding county securities issued for that purpose, 1762  
refunding any outstanding bonds or notes issued by or for the 1763  
benefit of the bureau under division (C) of this section, or for 1764  
any combination of those purposes: 1765

(a) General obligation securities issued under Chapter 133. 1766  
of the Revised Code. The resolution authorizing these securities 1767  
may include covenants to appropriate annually from lawfully 1768  
available lodging taxes, and to continue to levy and collect those 1769  
lodging taxes in, amounts necessary to meet the debt charges on 1770  
those securities. 1771

(b) Special obligation securities issued under Chapter 133. 1772  
of the Revised Code that are secured only by lawfully available 1773  
lodging taxes and any other taxes and revenues pledged to pay the 1774  
debt charges on those securities, except ad valorem property 1775  
taxes. The resolution authorizing those securities shall include a 1776  
pledge of and covenants to appropriate annually from lawfully 1777

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

(c) Revenue securities authorized under section 133.08 of the 1797  
Revised Code and issued under Chapter 133. of the Revised Code 1798  
that are secured only by lawfully available project revenues 1799  
pledged to pay the debt charges on those securities. 1800

(2) The securities described in division (I)(1) of this 1801  
section are subject to Chapter 133. of the Revised Code. 1802

(3) Section 133.34 of the Revised Code, except for division 1803  
(A) of that section, applies to the issuance of any refunding 1804  
securities authorized under this division. In lieu of division (A) 1805  
of section 133.34 of the Revised Code, the board of county 1806  
commissioners shall establish the maturity date or dates, the 1807  
interest payable on, and other terms of refunding securities as it 1808  
considers necessary or appropriate for their issuance, provided 1809

that the final maturity of refunding securities shall not exceed 1810  
by more than ten years the final maturity of any bonds refunded by 1811  
refunding securities. 1812

(4) The board may not repeal, rescind, or reduce all or any 1813  
portion of any lodging taxes pledged to the payment of debt 1814  
charges on any outstanding special obligation securities 1815  
authorized under this division, and no portion of any lodging 1816  
taxes that is pledged, or that the board has covenanted to levy, 1817  
collect, and appropriate annually to pay debt charges on any 1818  
outstanding securities authorized under this division is subject 1819  
to repeal, rescission, or reduction by the electorate of the 1820  
county. 1821

**Sec. 307.697.** (A) For the purpose of section 307.696 of the 1822  
Revised Code and to pay any or all of the charge the board of 1823  
elections makes against the county to hold the election on the 1824  
question of levying the tax, or for those purposes and to provide 1825  
revenues to the county for permanent improvements, the board of 1826  
county commissioners of a county may levy a tax not to exceed 1827  
three dollars on each gallon of spirituous liquor sold to or 1828  
purchased by liquor permit holders for resale, and sold at retail 1829  
by the division of liquor control, in the county. The tax shall be 1830  
levied on the number of gallons so sold. The tax may be levied for 1831  
any number of years not exceeding twenty. 1832

The tax shall be levied pursuant to a resolution of the board 1833  
of county commissioners approved by a majority of the electors in 1834  
the county voting on the question of levying the tax, which 1835  
resolution shall specify the rate of the tax, the number of years 1836  
the tax will be levied, and the purposes for which the tax is 1837  
levied. The election may be held on the date of a general or 1838  
special election held not sooner than ~~seventy-five~~ eighty-five 1839  
days after the date the board certifies its resolution to the 1840

board of elections. If approved by the electors, the tax takes 1841  
effect on the first day of the month specified in the resolution 1842  
but not sooner than the first day of the month that is at least 1843  
sixty days after the certification of the election results by the 1844  
board of elections. A copy of the resolution levying the tax shall 1845  
be certified to the division of liquor control at least sixty days 1846  
prior to the date on which the tax is to become effective. 1847

(B) A resolution under this section may be joined on the 1848  
ballot as a single question with a resolution adopted under 1849  
section 4301.421 or 5743.024 of the Revised Code to levy a tax for 1850  
the same purposes, and for the purpose of paying the expenses of 1851  
administering that tax. 1852

(C) The form of the ballot in an election held pursuant to 1853  
this section or section 4301.421 or 5743.024 of the Revised Code 1854  
shall be as follows or in any other form acceptable to the 1855  
secretary of state: 1856

"For the purpose of paying not more than one-half of the 1857  
costs of providing a public sports facility together with related 1858  
redevelopment and economic development projects, shall (an) excise 1859  
tax(es) be levied by ..... county at the rate of ..... 1860  
(dollars on each gallon of spirituous liquor sold in the county by 1861  
the Ohio division of liquor control, cents per gallon on the sale 1862  
of beer at wholesale in the county, cents per gallon on the sale 1863  
of wine and mixed beverages at wholesale in the county, cents per 1864  
gallon on the sale of cider at wholesale in the county, or mills 1865  
per cigarette on the sale of cigarettes at wholesale in the 1866  
county), for ..... years? 1867

	Yes
	No

"

1868  
1869  
1870  
1871

For an election in which questions under this section or 1872  
section 4301.421 or 5743.024 of the Revised Code are joined as a 1873  
single question, the form of the ballot shall be as above, except 1874  
each of the proposed taxes shall be listed. 1875

(D) The board of county commissioners of a county in which a 1876  
tax is imposed under this section on July 19, 1995, may levy a tax 1877  
for the purpose of section 307.673 of the Revised Code regardless 1878  
of whether or not the cooperative agreement authorized under that 1879  
section has been entered into prior to the day the resolution 1880  
adopted under division (D)(1) or (2) of this section is adopted, 1881  
and for the purpose of reimbursing a county for costs incurred in 1882  
the construction of a sports facility pursuant to an agreement 1883  
entered into by the county under section 307.696 of the Revised 1884  
Code. The tax shall be levied and approved in one of the manners 1885  
prescribed by division (D)(1) or (2) of this section. 1886

(1) The tax may be levied pursuant to a resolution adopted by 1887  
a majority of the members of the board of county commissioners not 1888  
later than forty-five days after July 19, 1995. A board of county 1889  
commissioners approving a tax under division (D)(1) of this 1890  
section may approve a tax under division (B)(1) of section 1891  
4301.421 or division (C)(1) of section 5743.024 of the Revised 1892  
Code at the same time. Subject to the resolution being submitted 1893  
to a referendum under sections 305.31 to 305.41 of the Revised 1894  
Code, the resolution shall take effect immediately, but the tax 1895  
levied pursuant to the resolution shall not be levied prior to the 1896  
day following the last day the tax levied pursuant to divisions 1897  
(A), (B), and (C) of this section may be levied. 1898

(2) The tax may be levied pursuant to a resolution adopted by 1899  
a majority of the members of the board of county commissioners not 1900  
later than forty-five days after July 19, 1995, and approved by a 1901  
majority of the electors of the county voting on the question of 1902  
levying the tax at the next succeeding general election following 1903

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  
division (D)(1) or (2) of this section shall certify a copy of the  
resolution to the division of liquor control immediately upon

adoption of the resolution. 1936

(E) No tax shall be levied under this section on or after ~~the~~ 1937  
~~effective date of the amendment of this section by the capital~~ 1938  
~~appropriations act of the 127th general assembly~~ September 23, 1939  
2008. This division does not prevent the collection of any tax 1940  
levied under this section before that date so long as that tax 1941  
remains effective. 1942

**Sec. 307.791.** The question of repeal of a county sediment 1943  
control rule adopted under section 307.79 of the Revised Code may 1944  
be initiated by filing with the board of elections of the county 1945  
not less than ~~seventy-five~~ eighty-five days before the general or 1946  
primary election in any year a petition requesting that an 1947  
election be held on such question. Such petition shall be signed 1948  
by qualified electors residing in the county equal in number to 1949  
ten per cent of those voting for governor at the most recent 1950  
gubernatorial election in the county. 1951

After determination by it that such petition is valid, the 1952  
board of elections shall submit the question to the electors of 1953  
the county at the next general or primary election. The election 1954  
shall be conducted, canvassed, and certified in the same manner as 1955  
regular elections for county offices in the county. Notice of the 1956  
election shall be published in a newspaper of general circulation 1957  
in the county once a week for two consecutive weeks prior to the 1958  
election and, if the board of elections operates and maintains a 1959  
web site, notice of the election also shall be posted on that web 1960  
site for thirty days prior to the election. The notice shall state 1961  
the purpose, time, and place of the election and the complete text 1962  
of each rule sought to be repealed. The form of the ballot cast at 1963  
such election shall be prescribed by the secretary of state. The 1964  
question covered by such petition shall be submitted as a separate 1965  
proposition, but it may be printed on the same ballot with any 1966

other proposition submitted at the same election other than the 1967  
election of officers. If a majority of the qualified electors 1968  
voting on the question of repeal approve the repeal, the result of 1969  
the election shall be certified immediately after the canvass by 1970  
the board of elections to the board of county commissioners, who 1971  
shall thereupon rescind the rule. 1972

**Sec. 307.94.** Electors of a county, equal in number to ten per 1973  
cent of the number who voted for governor in the county at the 1974  
most recent gubernatorial election, may file, not later than one 1975  
hundred ten days before the date of a general election, a petition 1976  
with the board of county commissioners asking that the question of 1977  
the adoption of a county charter in the form attached to the 1978  
petition be submitted to the electors of the county. The petition 1979  
shall be available for public inspection at the offices of the 1980  
county commissioners during regular business hours until four p.m. 1981  
of the ~~ninety-sixth~~ one hundred sixth day before the election, at 1982  
which time the board shall, by resolution, certify the petition to 1983  
the board of elections of the county for submission to the 1984  
electors of the county, unless the signatures are insufficient or 1985  
the petitions otherwise invalid, at the next general election. 1986

Such electors may, in the alternative not later than the one 1987  
hundred ~~fifteenth~~ twenty-fifth day before the date of a general 1988  
election, file such a petition with the board of elections of the 1989  
county. In such case the board of elections shall immediately 1990  
proceed to determine whether the petition and the signatures on 1991  
the petition meet the requirements of law and to count the number 1992  
of valid signatures and to note opposite each invalid signature 1993  
the reason for the invalidity. The board of elections shall 1994  
complete its examination of the petition and the signatures and 1995  
shall submit a report to the board of county commissioners not 1996  
later than the one hundred ~~fifth~~ fifteenth day before the date of 1997  
the general election certifying whether the petition is valid or 1998



invalid and, if invalid, the reasons for invalidity, whether there  
are sufficient valid signatures, and the number of valid and  
invalid signatures. The petition and a copy of the report to the  
board of county commissioners shall be available for public  
inspection at the board of elections. If the petition is certified  
by the board of elections to be valid and to have sufficient valid  
signatures, the board of county commissioners shall forthwith and  
not later than four p.m. on the ~~ninety-sixth~~ one hundred sixth day  
before the general election, by resolution, certify the petition  
to the board of elections for submission to the electors of the  
county at the next general election. If the petition is certified  
by the board of elections to be invalid or to have insufficient  
valid signatures, or both, the petitioners' committee may protest  
such findings or solicit additional signatures as provided in  
section 307.95 of the Revised Code, or both, or request that the  
board of elections proceed to establish the validity or invalidity  
of the petition and the sufficiency or insufficiency of the  
signatures in an action before the court of common pleas in the  
county. Such action must be brought within three days after the  
request has been made, and the case shall be heard forthwith by a  
judge or such court whose decision shall be certified to the board  
of elections and to the board of county commissioners in  
sufficient time to permit the board of county commissioners to  
perform its duty to certify the petition, if it is determined by  
the court to be valid and contain sufficient valid signatures, to  
the board of elections not later than four p.m. on the  
~~ninety-sixth~~ one hundred sixth day prior to the general election  
for submission to the electors at such general election.

A county charter to be submitted to the voters by petition  
shall be considered to be attached to the petition if it is  
printed as a part of the petition. A county charter petition may  
consist of any number of separate petition papers. Each part shall  
have attached a copy of the charter to be submitted to the

electors, and each part shall otherwise meet all the requirements 2032  
of law for a county charter petition. Section 3501.38 of the 2033  
Revised Code applies to county charter petitions. 2034

The petitioners shall designate in the petition the names and 2035  
addresses of a committee of not fewer than three nor more than 2036  
five persons who will represent them in all matters relating to 2037  
the petition. Notice of all matters or proceedings pertaining to 2038  
such petitions may be served on the committee, or any of them, 2039  
either personally or by certified mail, or by leaving it at the 2040  
usual place of residence of each of them. 2041

**Sec. 307.95.** (A) When a county charter petition has been 2042  
certified to the board of elections pursuant to section 307.94 of 2043  
the Revised Code, the board shall immediately proceed to determine 2044  
whether the petition and the signatures on the petition meet the 2045  
requirements of law, including section 3501.38 of the Revised 2046  
Code, and to count the number of valid signatures. The board shall 2047  
note opposite each invalid signature the reason for the 2048  
invalidity. The board shall complete its examination of the 2049  
petition and the signatures not later than ten days after receipt 2050  
of the petition certified by the board of county commissioners and 2051  
shall submit a report to the board of county commissioners not 2052  
less than ~~eighty-five~~ ninety-five days before the election 2053  
certifying whether the petition is valid or invalid and, if 2054  
invalid, the reasons for the invalidity, whether there are 2055  
sufficient valid signatures, and the number of valid and invalid 2056  
signatures. The petition and a copy of the report to the board of 2057  
county commissioners shall be available for public inspection at 2058  
the board of elections. If the petition is determined by the board 2059  
of elections to be valid but the number of valid signatures is 2060  
insufficient, the board of county commissioners shall immediately 2061  
notify the committee for the petitioners, who may solicit and file 2062  
additional signatures to the petition pursuant to division (E) of 2063

this section or protest the board of election's findings pursuant 2064  
to division (B) of this section, or both. 2065

(B) Protests against the board of election's findings 2066  
concerning the validity or invalidity of a county charter petition 2067  
or any signature on such petition may be filed by any elector 2068  
eligible to vote at the next general election with the board of 2069  
elections not later than four p.m. of the ~~eighty-second~~ 2070  
ninety-second day before the election. Each protest shall identify 2071  
the part of, or omission from, the petition or the signature or 2072  
signatures to which the protest is directed, and shall set forth 2073  
specifically the reason for the protest. A protest must be in 2074  
writing, signed by the elector making the protest, and shall 2075  
include the protestor's address. Each protest shall be filed in 2076  
duplicate. 2077

(C) The board of elections shall deliver or mail be certified 2078  
mail one copy of each protest filed with it to the secretary of 2079  
state. The secretary of state, within ten days after receipt of 2080  
the protests, shall determine the validity or invalidity of the 2081  
petition and the sufficiency or insufficiency of the signatures. 2082  
The secretary of state may determine whether to permit matters not 2083  
raised by protest to be considered in determining such validity or 2084  
invalidity or sufficiency or insufficiency, and may conduct 2085  
hearings, either in Columbus or in the county where the county 2086  
charter petition is filed. The determination by the secretary of 2087  
state is final. 2088

(D) The secretary of state shall notify the board of 2089  
elections of the determination of the validity or invalidity of 2090  
the petition and sufficiency or insufficiency of the signatures 2091  
not later than four p.m. of the ~~seventy-first~~ eighty-first day 2092  
before the election. If the petition is determined to be valid and 2093  
to contain sufficient valid signatures, the charter shall be 2094  
placed on the ballot at the next general election. If the petition 2095

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

(E) All additional signatures solicited pursuant to division 2105  
(A) or (D) of this section shall be filed with the board of 2106  
elections not less than ~~sixty~~ seventy days before the election. 2107  
The board of elections shall examine and determine the validity or 2108  
invalidity of the additional separate petition papers and of the 2109  
signatures thereon, and its determination is final. No valid 2110  
signature on an additional separate petition paper that is the 2111  
same as a valid signature on an original separate petition paper 2112  
shall be counted. The number of valid signatures on the original 2113  
separate petition papers and the additional separate petition 2114  
papers shall be added together to determine whether there are 2115  
sufficient valid signatures. If the number of valid signatures is 2116  
sufficient and the additional separate petition papers otherwise 2117  
valid, the charter shall be placed on the ballot at the next 2118  
general election. If not, the board of elections shall notify the 2119  
county commissioners, and the commissioners shall notify the 2120  
committee. 2121

**Sec. 322.02.** (A) For the purpose of paying the costs of 2122  
enforcing and administering the tax and providing additional 2123  
general revenue for the county, any county may levy and collect a 2124  
tax to be known as the real property transfer tax on each deed 2125  
conveying real property or any interest in real property located 2126  
wholly or partially within the boundaries of the county at a rate 2127

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

(B) No resolution levying a real property transfer tax 2151  
pursuant to this section or a manufactured home transfer tax 2152  
pursuant to section 322.06 of the Revised Code shall be effective 2153  
sooner than thirty days following its adoption. Such a resolution 2154  
is subject to a referendum as provided in sections 305.31 to 2155  
305.41 of the Revised Code, unless the resolution is adopted as an 2156  
emergency measure necessary for the immediate preservation of the 2157  
public peace, health, or safety, in which case it shall go into 2158  
immediate effect. An emergency measure must receive an affirmative 2159  
vote of all of the members of the board of commissioners, and 2160

shall state the reasons for the necessity. A resolution may direct 2161  
the board of elections to submit the question of levying the tax 2162  
to the electors of the county at the next primary or general 2163  
election in the county occurring not less than ~~seventy-five~~ 2164  
eighty-five days after the resolution is certified to the board. 2165  
No such resolution shall go into effect unless approved by a 2166  
majority of those voting upon it. 2167

**Sec. 322.021.** The question of a repeal of a county permissive 2168  
tax adopted as an emergency measure pursuant to division (B) of 2169  
section 322.02 of the Revised Code may be initiated by filing with 2170  
the board of elections of the county not less than ~~seventy-five~~ 2171  
eighty-five days before the general election in any year a 2172  
petition requesting that an election be held on such question. 2173  
Such petition shall be signed by qualified electors residing in 2174  
the county equal in number to ten per cent of those voting for 2175  
governor at the most recent gubernatorial election. 2176

2177  
After determination by it that such petition is valid, the 2178  
board of elections shall submit the question to the electors of 2179  
the county at the next general election. The election shall be 2180  
conducted, canvassed, and certified in the same manner as regular 2181  
elections for county offices in the county. Notice of the election 2182  
shall be published in a newspaper of general circulation in the 2183  
district once a week for two consecutive weeks prior to the 2184  
election and, if the board of elections operates and maintains a 2185  
web site, notice of the election also shall be posted on that web 2186  
site for thirty days prior to the election. The notice shall state 2187  
the purpose, time, and place of the election. The form of the 2188  
ballot cast at such election shall be prescribed by the secretary 2189  
of state. The question covered by such petition shall be submitted 2190  
as a separate proposition, but it may be printed on the same 2191  
ballot with any other proposition submitted at the same election 2192

other than the election of officers. If a majority of the 2193  
qualified electors voting on the question of repeal approve the 2194  
repeal, the result of the election shall be certified immediately 2195  
after the canvass by the board of elections to the board of county 2196  
commissioners, who shall thereupon, after the current year, cease 2197  
to levy the tax. 2198

**Sec. 324.02.** For the purpose of providing additional general 2199  
revenues for the county and paying the expense of administering 2200  
such levy, any county may levy a county excise tax to be known as 2201  
the utilities service tax on the charge for every utility service 2202  
to customers within the county at a rate not to exceed two per 2203  
cent of such charge. On utility service to customers engaged in 2204  
business, the tax shall be imposed at a rate of one hundred fifty 2205  
per cent of the rate imposed upon all other consumers within the 2206  
county. The tax shall be levied pursuant to a resolution adopted 2207  
by the board of county commissioners of the county and shall be 2208  
levied at uniform rates required by this section upon all charges 2209  
for utility service except as provided in section 324.03 of the 2210  
Revised Code. The tax shall be levied upon the customer and shall 2211  
be paid by the customer to the utility supplying the service at 2212  
the time the customer pays the utility for the service. If the 2213  
charge for utility service is billed to a person other than the 2214  
customer at the request of such person, the tax commissioner of 2215  
the state may, in accordance with section 324.04 of the Revised 2216  
Code, provide for the levy of the tax against and the payment of 2217  
the tax by such other person. Each utility furnishing a utility 2218  
service the charge for which is subject to the tax shall set forth 2219  
the tax as a separate item on each bill or statement rendered to 2220  
the customer. 2221

Prior to the adoption of any resolution levying a utilities 2222  
service tax the board of county commissioners shall conduct two 2223  
public hearings thereon, the second hearing to be not less than 2224

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

**Sec. 324.021.** The question of repeal of a county permissive 2250  
tax adopted as an emergency measure pursuant to section 324.02 of 2251  
the Revised Code may be initiated by filing with the board of 2252  
elections of the county not less than ~~seventy-five~~ eighty-five 2253  
days before the general election in any year a petition requesting 2254  
that an election be held on such question. Such petition shall be 2255  
signed by qualified electors residing in the county equal in 2256



number to ten per cent of those voting for governor at the most 2257  
recent gubernatorial election. 2258

After determination by it that such petition is valid, the 2259  
board of elections shall submit the question to the electors of 2260  
the county at the next general election. The election shall be 2261  
conducted, canvassed, and certified in the same manner as regular 2262  
elections for county offices in the county. Notice of the election 2263  
shall be published in a newspaper of general circulation in the 2264  
district once a week for two consecutive weeks prior to the 2265  
election and, if the board of elections operates and maintains a 2266  
web site, notice of the election also shall be posted on that web 2267  
site for thirty days prior to the election. The notice shall state 2268  
the purpose, time, and place of the election. The form of the 2269  
ballot cast at such election shall be prescribed by the secretary 2270  
of state. The question covered by such petition shall be submitted 2271  
as a separate proposition, but it may be printed on the same 2272  
ballot with any other proposition submitted at the same election 2273  
other than the election of officers. If a majority of the 2274  
qualified electors voting on the question of repeal approve the 2275  
repeal, the result of the election shall be certified immediately 2276  
after the canvass by the board of elections to the board of county 2277  
commissioners, who shall thereupon, after the current year, cease 2278  
to levy the tax. 2279

**Sec. 345.03.** A copy of any resolution adopted under section 2280  
345.01 of the Revised Code shall be certified within five days by 2281  
the taxing authority and not later than four p. m. of the 2282  
~~seventy-fifth~~ eighty-fifth day before the day of the election, to 2283  
the county board of elections, and such board shall submit the 2284  
proposal to the electors of the subdivision at the succeeding 2285  
general election. The board shall make the necessary arrangements 2286  
for the submission of such question to the electors of the 2287  
subdivision, and the election shall be conducted, canvassed, and 2288

certified in like manner as regular elections in such subdivision. 2289

Notice of the election shall be published in a newspaper of 2290  
general circulation in the subdivision, at least once, not less 2291  
than two weeks prior to such election. The notice shall set out 2292  
the purpose of the proposed increase in rate, the amount of the 2293  
increase expressed in dollars and cents for each one hundred 2294  
dollars of valuation as well as in mills for each one dollar of 2295  
property valuation, the number of years during which such increase 2296  
will be in effect, and the time and place of holding such 2297  
election. 2298

**Sec. 351.26.** (A) The board of directors of a convention 2299  
facilities authority may adopt a resolution requesting the board 2300  
of county commissioners of the county in which the convention 2301  
facilities authority has its territory to propose the question of 2302  
a tax to be levied pursuant to this section and section 4301.424 2303  
or sections 5743.026 and 5743.324 of the Revised Code for the 2304  
purpose of construction or renovation of a sports facility. The 2305  
board of directors shall certify a copy of the resolution to the 2306  
board of county commissioners not later than ~~ninety~~ one hundred 2307  
days prior to the day of the election at which the board of 2308  
directors requests the board of county commissioners to submit the 2309  
question of the tax. The resolution shall state the rate at which 2310  
the tax would be levied, the purpose for which the tax would be 2311  
levied, the number of years the tax would be levied, the section 2312  
of the Revised Code under which the tax would be levied, and the 2313  
date of the election at which the board of directors requests the 2314  
board of county commissioners to submit the question of the tax, 2315  
all of which are subject to the limitations of this section and 2316  
section 4301.424 or sections 5743.026 and 5743.324 of the Revised 2317  
Code. 2318

Upon receiving a copy of such a resolution from the board of 2319

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

(B) The form of the ballot in an election held on the 2329  
question of levying a tax proposed pursuant to section 4301.424 or 2330  
5743.026 of the Revised Code shall be as follows or in any other 2331  
form acceptable to the secretary of state: 2332

"For the purpose of paying the costs of ..... 2333  
(constructing or renovating) a sports facility, shall (an) excise 2334  
tax(es) be levied by the ..... county for the convention 2335  
facilities authority of ..... county at the rate of ..... 2336  
(dollars on each gallon of spirituous liquor sold in the county by 2337  
the Ohio division of liquor control, cents per gallon on the sale 2338  
of beer at wholesale in the county, cents per gallon on the sale 2339  
of wine and mixed beverages at wholesale in the county, or mills 2340  
per cigarette on the sale of cigarettes at wholesale in the 2341  
county), for ..... years? 2342

	Yes	
	No	"

2343  
2344  
2345  
2346  
For an election in which questions under section 4301.424 or 2347  
5743.026 of the Revised Code are joined as a single question, the 2348  
form of the ballot shall be as above, except each of the proposed 2349  
taxes shall be listed. 2350

(C) No tax shall be levied under this section on or after ~~the~~ 2351  
~~effective date of the amendment of this section by the capital~~ 2352  
~~appropriations act of the 127th general assembly~~ September 23, 2353  
2008. This division does not prevent the collection of any tax 2354  
levied under this section before that date so long as that tax 2355  
remains effective. 2356

**Sec. 503.02.** (A) Except as otherwise provided in this 2357  
section, the board of county commissioners may change the 2358  
boundaries of any civil township, or partition any township among 2359  
other townships within the county, by attaching a part of one 2360  
township to another, by dividing one township and attaching the 2361  
parts to other townships, or by laying off and designating a new 2362  
township from the territory of one or more townships of the same 2363  
county or from territory not before included in a civil township, 2364  
when it is made to appear necessary or expedient by a petition for 2365  
that purpose, signed by a majority of the electors residing within 2366  
the bounds of the townships to be affected by the partition or 2367  
division, as determined by the number of votes cast in those 2368  
townships for the office of governor at the most recent general 2369  
election for that office. 2370

If the board receives a petition to partition a township that 2371  
has adopted a limited home rule government under Chapter 504. of 2372  
the Revised Code, signed by a majority of the electors residing in 2373  
that township, the board shall certify the question of whether or 2374  
not the township shall remain intact to the board of elections. 2375  
The board of elections shall determine the validity and 2376  
sufficiency of the signatures on the petition and, if there are 2377  
enough valid signatures, shall place the question on the ballot at 2378  
a special election to be held on the day of the next general or 2379  
primary election in the township occurring at least ~~seventy-five~~ 2380  
eighty-five days after the petition is filed, for a vote of the 2381  
electors within that township. If a majority of those voting vote 2382

against keeping the township intact, the board of county 2383  
commissioners shall proceed to partition the township. If a 2384  
majority of those voting vote for keeping the township intact, the 2385  
board of county commissioners shall not partition the township and 2386  
shall deny the petition. 2387

(B) If a township is divided or partitioned under this 2388  
section, the board of county commissioners shall apportion the 2389  
funds in the township's treasury to the township to which portions 2390  
of the divided or partitioned township are attached, or to the new 2391  
townships established. This apportionment may take into account 2392  
the taxable property valuation, population, or size of the 2393  
portions created by the division or partition, as well as any 2394  
other readily ascertainable criteria. 2395

**Sec. 503.161.** (A) A board of township trustees, by a 2396  
unanimous vote, may adopt a resolution causing the board of 2397  
elections to submit to the electors of the unincorporated area of 2398  
the township the question of whether the township's name should be 2399  
changed. 2400

(B) The electors of the unincorporated area of a township may 2401  
petition the board of township trustees to adopt a resolution 2402  
causing the board of elections to submit to the electors the 2403  
question of whether the township's name should be changed. Upon 2404  
receipt of a petition signed by twenty per cent of the electors of 2405  
the unincorporated area of the township, as determined by the 2406  
total number of votes cast in that area for the office of governor 2407  
at the preceding general election for that office, the board of 2408  
township trustees shall adopt such a resolution. 2409

(C) The question of whether the township's name should be 2410  
changed shall be voted upon at the next primary or general 2411  
election occurring at least ~~seventy-five~~ eighty-five days after 2412  
the certification of the resolution adopted under division (A) or 2413

(B) of this section to the board of elections. 2414

**Sec. 503.24.** If there is a vacancy by reason of the 2415  
nonacceptance, death, or removal of a person chosen to an office 2416  
in any township at the regular election, or if there is a vacancy 2417  
from any other cause, the board of township trustees shall appoint 2418  
a person having the qualifications of an elector to fill such 2419  
vacancy for the unexpired term or until a successor is elected. 2420

If a township is without a board or if no appointment is made 2421  
within thirty days after the occurrence of a vacancy, a majority 2422  
of the persons designated as the committee of five on the 2423  
last-filed nominating petition of the township officer whose 2424  
vacancy is to be filled who are residents of the township shall 2425  
appoint a person having the qualifications of an elector to fill 2426  
the vacancy for the unexpired term or until a successor is 2427  
elected. If at least three of the committee members who are 2428  
residents of the township cannot be found, or if that number of 2429  
such members fails to make an appointment within ten days after 2430  
the thirty-day period in which the board of township trustees is 2431  
authorized to make an appointment, then the presiding probate 2432  
judge of the county shall appoint a suitable person having the 2433  
qualifications of an elector in the township to fill the vacancy 2434  
for the unexpired term or until a successor is elected. 2435

If a vacancy occurs in a township elective office more than 2436  
~~forty~~ fifty days before the next general election for municipal 2437  
and township officers a successor shall be chosen at that election 2438  
to fill the unexpired term, provided the term does not expire 2439  
within one year from the day of the election. If the term expires 2440  
within one year from the day of the next general election for 2441  
municipal and township officers, a successor appointed pursuant to 2442  
this section shall serve out the unexpired term. 2443

Sec. 503.41. (A) A board of township trustees, by resolution, 2444  
may regulate and require the registration of massage 2445  
establishments and their employees within the unincorporated 2446  
territory of the township. In accordance with sections 503.40 to 2447  
503.49 of the Revised Code, for that purpose, the board, by a 2448  
majority vote of all members, may adopt, amend, administer, and 2449  
enforce regulations within the unincorporated territory of the 2450  
township. 2451

(B) A board may adopt regulations and amendments under this 2452  
section only after public hearing at not fewer than two regular 2453  
sessions of the board. The board shall cause to be published in at 2454  
least one newspaper of general circulation in the township notice 2455  
of the public hearings, including the time, date, and place, once 2456  
a week for two weeks immediately preceding the hearings. The board 2457  
shall make available proposed regulations or amendments to the 2458  
public at the office of the board. 2459

(C) Regulations or amendments adopted by the board are 2460  
effective thirty days after the date of adoption unless, within 2461  
thirty days after the adoption of the regulations or amendments, 2462  
the township fiscal officer receives a petition, signed by a 2463  
number of qualified electors residing in the unincorporated area 2464  
of the township equal to not less than ten per cent of the total 2465  
vote cast for all candidates for governor in the area at the most 2466  
recent general election at which a governor was elected, 2467  
requesting the board to submit the regulations or amendments to 2468  
the electors of the area for approval or rejection at the next 2469  
primary or general election occurring at least ~~seventy-five~~ 2470  
eighty-five days after the board receives the petition. 2471

No regulation or amendment for which the referendum vote has 2472  
been requested is effective unless a majority of the ~~vote~~ votes 2473  
cast on the issue is in favor of the regulation or amendment. Upon 2474

certification by the board of elections that a majority of the 2475  
votes cast on the issue was in favor of the regulation or 2476  
amendment, the regulation or amendment takes immediate effect. 2477

(D) The board shall make available regulations it adopts or 2478  
amends to the public at the office of the board and shall cause to 2479  
be published a notice of the availability of the regulations in at 2480  
least one newspaper of general circulation in the township within 2481  
ten days after their adoption or amendment. 2482

(E) Nothing in sections 503.40 to 503.49 of the Revised Code 2483  
shall be construed to allow a board of township trustees to 2484  
regulate the practice of any limited branch of medicine specified 2485  
in section 4731.15 of the Revised Code or the practice of 2486  
providing therapeutic massage by a licensed physician, a licensed 2487  
chiropractor, a licensed podiatrist, a licensed nurse, or any 2488  
other licensed health professional. As used in this division, 2489  
"licensed" means licensed, certified, or registered to practice in 2490  
this state. 2491

**Sec. 504.01.** A township that meets the qualifications of this 2492  
section may adopt a limited home rule government in the manner 2493  
provided in this section. 2494

(A)(1) If a township has a population of at least three 2495  
thousand five hundred but less than five thousand in the 2496  
unincorporated territory of the township, a limited home rule 2497  
government under which the township exercises limited powers of 2498  
local self-government and limited police powers may be adopted if 2499  
all the following apply: 2500

(a) The electors of the unincorporated territory of the 2501  
township petition the board of township trustees to adopt limited 2502  
home rule government; 2503

(b) The petition has been signed by ten per cent of the 2504



electors of the unincorporated territory of the township, as 2505  
determined by the total number of votes cast in that territory for 2506  
the office of governor at the most recent general election for 2507  
that office; 2508

(c) The board of township trustees appoints a township 2509  
administrator under division (A)(2) of section 505.031 of the 2510  
Revised Code; and 2511

(d) The total amount certified in the official certificate of 2512  
estimated resources or in an amended official certificate of 2513  
estimated resources for the township under section 5705.36 of the 2514  
Revised Code is at least three million five hundred thousand 2515  
dollars for the most recently concluded fiscal year. 2516

If the conditions enumerated in this division have been met, 2517  
the board shall adopt and certify to the board of elections a 2518  
resolution directing the board of elections to submit to the 2519  
electors of the unincorporated territory the question whether the 2520  
township should adopt a limited home rule government. The question 2521  
shall be voted upon at the next general election occurring at 2522  
least ~~seventy-five~~ eighty-five days after certification of the 2523  
resolution to the board of elections. 2524

(2) If a township has a population of at least five thousand 2525  
but less than fifteen thousand in the unincorporated territory of 2526  
the township, the board of township trustees, by a majority vote, 2527  
may adopt a resolution causing the board of elections to submit to 2528  
the electors of the unincorporated area of the township the 2529  
question of whether the township should adopt a limited home rule 2530  
government under which it exercises limited powers of local 2531  
self-government and limited police powers, as authorized by this 2532  
chapter. The question shall be voted upon at the next general 2533  
election occurring at least ~~seventy-five~~ eighty-five days after 2534  
certification of the resolution to the board of elections. 2535

(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~~ 2568  
eighty-five days after certification of the resolution to the 2569  
board of elections. 2570

(4) If a township meets the population requirements of 2571  
division (A)(2) or (3) of this section, the electors of the 2572  
unincorporated area of the township may petition the board of 2573  
township trustees to adopt a resolution causing the board of 2574  
elections to submit to the electors the question of whether the 2575  
township should adopt a limited home rule government. Upon receipt 2576  
of a petition signed by ten per cent of the electors of the 2577  
unincorporated area of the township, as determined by the total 2578  
number of votes cast in that area for the office of governor at 2579  
the most recent general election for that office, the board of 2580  
township trustees shall adopt the resolution. The question shall 2581  
be voted upon at the next general election occurring at least 2582  
~~seventy-five~~ eighty-five days after the certification of the 2583  
resolution to the board of elections. 2584

(B) If the population of the unincorporated territory of any 2585  
township that adopts a limited home rule government under division 2586  
(A)(3) or (4) of this section is fifteen thousand or more, the 2587  
township shall be called an "urban township." 2588

(C) Except as otherwise provided in division (A)(1) of this 2589  
section, townships with a population of less than five thousand in 2590  
the unincorporated territory of the township are not permitted to 2591  
adopt a limited home rule government. 2592

**Sec. 504.03.** (A)(1) If a limited home rule government is 2593  
adopted pursuant to section 504.02 of the Revised Code, it shall 2594  
remain in effect for at least three years except as otherwise 2595  
provided in division (B) of this section. At the end of that 2596  
period, if the board of township trustees determines that that 2597  
government is not in the best interests of the township, it may 2598

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 2630  
rule government is in the negative, that government is terminated 2631  
effective on the first day of January immediately following the 2632  
election, and a limited home rule government shall not be adopted 2633  
in the unincorporated area of the township pursuant to section 2634  
504.02 of the Revised Code for at least three years after that 2635  
date. 2636

(D) If a limited home rule government is terminated under 2637  
this section, the board of township trustees immediately shall 2638  
adopt a resolution repealing all resolutions adopted pursuant to 2639  
this chapter that are not authorized by any other section of the 2640  
Revised Code outside this chapter, effective on the first day of 2641  
January immediately following the election described in division 2642  
(A) or (B) of this section. However, no resolution adopted under 2643  
this division shall affect or impair the obligations of the 2644  
township under any security issued or contracts entered into by 2645  
the township in connection with the financing of any water supply 2646  
facility or sewer improvement under sections 504.18 to 504.20 of 2647  
the Revised Code or the authority of the township to collect or 2648  
enforce any assessments or other revenues constituting security 2649  
for or source of payments of debt service charges of those 2650  
securities. 2651

(E) Upon the termination of a limited home rule government 2652  
under this section, if the township had converted its board of 2653  
township trustees to a five-member board before September 26, 2654  
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

offices likewise shall cease to exist at that time, and the board 2662  
shall continue as a three-member board as provided in section 2663  
505.01 of the Revised Code. 2664

**Sec. 505.13.** The board of township trustees of a township 2665  
which is composed in whole or in part of islands, accessible from 2666  
the mainland only by watercraft, may purchase and operate, and may 2667  
let for hire, a scow or lighter of sufficient tonnage to carry 2668  
stone and other road building material, equipped with or without a 2669  
proper crane or loading device, and for such purpose the board may 2670  
levy a tax upon all the taxable property in the township, in such 2671  
amount as it determines. 2672

The question of levying such tax shall be submitted to the 2673  
qualified electors of the township at a general election. The 2674  
trustees shall certify such resolution to the board of elections 2675  
not later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day 2676  
before the day of the election. Twenty days' notice thereof shall 2677  
be previously given by posting in at least three public places in 2678  
the township. Such notice shall state specifically the amount to 2679  
be raised and the purpose thereof. If a majority of all the votes 2680  
cast at such election upon the proposition is in favor thereof, 2681  
the tax provided for is authorized. 2682

**Sec. 505.14.** The board of township trustees of a township 2683  
described in section 505.13 of the Revised Code, which, for any 2684  
reason, is inaccessible from the mainland at some time of the 2685  
year, may construct, acquire, purchase, lease, and maintain a 2686  
house as the residence of a resident physician, when, in the 2687  
opinion of a majority of the members of such board, it is 2688  
necessary for the maintenance of the public health and welfare. 2689

For the maintenance, construction, acquisition, purchase, or 2690  
~~least~~ lease of such a house the board may levy a tax upon all the 2691

taxable property in the township, in such amount as it determines. 2692

The question of levying such a tax shall be submitted to the 2693  
qualified electors of the township at a general or special 2694  
election. The trustees shall certify such resolution to the board 2695  
of elections not later than four p.m. of the ~~seventy-fifth~~ 2696  
eighty-fifth day before the day of the election. Twenty days' 2697  
notice thereof shall be previously given by posting in at least 2698  
three public places in the township. Such notice shall state 2699  
specifically the amount to be raised and the purpose thereof. If a 2700  
majority of all votes cast at such election upon the proposition 2701  
is in favor thereof, the tax provided for is authorized. 2702

Upon the authorization of such tax levy the board may issue 2703  
notes in anticipation of such revenues, to mature in not more than 2704  
two years from the date of issue, and to bear interest at not more 2705  
than four per cent per annum. 2706

**Sec. 511.01.** If, in a township, a town hall is to be built, 2707  
improved, enlarged, or removed at a cost greater than ten thousand 2708  
dollars, the board of township trustees shall submit the question 2709  
to the electors of such township and shall certify their 2710  
resolution to the board of elections not later than four p.m. of 2711  
the ~~seventy-fifth~~ eighty-fifth day before the day of the election. 2712

**Sec. 511.22.** The board of township trustees shall direct the 2713  
township fiscal officer to file a written notice, not later than 2714  
four p.m. of the ~~seventy-fifth~~ eighty-fifth day before the day of 2715  
the election, with the board of elections having charge of the 2716  
preparation of official ballots, that an election will be held as 2717  
provided in section 511.21 of the Revised Code and that the 2718  
following shall be printed on the ballot: 2719

" 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 2723  
park or parks shall be established for the township. If a majority 2724  
of the votes cast is against the proposition, the board of park 2725  
commissioners shall be abolished, and the board of township 2726  
trustees shall provide for and pay all the proper expenses 2727  
incurred by it. 2728

**Sec. 511.27.** (A) To defray the expenses of the township park 2729  
district and for purchasing, appropriating, operating, 2730  
maintaining, and improving lands for parks or recreational 2731  
purposes, the board of park commissioners may levy a sufficient 2732  
tax within the ten-mill limitation, not to exceed one mill on each 2733  
dollar of valuation on all real and personal property within the 2734  
township, and on all real and personal property within any 2735  
municipal corporation that is within the township, that was within 2736  
the township at the time that the park district was established, 2737  
or the boundaries of which are coterminous with or include the 2738  
township. The levy shall be over and above all other taxes and 2739  
limitations on such property authorized by law. 2740

(B) Except as otherwise provided in division (C) of this 2741  
section, the board of park commissioners, not less than 2742  
~~seventy-five~~ eighty-five days before the day of the election, may 2743  
declare by resolution that the amount of taxes that may be raised 2744  
within the ten-mill limitation will be insufficient to provide an 2745  
adequate amount for the necessary requirements of the district and 2746  
that it is necessary to levy a tax in excess of that limitation 2747  
for the use of the district. The resolution shall specify the 2748  
purpose for which the taxes shall be used, the annual rate 2749  
proposed, and the number of consecutive years the levy will be in 2750  
effect. Upon the adoption of the resolution, the question of 2751  
levying the taxes shall be submitted to the electors of the 2752  
township and the electors of any municipal corporation that is 2753



within the township, that was within the township at the time that 2754  
the park district was established, or the boundaries of which are 2755  
coterminous with or include the township, at a special election to 2756  
be held on whichever of the following occurs first: 2757

(1) The day of the next ensuing general election; 2758

(2) The first Tuesday after the first Monday in May of any 2759  
calendar year, except that, if a presidential primary election is 2760  
held in that calendar year, then the day of that election. 2761

The rate submitted to the electors at any one election shall 2762  
not exceed two mills annually upon each dollar of valuation. If a 2763  
majority of the electors voting upon the question of the levy vote 2764  
in favor of the levy, the tax shall be levied on all real and 2765  
personal property within the township and on all real and personal 2766  
property within any municipal corporation that is within the 2767  
township, that was within the township at the time that the park 2768  
district was established, or the boundaries of which are 2769  
coterminous with or include the township, and the levy shall be 2770  
over and above all other taxes and limitations on such property 2771  
authorized by law. 2772

(C) In any township park district that contains only 2773  
unincorporated territory, if the township board of park 2774  
commissioners is appointed by the board of township trustees, 2775  
before a tax can be levied and certified to the county auditor 2776  
pursuant to section 5705.34 of the Revised Code or before a 2777  
resolution for a tax levy can be certified to the board of 2778  
elections pursuant to section 511.28 of the Revised Code, the 2779  
board of park commissioners shall receive approval for its levy 2780  
request from the board of township trustees. The board of park 2781  
commissioners shall adopt a resolution requesting the board of 2782  
township trustees to approve the levy request, stating the annual 2783  
rate of the proposed levy and the reason for the levy request. On 2784  
receiving this request, the board of township trustees shall vote 2785

on whether to approve the request and, if a majority votes to 2786  
approve it, shall issue a resolution approving the levy at the 2787  
requested rate. 2788

**Sec. 511.28.** A copy of any resolution for a tax levy adopted 2789  
by the township board of park commissioners as provided in section 2790  
511.27 of the Revised Code shall be certified by the clerk of the 2791  
board of park commissioners to the board of elections of the 2792  
proper county, together with a certified copy of the resolution 2793  
approving the levy, passed by the board of township trustees if 2794  
such a resolution is required by division (C) of section 511.27 of 2795  
the Revised Code, not less than ~~seventy-five~~ eighty-five days 2796  
before a general or primary election in any year. The board of 2797  
elections shall submit the proposal to the electors as provided in 2798  
section 511.27 of the Revised Code at the succeeding general or 2799  
primary election. A resolution to renew an existing levy may not 2800  
be placed on the ballot unless the question is submitted at the 2801  
general election held during the last year the tax to be renewed 2802  
may be extended on the real and public utility property tax list 2803  
and duplicate, or at any election held in the ensuing year. The 2804  
board of park commissioners shall cause notice that the vote will 2805  
be taken to be published once a week for two consecutive weeks 2806  
prior to the election in a newspaper of general circulation in the 2807  
county within which the park district is located. Additionally, if 2808  
the board of elections operates and maintains a web site, the 2809  
board of elections shall post that notice on its web site for 2810  
thirty days prior to the election. The notice shall state the 2811  
purpose of the proposed levy, the annual rate proposed expressed 2812  
in dollars and cents for each one hundred dollars of valuation as 2813  
well as in mills for each one dollar of valuation, the number of 2814  
consecutive years during which the levy shall be in effect, and 2815  
the time and place of the election. 2816

The form of the ballots cast at the election shall be: "An 2817

additional tax for the benefit of (name of township park district) 2818  
 ..... for the purpose of (purpose stated in the order of the 2819  
 board) ..... at a rate not exceeding ..... mills for 2820  
 each one dollar of valuation, which amounts to (rate expressed in 2821  
 dollars and cents) ..... for each one hundred dollars of 2822  
 valuation, for (number of years the levy is to run) ..... 2823

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

2824  
 2825  
 2826  
 2827  
 2828  
 2829  
 2830  
 2831  
 2832  
 2833  
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 2835  
 2836  
 2837

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

2838  
 2839  
 2840  
 2841  
 2842  
 2843

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

2844  
 2845  
 2846  
 2847  
 2848

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

Sec. 511.33. In paying any expenses of park management and of 2849  
improvements authorized by section 511.32 of the Revised Code, the 2850  
board of township trustees may appropriate and use for these 2851  
purposes any funds in the township treasury then unappropriated 2852  
for any other purpose. If there are no available funds in the 2853  
treasury or an insufficient amount to pay for the desired park 2854  
management and improvements in any year, the board may levy a tax 2855  
in order to pay for the park management and improvements. The tax 2856  
shall be levied upon all of the taxable property in the township 2857  
and shall be certified, levied, and collected in the manner 2858  
prescribed for the certification, levy, and collection of other 2859  
township taxes. The money so raised shall be paid over to the 2860  
township fiscal officer, and the fiscal officer shall pay the 2861  
money out on the order of the board. If a sum greater than two 2862  
thousand dollars is to be expended by the board for park 2863  
management and improvement purposes in any one year, and the sum 2864  
is not available from any unappropriated money in the township 2865  
treasury, the question of levying the additional tax shall, before 2866  
making a levy that will amount to more than two thousand dollars, 2867  
be submitted to and approved by a majority of the electors of the 2868  
township voting on the question. If the election is necessary, it 2869  
shall be called at a regular meeting of the board, and the 2870  
resolution shall be certified to the board of elections not later 2871  
than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before the 2872  
day of the election. 2873

Twenty days' notice of the election shall be given by the 2874  
posting of notices of the election by the township fiscal officer 2875  
in ten public places in the township, and provisions for holding 2876  
the election shall be made by the board of elections upon 2877  
receiving notice of the date and purpose of the election from the 2878  
fiscal officer. This section and section 511.32 of the Revised 2879  
Code do not repeal, affect, or modify any law relating to park 2880

commissioners, or prevent the appointment of park commissioners in 2881  
the future. 2882

**Sec. 511.34.** In townships composed of islands, and on one of 2883  
which islands lands have been conveyed in trust for the benefit of 2884  
the inhabitants of the island for use as a park, and a board of 2885  
park trustees has been provided for the control of the park, the 2886  
board of township trustees may create a tax district of the island 2887  
to raise funds by taxation as provided under divisions (A) and (B) 2888  
of this section. 2889

(A) For the care and maintenance of parks on the island, the 2890  
board of township trustees annually may levy a tax, not to exceed 2891  
one mill, upon all the taxable property in the district. The tax 2892  
shall be in addition to all other levies authorized by law, and 2893  
subject to no limitation on tax rates except as provided in this 2894  
division. 2895

The proceeds of the tax levy shall be expended by the board 2896  
of township trustees for the purpose of the care and maintenance 2897  
of the parks, and shall be paid out of the township treasury upon 2898  
the orders of the board of park trustees. 2899

(B) For the purpose of acquiring additional land for use as a 2900  
park, the board of township trustees may levy a tax in excess of 2901  
the ten-mill limitation on all taxable property in the district. 2902  
The tax shall be proposed by resolution adopted by two-thirds of 2903  
the members of the board of township trustees. The resolution 2904  
shall specify the purpose and rate of the tax and the number of 2905  
years the tax will be levied, which shall not exceed five years, 2906  
and which may include a levy on the current tax list and 2907  
duplicate. The resolution shall go into immediate effect upon its 2908  
passage, and no publication of the resolution is necessary other 2909  
than that provided for in the notice of election. The board of 2910  
township trustees shall certify a copy of the resolution to the 2911

proper board of elections not later than ~~seventy-five~~ eighty-five 2912  
 days before the primary or general election in the township, and 2913  
 the board of elections shall submit the question of the tax to the 2914  
 voters of the district at the succeeding primary or general 2915  
 election. The board of elections shall make the necessary 2916  
 arrangements for the submission of the question to the electors of 2917  
 the district, and the election shall be conducted, canvassed, and 2918  
 certified in the same manner as regular elections in the township 2919  
 for the election of officers. Notice of the election shall be 2920  
 published in a newspaper of general circulation in the township 2921  
 once a week for two consecutive weeks prior to the election and, 2922  
 if the board of elections operates and maintains a web site, 2923  
 notice of the election also shall be posted on that web site for 2924  
 thirty days prior to the election. The notice shall state the 2925  
 purpose of the tax, the proposed rate of the tax expressed in 2926  
 dollars and cents for each one hundred dollars of valuation and 2927  
 mills for each one dollar of valuation, the number of years the 2928  
 tax will be in effect, the first year the tax will be levied, and 2929  
 the time and place of the election. 2930

The form of the ballots cast at an election held under this 2931  
 division shall be as follows: 2932

"An additional tax for the benefit of ..... (name of the 2933  
 township) for the purpose of acquiring additional park land at a 2934  
 rate of ..... mills for each one dollar of valuation, which 2935  
 amounts to ..... (rate expressed in dollars and cents) for each 2936  
 one hundred dollars of valuation, for ..... (number of years 2937  
 the levy is to run) beginning in ..... (first year the tax 2938  
 will be levied). 2939

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

2940  
 2941  
 2942  
 2943

The question shall be submitted as a separate proposition but 2944  
may be printed on the same ballot with any other proposition 2945  
submitted at the same election other than the election of 2946  
officers. More than one such question may be submitted at the same 2947  
election. 2948

If the levy is approved by a majority of electors voting on 2949  
the question, the board of elections shall certify the result of 2950  
the election to the tax commissioner. In the first year of the 2951  
levy, the tax shall be extended on the tax lists after the 2952  
February settlement following the election. If the tax is to be 2953  
placed on the tax lists of the current year as specified in the 2954  
resolution, the board of elections shall certify the result of the 2955  
election immediately after the canvass to the board of township 2956  
trustees, which shall forthwith make the necessary levy and 2957  
certify the levy to the county auditor, who shall extend the levy 2958  
on the tax lists for collection. After the first year of the levy, 2959  
the levy shall be included in the annual tax budget that is 2960  
certified to the county budget commission. 2961

**Sec. 513.06.** Upon the execution of the agreement provided for 2962  
in section 513.05 of the Revised Code, the board of township 2963  
trustees shall submit the question of the ratification of such 2964  
agreement to the electors of the township at the next general 2965  
election occurring not less than ~~seventy-five~~ eighty-five days 2966  
after the certification of the resolution to the board of 2967  
elections. If the sums to be paid by the township under such 2968  
agreement are not available from current general revenue of such 2969  
township, the board shall also submit to the electors, at the same 2970  
election, the question of the issue of bonds of the township, in 2971  
the amount specified in such agreement, for the purpose of 2972  
providing funds for the payment thereof. The proceedings in the 2973  
matter of such election and in the issuance and sale of such bonds 2974  
shall be as provided by Chapter 133. of the Revised Code. Such 2975

agreement shall not be effective, and no bonds shall be issued, 2976  
unless the electors approve both the agreement and the bond issue, 2977  
if the question of the issue of bonds is submitted. 2978

**Sec. 513.13.** The board of elections of the county in which a 2979  
joint township hospital district, or the most populous portion of 2980  
such district, lies shall, by resolution approved by a two-thirds 2981  
vote of the joint township district hospital board, place upon the 2982  
ballot for submission to the electorate of such district, at the 2983  
next primary or general election, occurring not less than 2984  
~~seventy-five~~ eighty-five nor more than one hundred ~~twenty~~ thirty 2985  
days after the request is received from such joint township 2986  
district hospital board, the question of levying a tax, not to 2987  
exceed one mill outside the ten-mill limitation, for a period not 2988  
to exceed five years, to provide funds for the payment of 2989  
necessary expenses incurred in the operation of hospital 2990  
facilities or, if required by agreement made under section 140.03 2991  
of the Revised Code, for costs of hospital facilities or current 2992  
operating expenses of hospital facilities, or both. Such 2993  
resolution shall be certified to the board of elections not later 2994  
than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before the 2995  
day of the election. If a majority of the electors in such 2996  
district voting on the proposition, vote in favor thereof, the 2997  
county auditor of each county in which such district lies shall 2998  
annually place a levy on the tax duplicate against the property in 2999  
such district, in the amount required by the joint board of 3000  
trustees of the district, but not to exceed one mill. 3001

**Sec. 513.18.** In the event any township, contiguous to a joint 3002  
township hospital district, desires to become a part of such 3003  
district in existence under sections 513.07 to 513.18 of the 3004  
Revised Code, its board of township trustees, by a two-thirds 3005  
favorable vote of the members of such board, after the existing 3006



joint township hospital board has, by a majority favorable vote of 3007  
the members thereof, approved the terms under which such township 3008  
proposes to join the district, shall become a part of the joint 3009  
township district hospital board under such terms and with all the 3010  
rights, privileges, and responsibilities enjoyed by and extended 3011  
to the existing members of the hospital board under such sections, 3012  
including representation on the board of hospital governors by the 3013  
appointment of an elector of such township as a member thereof. If 3014  
the terms under which such township proposes to join the hospital 3015  
district involve a tax levy for the purpose of sharing the 3016  
existing obligations, including bonded indebtedness, of the 3017  
district or the necessary operating expenses of such hospital, 3018  
such township shall not become a part of the district until its 3019  
electors have approved such levy as provided in this section. 3020

Upon request of the board of township trustees of the 3021  
township proposing to join such district, by resolution approved 3022  
by a two-thirds vote of its members, the board of elections of the 3023  
county in which the township lies shall place upon the ballot for 3024  
submission to the electorate of such township at the next primary 3025  
or general election occurring not less than ~~seventy-five~~ 3026  
eighty-five nor more than one hundred ~~twenty~~ thirty days after 3027  
such request is received from the board of township trustees the 3028  
question of levying a tax, not to exceed one mill outside the 3029  
ten-mill limitation, for a period of not to exceed five years, to 3030  
provide funds for the payment of the township's share of the 3031  
necessary expenses incurred in the operation of such hospital, or 3032  
the question of levying a tax to pay the township's share of the 3033  
existing obligations, including bonded indebtedness, of the 3034  
district, or both questions may be submitted at the same primary 3035  
or general election. If a majority of the electors voting on the 3036  
propositions vote in favor thereof, the county auditor shall place 3037  
such levies on the tax duplicate against the property in the 3038  
township, which township shall thereby become a part of said joint 3039

township hospital district. 3040

**Sec. 517.05.** On the making of an order or the filing of an 3041  
application as provided by section 517.04 of the Revised Code, the 3042  
township fiscal officer shall certify the order or application to 3043  
the board of elections not later than four p.m. of the 3044  
~~seventy-fifth~~ eighty-fifth day before the day of the election, 3045  
and, at least twenty days before an election, the fiscal officer 3046  
shall post written notices in at least three public places in the 3047  
township that a vote will be taken on the question of the 3048  
establishment of a cemetery. If a majority of the votes cast at 3049  
the election on the proposition is in favor of establishing a 3050  
cemetery, the board of township trustees shall procure the lands 3051  
for that purpose and levy taxes as provided by section 517.03 of 3052  
the Revised Code. 3053

**Sec. 519.11.** If the zoning resolution is adopted by the board 3054  
of township trustees, such board shall cause the question of 3055  
whether or not the proposed plan of zoning shall be put into 3056  
effect to be submitted to the electors residing in the 3057  
unincorporated area of the township included in the proposed plan 3058  
of zoning for their approval or rejection at the next primary or 3059  
general election, or a special election may be called for this 3060  
purpose. Such resolution shall be filed with the board of 3061  
elections not later than four p.m. of the ~~seventy-fifth~~ 3062  
eighty-fifth day before the day of the election. No zoning 3063  
regulations shall be put into effect unless a majority of the vote 3064  
cast on the issue is in favor of the proposed plan of zoning. Upon 3065  
certification by the board of elections the resolution shall take 3066  
immediate effect, if the plan was so approved. 3067

Within five working days after the resolution's effective 3068  
date, the board of township trustees shall file it, including text 3069  
and maps, in the office of the county recorder. The board shall 3070

also file duplicates of the same documents with the regional or 3071  
county planning commission, if one exists, within the same period. 3072

The board shall file all resolutions, including text and 3073  
maps, that are in effect on January 1, 1992, in the office of the 3074  
county recorder within thirty working days after that date. The 3075  
board shall also file duplicates of the same documents with the 3076  
regional or county planning commission, if one exists, within the 3077  
same period. 3078

The failure to file a resolution, or any text and maps, or 3079  
duplicates of any of these documents, with the office of the 3080  
county recorder or the county or regional planning commission as 3081  
required by this section does not invalidate the resolution and is 3082  
not grounds for an appeal of any decision of the board of zoning 3083  
appeals. 3084

**Sec. 519.12.** (A)(1) Amendments to the zoning resolution may 3085  
be initiated by motion of the township zoning commission, by the 3086  
passage of a resolution by the board of township trustees, or by 3087  
the filing of an application by one or more of the owners or 3088  
lessees of property within the area proposed to be changed or 3089  
affected by the proposed amendment with the township zoning 3090  
commission. The board of township trustees may require that the 3091  
owner or lessee of property filing an application to amend the 3092  
zoning resolution pay a fee to defray the cost of advertising, 3093  
mailing, filing with the county recorder, and other expenses. If 3094  
the board of township trustees requires such a fee, it shall be 3095  
required generally, for each application. The board of township 3096  
trustees, upon the passage of such a resolution, shall certify it 3097  
to the township zoning commission. 3098

(2) Upon the adoption of a motion by the township zoning 3099  
commission, the certification of a resolution by the board of 3100  
township trustees to the commission, or the filing of an 3101

application by property owners or lessees as described in division 3102  
(A)(1) of this section with the commission, the commission shall 3103  
set a date for a public hearing, which date shall not be less than 3104  
twenty nor more than forty days from the date of the certification 3105  
of such a resolution, the date of adoption of such a motion, or 3106  
the date of the filing of such an application. Notice of the 3107  
hearing shall be given by the commission by one publication in one 3108  
or more newspapers of general circulation in the township at least 3109  
ten days before the date of the hearing. 3110

(B) If the proposed amendment intends to rezone or redistrict 3111  
ten or fewer parcels of land, as listed on the county auditor's 3112  
current tax list, written notice of the hearing shall be mailed by 3113  
the township zoning commission, by first class mail, at least ten 3114  
days before the date of the public hearing to all owners of 3115  
property within and contiguous to and directly across the street 3116  
from the area proposed to be rezoned or redistricted to the 3117  
addresses of those owners appearing on the county auditor's 3118  
current tax list. The failure of delivery of that notice shall not 3119  
invalidate any such amendment. 3120

(C) If the proposed amendment intends to rezone or redistrict 3121  
ten or fewer parcels of land as listed on the county auditor's 3122  
current tax list, the published and mailed notices shall set forth 3123  
the time, date, and place of the public hearing and include all of 3124  
the following: 3125

(1) The name of the township zoning commission that will be 3126  
conducting the hearing; 3127

(2) A statement indicating that the motion, resolution, or 3128  
application is an amendment to the zoning resolution; 3129

(3) A list of the addresses of all properties to be rezoned 3130  
or redistricted by the proposed amendment and of the names of 3131  
owners of those properties, as they appear on the county auditor's 3132

current tax list;	3133
(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;	3134 3135 3136
(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;	3137 3138 3139 3140
(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;	3141 3142 3143
(7) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;	3144 3145 3146
(8) Any other information requested by the commission.	3147
(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:	3148 3149 3150 3151 3152
(1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment;	3153 3154
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	3155 3156
(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;	3157 3158 3159
(4) The name of the person responsible for giving notice of the hearing by publication;	3160 3161
(5) A statement that, after the conclusion of the hearing,	3162

the matter will be submitted to the board of township trustees for 3163  
its action; 3164

(6) Any other information requested by the commission. 3165

(E) Within five days after the adoption of the motion 3166  
described in division (A) of this section, the certification of 3167  
the resolution described in division (A) of this section, or the 3168  
filing of the application described in division (A) of this 3169  
section, the township zoning commission shall transmit a copy of 3170  
it together with text and map pertaining to it to the county or 3171  
regional planning commission, if there is such a commission. 3172

The county or regional planning commission shall recommend 3173  
the approval or denial of the proposed amendment or the approval 3174  
of some modification of it and shall submit its recommendation to 3175  
the township zoning commission. The recommendation shall be 3176  
considered at the public hearing held by the township zoning 3177  
commission on the proposed amendment. 3178

The township zoning commission, within thirty days after the 3179  
hearing, shall recommend the approval or denial of the proposed 3180  
amendment, or the approval of some modification of it, and submit 3181  
that recommendation together with the motion, application, or 3182  
resolution involved, the text and map pertaining to the proposed 3183  
amendment, and the recommendation of the county or regional 3184  
planning commission on it to the board of township trustees. 3185

The board of township trustees, upon receipt of that 3186  
recommendation, shall set a time for a public hearing on the 3187  
proposed amendment, which date shall not be more than thirty days 3188  
from the date of the receipt of that recommendation. Notice of the 3189  
hearing shall be given by the board by one publication in one or 3190  
more newspapers of general circulation in the township, at least 3191  
ten days before the date of the hearing. 3192

(F) If the proposed amendment intends to rezone or redistrict 3193

ten or fewer parcels of land as listed on the county auditor's 3194  
current tax list, the published notice shall set forth the time, 3195  
date, and place of the public hearing and include all of the 3196  
following: 3197

(1) The name of the board of township trustees that will be 3198  
conducting the hearing; 3199

(2) A statement indicating that the motion, application, or 3200  
resolution is an amendment to the zoning resolution; 3201

(3) A list of the addresses of all properties to be rezoned 3202  
or redistricted by the proposed amendment and of the names of 3203  
owners of those properties, as they appear on the county auditor's 3204  
current tax list; 3205

(4) The present zoning classification of property named in 3206  
the proposed amendment and the proposed zoning classification of 3207  
that property; 3208

(5) The time and place where the motion, application, or 3209  
resolution proposing to amend the zoning resolution will be 3210  
available for examination for a period of at least ten days prior 3211  
to the hearing; 3212

(6) The name of the person responsible for giving notice of 3213  
the hearing by publication, by mail, or by both publication and 3214  
mail; 3215

(7) Any other information requested by the board. 3216

(G) If the proposed amendment alters the text of the zoning 3217  
resolution, or rezones or redistricts more than ten parcels of 3218  
land as listed on the county auditor's current tax list, the 3219  
published notice shall set forth the time, date, and place of the 3220  
public hearing and include all of the following: 3221

(1) The name of the board of township trustees that will be 3222  
conducting the hearing on the proposed amendment; 3223

(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution; 3224  
3225

(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; 3226  
3227  
3228

(4) The name of the person responsible for giving notice of the hearing by publication; 3229  
3230

(5) Any other information requested by the board. 3231

(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. 3232  
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3234  
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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 3237  
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section, each petition shall be governed by the rules specified in 3255  
section 3501.38 of the Revised Code. 3256

The form of a petition calling for a zoning referendum and 3257  
the statement of the circulator shall be substantially as follows: 3258

"PETITION FOR ZONING REFERENDUM 3259

(if the proposal is identified by a particular name or number, or 3260  
both, these should be inserted here) ..... 3261

A proposal to amend the zoning map of the unincorporated area 3262  
of ..... Township, ..... County, Ohio, adopted 3263  
.....(date)..... (followed by brief summary of the proposal). 3264

To the Board of Township Trustees of ..... 3265  
Township, ..... County, Ohio: 3266

We, the undersigned, being electors residing in the 3268  
unincorporated area of ..... Township, included 3269  
within the ..... Township Zoning Plan, equal to not less 3270  
than eight per cent of the total vote cast for all candidates for 3271  
governor in the area at the preceding general election at which a 3272  
governor was elected, request the Board of Township Trustees to 3273  
submit this amendment of the zoning resolution to the electors of 3274  
..... Township residing within the 3275  
unincorporated area of the township included in the 3276  
..... Township Zoning Resolution, for approval or 3277  
rejection at a special election to be held on the day of the 3278  
primary or general election to be held on .....(date)....., 3279  
pursuant to section 519.12 of the Revised Code. 3280

Street Address	Date of	3281
Signature or R.F.D.	Township Precinct County Signing	3282
.....	.....	3283
.....	.....	3284

STATEMENT OF CIRCULATOR 3285

I, .....(name of circulator)....., declare under 3286  
penalty of election falsification that I am an elector of the 3287  
state of Ohio and reside at the address appearing below my 3288  
signature; that I am the circulator of the foregoing part petition 3289  
containing .....(number)..... signatures; that I have 3290  
witnessed the affixing of every signature; that all signers were 3291  
to the best of my knowledge and belief qualified to sign; and that 3292  
every signature is to the best of my knowledge and belief the 3293  
signature of the person whose signature it purports to be or of an 3294  
attorney in fact acting pursuant to section 3501.382 of the 3295  
Revised Code. 3296

..... 3297

(Signature of circulator) 3298

..... 3299

(Address of circulator's permanent 3300  
residence in this state) 3301

..... 3302

(City, village, or township, 3303  
and zip code) 3304

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 3305  
OF THE FIFTH DEGREE." 3306

The petition shall be filed with the board of township 3307  
trustees and shall be accompanied by an appropriate map of the 3308  
area affected by the zoning proposal. Within two weeks after 3309  
receiving a petition filed under this section, the board of 3310  
township trustees shall certify the petition to the board of 3311  
elections. A petition filed under this section shall be certified 3312  
to the board of elections not less than ~~seventy-five~~ eighty-five 3313  
days prior to the election at which the question is to be voted 3314  
upon. 3315

The board of elections shall determine the sufficiency and 3316  
validity of each petition certified to it by a board of township 3317

trustees under this section. If the board of elections determines 3318  
that a petition is sufficient and valid, the question shall be 3319  
voted upon at a special election to be held on the day of the next 3320  
primary or general election that occurs at least ~~seventy-five~~ 3321  
eighty-five days after the date the petition is filed with the 3322  
board of township trustees, regardless of whether any election 3323  
will be held to nominate or elect candidates on that day. 3324

No amendment for which such a referendum vote has been 3325  
requested shall be put into effect unless a majority of the vote 3326  
cast on the issue is in favor of the amendment. Upon certification 3327  
by the board of elections that the amendment has been approved by 3328  
the voters, it shall take immediate effect. 3329

Within five working days after an amendment's effective date, 3330  
the board of township trustees shall file the text and maps of the 3331  
amendment in the office of the county recorder and with the county 3332  
or regional planning commission, if one exists. 3333

The failure to file any amendment, or any text and maps, or 3334  
duplicates of any of these documents, with the office of the 3335  
county recorder or the county or regional planning commission as 3336  
required by this section does not invalidate the amendment and is 3337  
not grounds for an appeal of any decision of the board of zoning 3338  
appeals. 3339

**Sec. 519.25.** In any township in which there is in force a 3340  
plan of township zoning, the plan may be repealed by the board of 3341  
township trustees in the following manner: 3342

(A) The board may adopt a resolution upon its own initiative. 3343

(B) The board shall adopt a resolution if there is presented 3344  
to it a petition, similar in all relevant aspects to that 3345  
prescribed in section 519.12 of the Revised Code, signed by a 3346  
number of qualified electors residing in the unincorporated area 3347

of such township included in the zoning plan equal to not less 3348  
than eight per cent of the total vote cast for all candidates for 3349  
governor in such area at the most recent general election at which 3350  
a governor was elected, requesting that the question of whether or 3351  
not the plan of zoning in effect in such township shall be 3352  
repealed be submitted to the electors residing in the 3353  
unincorporated area of the township included in the zoning plan at 3354  
a special election to be held on the day of the next primary or 3355  
general election. The resolution adopted by the board of township 3356  
trustees to cause such question to be submitted to the electors 3357  
shall be certified to the board of elections not later than 3358  
~~seventy-five~~ eighty-five days prior to the day of election at 3359  
which said question is to be voted upon. In the event a majority 3360  
of the vote cast on such question in the township is in favor of 3361  
repeal of zoning, then such regulations shall no longer be of any 3362  
effect. Not more than one such election shall be held in any two 3363  
calendar years. 3364

**Sec. 705.01.** Whenever electors of any municipal corporation, 3365  
equal in number to ten per cent of those who voted at the last 3366  
regular municipal election, file a petition with the board of 3367  
elections of the county in which such municipal corporation is 3368  
situated, asking that the question of organizing the municipal 3369  
corporation under any one of the plans of government provided in 3370  
sections 705.41 to 705.86 of the Revised Code, be submitted to the 3371  
electors thereof, such board shall at once certify that fact to 3372  
the legislative authority of the municipal corporation and the 3373  
legislative authority shall, within thirty days, provide for 3374  
submitting such question at a special election, to be held not 3375  
less than ~~seventy-five~~ eighty-five days after the filing of such 3376  
petition. Any such election shall be conducted in accordance with 3377  
the general election laws except as otherwise provided in sections 3378  
705.01 to 705.92 of the Revised Code, and the legislative 3379

authority of any municipal corporation holding such an election 3380  
shall appropriate whatever money is necessary for the proper 3381  
conduct of such election. 3382

**Sec. 707.21.** The first election of officers for a municipal 3383  
corporation organized under Chapter 707~~7~~ of the Revised Code 3384  
shall be held at the time of the next regular municipal election 3385  
if one occurs not less than one hundred five nor more than one 3386  
hundred eighty days after the creation of the municipal 3387  
corporation. Otherwise a special election shall be held. Such 3388  
special election may be held on the day of a primary or general 3389  
election or on a date set by the board of elections. Nominations 3390  
of candidates for election to municipal office at a special 3391  
election shall be made by nominating petition and shall be signed 3392  
by not less than twenty-five qualified electors nor more than 3393  
fifty qualified electors of the township or of the portion thereof 3394  
which has been incorporated into such municipal corporation, and 3395  
be filed with the board of elections not less than ~~sixty~~ 3396  
eighty-five days before the day of the election. 3397

Municipal officers elected at such special election shall 3398  
hold office until the first day of January next after the first 3399  
regular municipal election occurring not less than one hundred 3400  
five days after the creation of such municipal corporation. 3401

**Sec. 709.29.** Within thirty days after filing the conditions 3402  
of annexation as provided by section 709.28 of the Revised Code 3403  
with the legislative authorities of the municipal corporations, 3404  
the legislative authorities of both such municipal corporations 3405  
shall order the question of annexation, upon the conditions 3406  
contained in the report of such commissioners, to be submitted to 3407  
a vote at the next regular election or primary election, occurring 3408  
not less than ~~seventy-five~~ eighty-five days after the filing of 3409  
such conditions with the board of elections. 3410

Each ordinance shall prescribe the manner in which the 3411  
submission shall be made and shall be published in its respective 3412  
municipal corporation by posters or otherwise, for a period of at 3413  
least twenty days, prior to the time fixed for the election, in 3414  
such manner as the legislative authority deems most expedient, and 3415  
a printed copy of such conditions shall be mailed to each voter of 3416  
such municipal corporations, as shown by the registration books. 3417

**Sec. 709.39.** The freehold electors owning lands in any 3418  
portion of a village, such portion being contiguous to an 3419  
adjoining township, and comprising not less than one thousand five 3420  
hundred acres of land, may file a petition with the board of 3421  
elections in such county requesting that an election be held to 3422  
obtain the opinion of the freehold electors owning lands and 3423  
residing within such portion of the village upon the question of 3424  
the detachment of the portion from such village, or, upon the 3425  
question of the detachment of such portion from the village and 3426  
the erection of such detached portion into a new township. Such 3427  
petition shall contain: 3428

(A) An accurate description of the territory sought to be 3429  
detached; 3430

(B) An accurate map or plat thereof; 3431

(C) If the erection of a new township is also sought, the 3432  
name proposed for such new township; 3433

(D) The name of a person to act as agent of the petitioners; 3434

(E) Signatures equal in number to fifteen per cent of the 3435  
total number of votes cast at the last general election in such 3436  
territory. 3437

Within ten days after the filing of such petition with the 3438  
board the board shall determine whether the petition conforms to 3439  
this section. If it does not conform, no further action shall be 3440

taken thereon. If it does conform, the board shall order an 3441  
election, as prayed for in the petition, which election shall be 3442  
held at a convenient place within the territory sought to be 3443  
detached, on a day named by the board, which day shall be not less 3444  
than ~~seventy-five~~ eighty-five days thereafter. The board shall 3445  
thereupon give ten days' notice of such election by publication in 3446  
a newspaper of general circulation in such territory, and shall 3447  
cause written or printed notices thereof to be posted in three or 3448  
more public places in such territory. The election shall be 3449  
conducted in the manner provided in Title XXXV of the Revised 3450  
Code, and the judges and clerks thereof shall be designated by 3451  
such board. 3452

If no freehold electors own lands in the portion of the 3453  
village seeking to be detached, the owners of lands within that 3454  
portion may file a petition with the board of county commissioners 3455  
requesting that the board proceed with the detachment procedures, 3456  
or with procedures for the detachment and erection of the portion 3457  
of the village into a new township, pursuant to section 709.38 of 3458  
the Revised Code. The petition shall contain the items required in 3459  
divisions (A), (B), and (D) of this section, and signatures equal 3460  
in number to at least a majority of the owners of land within the 3461  
portion of the village seeking to be detached. 3462

The ballots shall contain the words "for detachment," and 3463  
"against detachment." If a majority of the ballots cast at such 3464  
election are cast against detachment, no further proceedings shall 3465  
be had in relation thereto for a period of two years. If a 3466  
majority of the votes cast at such election are cast for 3467  
detachment, the result of such election, together with the 3468  
original petition and plat and a transcript of all the proceedings 3469  
of such board in reference thereto shall be certified by the board 3470  
and delivered to the county recorder, who shall forthwith make a 3471  
record of the petition and plat and transcript of all the 3472

proceedings of the board and the result of the election, in the 3473  
public book of records, and preserve in ~~his~~ the recorder's office 3474  
the original papers delivered to ~~him~~ the recorder by such board. 3475  
The recorder shall certify thereon that the transcribed petition 3476  
and map are properly recorded. ~~When the recorder has~~ After having 3477  
made such record, ~~he~~ the recorder shall certify and forward to the 3478  
secretary of state, a transcript thereof. 3479

The detachment of such territory from the village shall 3480  
thereupon be complete, and, if the petition included a request 3481  
that such territory be erected into a new township, the territory 3482  
shall thereupon constitute a new township, under the name and 3483  
style specified in such petition. All expense involved in holding 3484  
such election, and in the filing, recording, and transcribing of 3485  
the records, provided for in this section, shall be defrayed by 3486  
the petitioners, and the board and the recorder may require the 3487  
payment thereof in advance as a condition precedent to the taking 3488  
by them, or either of them, of any action provided for in this 3489  
section. 3490

**Sec. 709.45.** (A) A petition may be filed with the board of 3491  
elections proposing that one or more municipal corporations be 3492  
merged with another municipal corporation, or that the 3493  
unincorporated area of a township be merged with one or more 3494  
municipal corporations, as provided by section 709.44 of the 3495  
Revised Code. The petition may be presented in separate petition 3496  
papers. Each petition paper shall contain, in concise language, 3497  
the purpose of the petition and the names of not less than five 3498  
electors of each affected municipal corporation, or the names of 3499  
not less than five electors of the unincorporated area of the 3500  
township and the names of not less than five electors of each 3501  
affected municipal corporation, to be nominated to serve as 3502  
commissioners. The petition shall be governed by the rules of 3503  
section 3501.38 of the Revised Code. The petition shall contain 3504



signatures of electors of each municipal corporation or of each 3505  
municipal corporation and the unincorporated area of the township 3506  
proposed to be merged and signatures of electors of the municipal 3507  
corporation with which merger is proposed, numbering not less than 3508  
ten per cent of the number of electors residing in each such 3509  
political subdivision who voted for the office of governor at the 3510  
most recent general election for that office. 3511

(B) The petition shall be filed with the board of elections 3512  
of the county in which the largest portion of the population of 3513  
the municipal corporation with which merger is proposed resides. 3514  
The board of elections shall cause the validity of all signatures 3515  
to be ascertained and, in doing so, may require the assistance of 3516  
boards of elections of other counties as the case requires. If the 3517  
petition is sufficient, the board of elections of the county in 3518  
which the petition is required to be filed shall submit the 3519  
question: "Shall a commission be chosen to draw up a statement of 3520  
conditions for merger of the political subdivisions of ....., 3521  
....., and ....."? for the approval or rejection of 3522  
the electors of each political subdivision proposed to be merged 3523  
and the electors of the municipal corporation to which merger is 3524  
proposed at the next general election, in any year, occurring 3525  
subsequent to the period ending ~~seventy-five~~ eighty-five days 3526  
after the filing of the petition with the board. Provision shall 3527  
be made on the ballot for the election, from each of the component 3528  
political subdivisions, of five electors who shall constitute the 3529  
commission to draw up the statement of conditions for merger of 3530  
the political subdivisions. If any of the political subdivisions 3531  
for which merger is proposed are located wholly or partially in a 3532  
county other than the one in which the petition is required to be 3533  
filed, the board of elections of the county in which the petition 3534  
is filed shall, if the petition is found to be sufficient, certify 3535  
the sufficiency of the petition and the statement of the issue to 3536  
be voted on to the boards of elections of those other counties; 3537

the boards of elections of those other counties shall submit the 3538  
question of merging and the names of candidates to be elected to 3539  
the commission to draw up the statement of conditions for merger, 3540  
for the approval or rejection of the electors in the portions of 3541  
those political subdivisions within their respective counties; 3542  
and, upon the holding of the election, the boards of elections of 3543  
those other counties shall certify the election results to the 3544  
board of elections of the county in which the petition is required 3545  
to be filed. 3546

(C) In addition to the filing of the petition with the board 3547  
of elections as provided in division (B) of this section, a copy 3548  
of the petition shall be filed with the legislative authority of 3549  
each affected municipal corporation and, if applicable, the board 3550  
of township trustees of the affected township. At a public meeting 3551  
scheduled not less than thirty days before the date of the 3552  
election at which the question of merging goes before the 3553  
electors, each of those legislative authorities and, if 3554  
applicable, the board of township trustees shall state and explain 3555  
their position on the proposed merger. 3556

**Sec. 709.462.** (A) Once proposed merger conditions are 3557  
prepared, the members of the commission shall vote on them. 3558

(B) If no proposed merger condition can be agreed upon by a 3559  
majority of the members of the commission from each political 3560  
subdivision, the members of the commission may vote on whether the 3561  
merger should not occur. If, in that situation, a majority of the 3562  
members of the commission from each political subdivision votes 3563  
against the merger, no further proceedings shall be had on the 3564  
petition filed under section 709.45 of the Revised Code, and no 3565  
further petitions shall be filed under that section proposing a 3566  
merger of any or all of the political subdivisions that were the 3567  
subjects of that petition for at least three years after the date 3568

of the commission's vote. 3569

(C) If proposed merger conditions are agreed upon by a 3570  
majority of the members of the commission from each political 3571  
subdivision, the commission shall issue a report listing the 3572  
conditions agreed to and the reasoning behind adopting each 3573  
condition. In addition, after the next general election occurring 3574  
after the election of the members of the commission, but not less 3575  
than ~~seventy-five~~ eighty-five days preceding the second general 3576  
election occurring after the election of the members of the 3577  
commission, the commission, unless it has ceased to exist under 3578  
division (D) of this section, shall certify the fact of that 3579  
agreement and a list of the agreed-to merger conditions to the 3580  
board of elections of each of the counties in which the political 3581  
subdivisions proposed for merger are located. The question of the 3582  
approval or rejection of the merger conditions shall be submitted 3583  
to the voters at that second general election occurring after the 3584  
election of the members of the commission. The boards of elections 3585  
shall submit the merger conditions for the approval or rejection 3586  
of the electors in the portions of the political subdivisions 3587  
within their respective counties, and, upon the holding of the 3588  
election, each board of elections other than the board of the 3589  
county in which the petition is required to be filed shall certify 3590  
its results to the board of elections of the county in which the 3591  
petition is required to be filed. 3592

(D) Regardless of whether a merger commission succeeds in 3593  
reaching an agreement, the commission shall cease to exist on the 3594  
~~seventy-fifth~~ eighty-fifth day preceding the next general election 3595  
occurring after the election of the members of the commission, 3596  
unless the commission requests an extension of time from the 3597  
legislative authority of each political subdivision involved and 3598  
each of those legislative authorities approves the extension. This 3599  
extension of time may be only until the ~~seventy-fifth~~ eighty-fifth 3600

day preceding the second general election occurring after the 3601  
election of the members of the commission. If the commission 3602  
ceases to exist under this division, no further petitions shall be 3603  
filed under section 709.45 of the Revised Code proposing a merger 3604  
of any or all of the political subdivisions that were the subjects 3605  
of the petition considered by the commission for at least three 3606  
years after the date the commission ceases to exist. 3607

**Sec. 709.48.** On and after the date on which a petition is 3608  
filed with the board of elections under section 709.45 of the 3609  
Revised Code for the election of a merger commission for the 3610  
merger of one or more municipal corporations and the 3611  
unincorporated territory of a township, no petition for the 3612  
annexation of any part of the unincorporated territory of the 3613  
township shall be filed with a board of county commissioners under 3614  
section 709.03 or 709.15 of the Revised Code, until one of the 3615  
following occurs: 3616

(A) The question of forming a merger commission is defeated 3617  
at the election provided for under section 709.45 of the Revised 3618  
Code by a majority of the electors of any one of the municipal 3619  
corporations or the unincorporated territory of the township in 3620  
which the election is held. 3621

(B) The merger commission elected pursuant to section 709.45 3622  
of the Revised Code fails to reach agreement on merger conditions 3623  
by the ~~seventy-fifth~~ eighty-fifth day preceding the next general 3624  
election occurring after the election of the members of the 3625  
commission or, if the time for the commission's existence is 3626  
extended under division (D) of section 709.462 of the Revised 3627  
Code, by the date that extension ceases, whichever is later. 3628

(C) The merger conditions agreed upon by the merger 3629  
commission are defeated by a majority of the electors of any one 3630  
of the municipal corporations or the unincorporated territory of 3631

the township in which the election on the conditions is held. 3632

**Sec. 709.50.** (A) Notwithstanding any other section of the 3633  
Revised Code, when a township contains at least ninety per cent of 3634  
the geographic area of a municipal corporation, either that 3635  
township or the municipal corporation may remove that part of that 3636  
township that is located within the municipal corporation from 3637  
that township if all of the following apply: 3638

(1) The electors of the township and the municipal 3639  
corporation have voted to approve the establishment of a merger 3640  
commission pursuant to section 709.45 of the Revised Code. 3641

(2) The unincorporated territory of the township has a 3642  
population of more than nine thousand. 3643

(3) The township has previously adopted a limited home rule 3644  
government under Chapter 504. of the Revised Code and a township 3645  
zoning resolution under Chapter 519. of the Revised Code. 3646

(4) Not later than December 31, 1994, either the township 3647  
adopts a resolution or the municipal corporation adopts a 3648  
resolution or ordinance to remove that part of the township that 3649  
is located in the municipal corporation from the township. Any 3650  
resolution or ordinance adopted under division (A)(4) of this 3651  
section shall include an accurate description of the land to be 3652  
removed. The political subdivision that adopts an ordinance or 3653  
resolution under division (A)(4) of this section shall file with 3654  
the county recorder a copy of it certified by the county auditor, 3655  
together with a map or plat certified by the county auditor of the 3656  
land to be removed. The county recorder shall record the ordinance 3657  
or resolution and the map or plat. 3658

(B) If either the township or the municipal corporation takes 3659  
the action described in division (A)(4) of this section, the 3660  
removal shall occur. After the removal, the unincorporated 3661

territory of the township shall no longer receive any revenue by 3662  
virtue of its relationship to the municipal corporation. As soon 3663  
as practicable after a removal occurs under this section, the 3664  
board of county commissioners shall ascertain whether there is any 3665  
joint indebtedness of the unincorporated territory of the township 3666  
and the municipal corporation. If there is any such indebtedness, 3667  
the board of county commissioners shall apportion it in accordance 3668  
with section 503.10 of the Revised Code. 3669

(C)(1) If a removal occurs under this section, all or part of 3670  
the unincorporated territory of the township may become a village 3671  
if the board of township trustees adopts, by unanimous vote, a 3672  
resolution for all or part of that territory to become a village. 3673  
The board of township trustees shall file with the county recorder 3674  
a copy of any resolution it adopts under division (C)(1) of this 3675  
section certified by the county auditor, together with a map or 3676  
plat certified by the county auditor of the land to be included in 3677  
the village. The county recorder shall record the resolution and 3678  
the map or plat. Once the board adopts a resolution under division 3679  
(C)(1) of this section, no land within the area that will 3680  
constitute the village may be annexed, and any pending annexation 3681  
proceeding that includes land in that area shall be considered to 3682  
be terminated with regard to that land. 3683

(2) If the board does not adopt a resolution under division 3684  
(C)(1) of this section, or if the board adopts such a resolution 3685  
in which only a part of the unincorporated territory becomes a 3686  
village, the board of county commissioners shall attach all the 3687  
unincorporated territory that does not become a village to any 3688  
township contiguous to that territory or erect that territory into 3689  
a new township, the boundaries of which need not include 3690  
twenty-two square miles of territory. 3691

(D) If a board of township trustees adopts a resolution under 3692  
division (C)(1) of this section for all or part of the township's 3693

unincorporated territory to become a village, the board shall 3694  
serve as the legislative authority of the area constituting the 3695  
village until the next regular municipal election that occurs at 3696  
least ~~seventy-five~~ eighty-five days after the adoption of the 3697  
resolution. At that election, the legislative authority of the 3698  
village shall be elected under section 731.09 of the Revised Code 3699  
and all other officers of the village shall be elected under 3700  
Chapter 733. of the Revised Code. 3701

**Sec. 715.69.** (A) As used in this section: 3702

(1) "Contracting party" means a municipal corporation that 3703  
has entered into a joint economic development zone contract or any 3704  
party succeeding to such a municipal corporation. 3705

(2) "Contract for utility services" means a contract under 3706  
which a municipal corporation agrees to provide to another 3707  
municipal corporation water, sewer, electric, or other utility 3708  
services necessary to the public health, safety, and welfare. 3709

(3) "Joint economic development zone contract" means a 3710  
contract described in and entered into under division (B) of this 3711  
section. 3712

(4) "Zone" means a joint economic development zone designated 3713  
under this section. 3714

(B) Two or more municipal corporations may enter into a 3715  
contract whereby they agree to share in the costs of improvements 3716  
for an area or areas located in one or more of the contracting 3717  
parties that they designate as a joint economic development zone 3718  
for the purpose of facilitating new or expanded growth for 3719  
commercial or economic development in the state. Except as 3720  
otherwise provided in division (I) of this section, the contract 3721  
and zone shall meet the requirements of divisions (B) to (H) of 3722  
this section. 3723

(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. 3756

A public hearing held under division (D) of this section 3757  
shall allow for public comment and recommendations on the contract 3758  
and zone. The contracting parties may include in the contract any 3759  
of those recommendations prior to approval of the contract. 3760

(E) After the public hearings required under division (D) of 3761  
this section have been held, each contracting party may enact an 3762  
ordinance approving the contract to designate a joint economic 3763  
development zone. After each contracting party has enacted such an 3764  
ordinance, the clerk of the legislative authority of each 3765  
contracting party shall file with the board of elections of each 3766  
county within which a contracting party is located a copy of the 3767  
ordinance approving the contract and shall direct the board of 3768  
elections to submit the ordinance to the electors of the 3769  
contracting party on the day of the next general, primary, or 3770  
special election occurring at least ~~seventy-five~~ eighty-five days 3771  
after the ordinance is filed with the board of elections. 3772

(F) The ballot shall be in the following form: 3773

"Shall the ordinance of the legislative authority of the 3774  
(city or village) of (name of contracting party) approving the 3775  
contract with (name of each other contracting party) for the 3776  
designation of a joint economic development zone be approved? 3777

	FOR THE ORDINANCE AND CONTRACT
	AGAINST THE ORDINANCE AND CONTRACT

"

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3781  
If a majority of the electors of each contracting party voting on 3782  
the issue vote for the ordinance and contract, the ordinance shall 3783  
become effective immediately and the contract shall go into effect 3784  
immediately or in accordance with its terms. 3785

(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 3817  
development zone to which that contract relates unless the 3818  
contracting parties agree that those divisions shall apply. 3819

**Sec. 715.691.** (A) As used in this section: 3820

(1) "Contracting party" means a municipal corporation that 3821  
has entered into a joint economic development zone contract or any 3822  
party succeeding to the municipal corporation, or a township that 3823  
entered into a joint economic development zone contract with a 3824  
municipal corporation. 3825

(2) "Zone" means a joint economic development zone designated 3826  
under this section. 3827

(B) This section provides alternative procedures and 3828  
requirements for creating and operating a joint economic 3829  
development zone to those set forth in section 715.69 of the 3830  
Revised Code. This section applies only if one of the contracting 3831  
parties to the zone does not levy a municipal income tax under 3832  
Chapter 718. of the Revised Code. A municipal corporation that 3833  
does not levy a municipal income tax may enter into an agreement 3834  
to create and operate a joint economic development zone under this 3835  
section or under section 715.69 of the Revised Code. 3836

Two or more municipal corporations or one or more townships 3837  
and one or more municipal corporations may enter into a contract 3838  
whereby they agree to share in the costs of improvements for an 3839  
area or areas located in one or more of the contracting parties 3840  
that they designate as a joint economic development zone for the 3841  
purpose of facilitating new or expanded growth for commercial or 3842  
economic development in the state. The contract and zone shall 3843  
meet the requirements of divisions (B) to (J) of this section. 3844

(C) The contract shall set forth each contracting party's 3845  
contribution to the joint economic development zone. The 3846

contributions may be in any form that the contracting parties 3847  
agree to, and may include, but are not limited to, the provision 3848  
of services, money, or equipment. The contract may be amended, 3849  
renewed, or terminated with the consent of the contracting 3850  
parties. The contract shall continue in existence throughout the 3851  
term it specifies and shall be binding on the contracting parties 3852  
and on any entities succeeding to the contracting parties. 3853

(D) Before the legislative authority of any of the 3854  
contracting parties enacts an ordinance or resolution approving a 3855  
contract to designate a joint economic development zone, the 3856  
legislative authority of each of the contracting parties shall 3857  
hold a public hearing concerning the contract and zone. Each 3858  
legislative authority shall provide at least thirty days' public 3859  
notice of the time and place of the public hearing in a newspaper 3860  
of general circulation in the municipal corporation or township. 3861  
During the thirty-day period prior to the public hearing, all of 3862  
the following documents shall be available for public inspection 3863  
in the office of the clerk of the legislative authority of a 3864  
municipal corporation that is a contracting party and in the 3865  
office of the fiscal officer of a township that is a contracting 3866  
party: 3867

(1) A copy of the contract designating the zone; 3868

(2) A description of the area or areas to be included in the 3869  
zone, including a map in sufficient detail to denote the specific 3870  
boundaries of the area or areas; 3871

(3) An economic development plan for the zone that includes a 3872  
schedule for the provision of any new, expanded, or additional 3873  
services, facilities, or improvements. 3874

A public hearing held under division (D) of this section 3875  
shall allow for public comment and recommendations on the contract 3876  
and zone. The contracting parties may include in the contract any 3877

of those recommendations prior to approval of the contract. 3878

(E) After the public hearings required under division (D) of 3879  
this section have been held, each contracting party may enact an 3880  
ordinance or resolution approving the contract to designate a 3881  
joint economic development zone. After each contracting party has 3882  
enacted an ordinance or resolution, the clerk of the legislative 3883  
authority of a municipal corporation that is a contracting party 3884  
and the fiscal officer of a township that is a contracting party 3885  
shall file with the board of elections of each county within which 3886  
a contracting party is located a copy of the ordinance or 3887  
resolution approving the contract and shall direct the board of 3888  
elections to submit the ordinance or resolution to the electors of 3889  
the contracting party on the day of the next general, primary, or 3890  
special election occurring at least ~~seventy-five~~ eighty-five days 3891  
after the ordinance or resolution is filed with the board of 3892  
elections. If any of the contracting parties is a township, 3893  
however, then only the township or townships shall submit the 3894  
resolution to the electors. 3895

(F)(1) If a vote is required to approve a municipal 3896  
corporation as a contracting party to a joint economic development 3897  
zone under this section, the ballot shall be in the following 3898  
form: 3899

"Shall the ordinance of the legislative authority of the 3900  
(city or village) of (name of contracting party) approving the 3901  
contract with (name of each other contracting party) for the 3902  
designation of a joint economic development zone be approved? 3903

	FOR THE ORDINANCE AND CONTRACT	
	AGAINST THE ORDINANCE AND CONTRACT	"

3904  
3905  
3906  
3907

(2) If a vote is required to approve a township as a 3908

contracting party to a joint economic development zone under this 3909  
section, the ballot shall be in the following form: 3910

"Shall the resolution of the board of township trustees of 3911  
the township of (name of contracting party) approving the contract 3912  
with (name of each other contracting party) for the designation of 3913  
a joint economic development zone be approved? 3914

	FOR THE RESOLUTION AND CONTRACT	
	AGAINST THE RESOLUTION AND CONTRACT	"

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3916  
3917  
3918  
If a majority of the electors of each contracting party 3919  
voting on the issue vote for the ordinance or resolution and 3920  
contract, the ordinance or resolution shall become effective 3921  
immediately and the contract shall go into effect immediately or 3922  
in accordance with its terms. 3923

(G)(1) A board of directors shall govern each joint economic 3924  
development zone created under section 715.691 of the Revised 3925  
Code. The members of the board shall be appointed as provided in 3926  
the contract. Each of the contracting parties shall appoint three 3927  
members to the board. Terms for each member shall be for two 3928  
years, each term ending on the same day of the month of the year 3929  
as did the term that it succeeds. A member may be reappointed to 3930  
the board. 3931

(2) Membership on the board is not the holding of a public 3932  
office or employment within the meaning of any section of the 3933  
Revised Code or any charter provision prohibiting the holding of 3934  
other public office or employment. Membership on the board is not 3935  
a direct or indirect interest in a contract or expenditure of 3936  
money by a municipal corporation, township, county, or other 3937  
political subdivision with which a member may be affiliated. 3938  
Notwithstanding any provision of law or a charter to the contrary, 3939

no member of the board shall forfeit or be disqualified from 3940  
holding any public office or employment by reason of membership on 3941  
the board. 3942

(3) The board is a public body for the purposes of section 3943  
121.22 of the Revised Code. Chapter 2744. of the Revised Code 3944  
applies to the board and the zone. 3945

(H) The contract may grant to the board of directors 3946  
appointed under division (G) of this section the power to adopt a 3947  
resolution to levy an income tax within the zone. The income tax 3948  
shall be used for the purposes of the zone and for the purposes of 3949  
the contracting municipal corporations pursuant to the contract. 3950  
The income tax may be levied in the zone based on income earned by 3951  
persons working within the zone and on the net profits of 3952  
businesses located in the zone. The income tax is subject to 3953  
Chapter 718. of the Revised Code, except that a vote shall be 3954  
required by the electors residing in the zone to approve the rate 3955  
of income tax unless a majority of the electors residing within 3956  
the zone, as determined by the total number of votes cast in the 3957  
zone for the office of governor at the most recent general 3958  
election for that office, submit a petition to the board 3959  
requesting that the election provided for in division (H)(1) of 3960  
this section not be held. If no electors reside within the zone, 3961  
then division (H)(3) of this section applies. The rate of the 3962  
income tax shall be no higher than the highest rate being levied 3963  
by a municipal corporation that is a party to the contract. 3964

(1) The board of directors may levy an income tax at a rate 3965  
that is not higher than the highest rate being levied by a 3966  
municipal corporation that is a party to the contract, provided 3967  
that the rate of the income tax is first submitted to and approved 3968  
by the electors of the zone at the succeeding regular or primary 3969  
election, or a special election called by the board, occurring 3970  
subsequent to ~~seventy-five~~ eighty-five days after a certified copy 3971

of the resolution levying the income tax and calling for the 3972  
election is filed with the board of elections. If the voters 3973  
approve the levy of the income tax, the income tax shall be in 3974  
force for the full period of the contract establishing the zone. 3975  
No election shall be held under this section if a majority of the 3976  
electors residing within the zone, determined as specified in 3977  
division (H) of this section, submit a petition to that effect to 3978  
the board of directors. Any increase in the rate of an income tax 3979  
by the board of directors shall be approved by a vote of the 3980  
electors of the zone and shall be in force for the remaining 3981  
period of the contract establishing the zone. 3982

(2) Whenever a zone is located in the territory of more than 3983  
one contracting party, a majority vote of the electors in each of 3984  
the several portions of the territory of the contracting parties 3985  
constituting the zone approving the levy of the tax is required 3986  
before it may be imposed under division (H) of this section. 3987

(3) If no electors reside in the zone, no election for the 3988  
approval or rejection of an income tax shall be held under this 3989  
section, provided that where no electors reside in the zone, the 3990  
rate of the income tax shall be no higher than the highest rate 3991  
being levied by a municipal corporation that is a party to the 3992  
contract. 3993

(4) The board of directors of a zone levying an income tax 3994  
shall enter into an agreement with one of the municipal 3995  
corporations that is a party to the contract to administer, 3996  
collect, and enforce the income tax on behalf of the zone. 3997

(5) The board of directors of a zone shall publish or post 3998  
public notice within the zone of any resolution adopted levying an 3999  
income tax in the same manner required of municipal corporations 4000  
under sections 731.21 and 731.25 of the Revised Code. 4001

(I)(1) If for any reason a contracting party reverts to or 4002



has its boundaries changed so that it is classified as a township 4003  
that is the entity succeeding to that contracting party, the 4004  
township is considered to be a municipal corporation for the 4005  
purposes of the contract for the full period of the contract 4006  
establishing the joint economic development zone, except that if 4007  
that contracting party is administering, collecting, and enforcing 4008  
the income tax on behalf of the district as provided in division 4009  
(H)(4) of this section, the contract shall be amended to allow one 4010  
of the other contracting parties to administer, collect, and 4011  
enforce that tax. 4012

(2) Notwithstanding any other section of the Revised Code, if 4013  
there is any change in the boundaries of a township so that a 4014  
municipal corporation once located within the township is no 4015  
longer so located, the township shall remain in existence even 4016  
though its remaining unincorporated area contains less than 4017  
twenty-two square miles, if the township has been or becomes a 4018  
party to a contract creating a joint economic development zone 4019  
under this section or the contract creating that joint economic 4020  
development zone under this section is terminated or repudiated 4021  
for any reason by any party or person. The township shall continue 4022  
its existing status in all respects, including having the same 4023  
form of government and the same elected board of trustees as its 4024  
governing body. The township shall continue to receive all of its 4025  
tax levies and sources of income as a township in accordance with 4026  
any section of the Revised Code, whether the levies and sources of 4027  
income generate millage within the ten-mill limitation or in 4028  
excess of the ten-mill limitation. The name of the township may be 4029  
changed to the name of the contracting party appearing in the 4030  
contract creating a joint economic development zone under this 4031  
section, so long as the name does not conflict with any other name 4032  
in the state that has been certified by the secretary of state. 4033  
The township shall have all of the powers set out in sections 4034  
715.79, 715.80, and 715.81 of the Revised Code. 4035

(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 4066  
authority of each contracting party pursuant to which they create 4067  
as a joint economic development district an area or areas for the 4068  
purpose of facilitating economic development to create or preserve 4069  
jobs and employment opportunities and to improve the economic 4070  
welfare of the people in the state and in the area of the 4071  
contracting parties. A municipal corporation described in division 4072  
(A)(4) of this section may enter into a contract with other 4073  
municipal corporations and townships to create a new joint 4074  
economic development district. In a district that includes a 4075  
municipal corporation described in division (A)(4) of this 4076  
section, the territory of each of the contracting parties shall be 4077  
contiguous to the territory of at least one other contracting 4078  
party, or contiguous to the territory of a township or municipal 4079  
corporation that is contiguous to another contracting party, even 4080  
if the intervening township or municipal corporation is not a 4081  
contracting party. The area or areas of land to be included in the 4082  
district shall not include any parcel of land owned in fee by a 4083  
municipal corporation or a township or parcel of land that is 4084  
leased to a municipal corporation or a township, unless the 4085  
municipal corporation or township is a party to the contract or 4086  
unless the municipal corporation or township has given its consent 4087  
to have its parcel of land included in the district by the 4088  
adoption of a resolution. As used in this division, "parcel of 4089  
land" means any parcel of land owned by a municipal corporation or 4090  
a township for at least a six-month period within a five-year 4091  
period prior to the creation of a district, but "parcel of land" 4092  
does not include streets or public ways and sewer, water, and 4093  
other utility lines whether owned in fee or otherwise. 4094

The district created shall be located within the territory of 4095  
one or more of the participating parties and may consist of all or 4096  
a portion of such territory. The boundaries of the district shall 4097  
be described in the contract or in an addendum to the contract. 4098

(2) Prior to the public hearing to be held pursuant to 4099  
division (D)(2) of this section, the participating parties shall 4100  
give a copy of the proposed contract to each municipal corporation 4101  
located within one-quarter mile of the proposed joint economic 4102  
development district and not otherwise a party to the contract, 4103  
and afford the municipal corporation the reasonable opportunity, 4104  
for a period of thirty days following receipt of the proposed 4105  
contract, to make comments and suggestions to the participating 4106  
parties regarding elements contained in the proposed contract. 4107

(3) The district shall not exceed two thousand acres in area. 4108  
The territory of the district shall not completely surround 4109  
territory that is not included within the boundaries of the 4110  
district. 4111

(4) Sections 503.07 to 503.12 of the Revised Code do not 4112  
apply to territory included within a district created pursuant to 4113  
this section as long as the contract creating the district is in 4114  
effect, unless the legislative authority of each municipal 4115  
corporation and the board of township trustees of each township 4116  
included in the district consent, by ordinance or resolution, to 4117  
the application of those sections of the Revised Code. 4118

(5) Upon the execution of the contract creating the district 4119  
by the parties to the contract, a participating municipal 4120  
corporation or township included within the district shall file a 4121  
copy of the fully executed contract with the county recorder of 4122  
each county within which a party to the contract is located, in 4123  
the miscellaneous records of the county. No annexation proceeding 4124  
pursuant to Chapter 709. of the Revised Code that proposes the 4125  
annexation to, merger, or consolidation with a municipal 4126  
corporation of any unincorporated territory within the district 4127  
shall be commenced for a period of three years after the contract 4128  
is filed with the county recorder of each county within which a 4129  
party to the contract is located unless each board of township 4130

trustees whose territory is included, in whole or part, within the 4131  
district and the territory proposed to be annexed, merged, or 4132  
consolidated adopts a resolution consenting to the commencement of 4133  
the proceeding and a copy of the resolution is filed with the 4134  
legislative authority of each county within which a party to the 4135  
contract is located or unless the contract is terminated during 4136  
this period. 4137

The contract entered into between the municipal corporations 4138  
and townships pursuant to this section may provide for the 4139  
prohibition of any annexation by the participating municipal 4140  
corporations of any unincorporated territory within the district 4141  
beyond the three-year mandatory prohibition of any annexation 4142  
provided for in division (B)(5) of this section. 4143

(C)(1) After the legislative authority of a municipal 4144  
corporation and the board of township trustees have adopted an 4145  
ordinance and resolution approving a contract to create a joint 4146  
economic development district pursuant to this section, and after 4147  
a contract has been signed, the municipal corporations and 4148  
townships shall jointly file a petition with the legislative 4149  
authority of each county within which a party to the contract is 4150  
located. 4151

(a) The petition shall contain all of the following: 4152

(i) A statement that the area or areas of the district is not 4153  
greater than two thousand acres and is located within the 4154  
territory of one or more of the contracting parties; 4155

(ii) A brief summary of the services to be provided by each 4156  
party to the contract or a reference to the portion of the 4157  
contract describing those services; 4158

(iii) A description of the area or areas to be designated as 4159  
the district; 4160

(iv) The signature of a representative of each of the 4161

contracting parties. 4162

(b) The following documents shall be filed with the petition: 4163

(i) A signed copy of the contract, together with copies of 4164  
district maps and plans related to or part of the contract; 4165

(ii) A certified copy of the ordinances and resolutions of 4166  
the contracting parties approving the contract; 4167

(iii) A certificate from each of the contracting parties 4168  
indicating that the public hearings required by division (D)(2) of 4169  
this section have been held, the date of the hearings, and 4170  
evidence of publication of the notice of the hearings; 4171

(iv) One or more signed statements of persons who are owners 4172  
of property located in whole or in part within the area to be 4173  
designated as the district, requesting that the property be 4174  
included within the district, provided that those statements shall 4175  
represent a majority of the persons owning property located in 4176  
whole or in part within the district and persons owning a majority 4177  
of the acreage located within the district. A signature may be 4178  
withdrawn by the signer up to but not after the time of the public 4179  
hearing required by division (D)(2) of this section. 4180

(2) The legislative authority of each county within which a 4181  
party to the contract is located shall adopt a resolution 4182  
approving the petition for the creation of the district if the 4183  
petition and other documents have been filed in accordance with 4184  
the requirements of division (C)(1) of this section. If the 4185  
petition and other documents do not substantially meet the 4186  
requirements of that division, the legislative authority of any 4187  
county within which a party to the contract is located may adopt a 4188  
resolution disapproving the petition for the creation of the 4189  
district. The legislative authority of each county within which a 4190  
party to the contract is located shall adopt a resolution 4191  
approving or disapproving the petition within thirty days after 4192

the petition was filed. If the legislative authority of each such 4193  
county does not adopt the resolution within the thirty-day period, 4194  
the petition shall be deemed approved and the contract shall go 4195  
into effect immediately after that approval or at such other time 4196  
as the contract specifies. 4197

(D)(1) The contract creating the district shall set forth or 4198  
provide for the amount or nature of the contribution of each 4199  
municipal corporation and township to the development and 4200  
operation of the district and may provide for the sharing of the 4201  
costs of the operation of and improvements for the district. The 4202  
contributions may be in any form to which the contracting 4203  
municipal corporations and townships agree and may include but are 4204  
not limited to the provision of services, money, real or personal 4205  
property, facilities, or equipment. The contract may provide for 4206  
the contracting parties to share revenue from taxes levied on 4207  
property by one or more of the contracting parties if those 4208  
revenues may lawfully be applied to that purpose under the 4209  
legislation by which those taxes are levied. The contract shall 4210  
provide for new, expanded, or additional services, facilities, or 4211  
improvements, including expanded or additional capacity for or 4212  
other enhancement of existing services, facilities, or 4213  
improvements, provided that those services, facilities, or 4214  
improvements, or expanded or additional capacity for or 4215  
enhancement of existing services, facilities, or improvements, 4216  
required herein have been provided within the two-year period 4217  
prior to the execution of the contract. 4218

(2) Before the legislative authority of a municipal 4219  
corporation or a board of township trustees passes any ordinance 4220  
or resolution approving a contract to create a joint economic 4221  
development district pursuant to this section, the legislative 4222  
authority of the municipal corporation and the board of township 4223  
trustees shall each hold a public hearing concerning the joint 4224

economic development district contract and shall provide thirty 4225  
days' public notice of the time and place of the public hearing in 4226  
a newspaper of general circulation in the municipal corporation 4227  
and the township. The board of township trustees may provide 4228  
additional notice to township residents in accordance with section 4229  
9.03 of the Revised Code, and any additional notice shall include 4230  
the public hearing announcement; a summary of the terms of the 4231  
contract; a statement that the entire text of the contract and 4232  
district maps and plans are on file for public examination in the 4233  
office of the township fiscal officer; and information pertaining 4234  
to any tax changes that will or may occur as a result of the 4235  
contract. 4236

During the thirty-day period prior to the public hearing, a 4237  
copy of the text of the contract together with copies of district 4238  
maps and plans related to or part of the contract shall be on 4239  
file, for public examination, in the offices of the clerk of the 4240  
legislative authority of the municipal corporation and of the 4241  
township fiscal officer. The public hearing provided for in 4242  
division (D)(2) of this section shall allow for public comment and 4243  
recommendations from the public on the proposed contract. The 4244  
contracting parties may include in the contract any of those 4245  
recommendations prior to the approval of the contract. 4246

(3) Any resolution of the board of township trustees that 4247  
approves a contract that creates a joint economic development 4248  
district pursuant to this section shall be subject to a referendum 4249  
of the electors of the township. When a referendum petition, 4250  
signed by ten per cent of the number of electors in the township 4251  
who voted for the office of governor at the most recent general 4252  
election for the office of governor, is presented to the board of 4253  
township trustees within thirty days after the board of township 4254  
trustees adopted the resolution, ordering that the resolution be 4255  
submitted to the electors of the township for their approval or 4256



rejection, the board of township trustees shall, after ten days 4257  
and not later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day 4258  
before the election, certify the text of the resolution to the 4259  
board of elections. The board of elections shall submit the 4260  
resolution to the electors of the township for their approval or 4261  
rejection at the next general, primary, or special election 4262  
occurring subsequent to ~~seventy-five~~ eighty-five days after the 4263  
certifying of the petition to the board of elections. 4264

(4) Upon the creation of a district under this section or 4265  
section 715.71 of the Revised Code, one of the contracting parties 4266  
shall file a copy of the following with the director of 4267  
development: 4268

(a) The petition and other documents described in division 4269  
(C)(1) of this section, if the district is created under this 4270  
section; 4271

(b) The documents described in division (D) of section 715.71 4272  
of the Revised Code, if the district is created under this 4273  
section. 4274

(E) The district created by the contract shall be governed by 4275  
a board of directors that shall be established by or pursuant to 4276  
the contract. The board is a public body for the purposes of 4277  
section 121.22 of the Revised Code. The provisions of Chapter 4278  
2744. of the Revised Code apply to the board and the district. The 4279  
members of the board shall be appointed as provided in the 4280  
contract from among the elected members of the legislative 4281  
authorities and the elected chief executive officers of the 4282  
contracting parties, provided that there shall be at least two 4283  
members appointed from each of the contracting parties. 4284

(F) The contract shall enumerate the specific powers, duties, 4285  
and functions of the board of directors of a district, and the 4286  
contract shall provide for the determination of procedures that 4287

are to govern the board of directors. The contract may grant to 4288  
the board the power to adopt a resolution to levy an income tax 4289  
within the district. The income tax shall be used for the purposes 4290  
of the district and for the purposes of the contracting municipal 4291  
corporations and townships pursuant to the contract. The income 4292  
tax may be levied in the district based on income earned by 4293  
persons working or residing within the district and based on the 4294  
net profits of businesses located in the district. The income tax 4295  
shall follow the provisions of Chapter 718. of the Revised Code, 4296  
except that a vote shall be required by the electors residing in 4297  
the district to approve the rate of income tax. If no electors 4298  
reside within the district, then division (F)(4) of this section 4299  
applies. The rate of the income tax shall be no higher than the 4300  
highest rate being levied by a municipal corporation that is a 4301  
party to the contract. 4302

(1) Within one hundred eighty days after the first meeting of 4303  
the board of directors, the board may levy an income tax, provided 4304  
that the rate of the income tax is first submitted to and approved 4305  
by the electors of the district at the succeeding regular or 4306  
primary election, or a special election called by the board, 4307  
occurring subsequent to ~~seventy-five~~ eighty-five days after a 4308  
certified copy of the resolution levying the income tax and 4309  
calling for the election is filed with the board of elections. If 4310  
the voters approve the levy of the income tax, the income tax 4311  
shall be in force for the full period of the contract establishing 4312  
the district. Any increase in the rate of an income tax that was 4313  
first levied within one hundred eighty days after the first 4314  
meeting of the board of directors shall be approved by a vote of 4315  
the electors of the district, shall be in force for the remaining 4316  
period of the contract establishing the district, and shall not be 4317  
subject to division (F)(2) of this section. 4318

(2) Any resolution of the board of directors levying an 4319

income tax that is adopted subsequent to one hundred eighty days 4320  
after the first meeting of the board of directors shall be subject 4321  
to a referendum as provided in division (F)(2) of this section. 4322  
Any resolution of the board of directors levying an income tax 4323  
that is adopted subsequent to one hundred eighty days after the 4324  
first meeting of the board of directors shall be subject to an 4325  
initiative proceeding to amend or repeal the resolution levying 4326  
the income tax as provided in division (F)(2) of this section. 4327  
When a referendum petition, signed by ten per cent of the number 4328  
of electors in the district who voted for the office of governor 4329  
at the most recent general election for the office of governor, is 4330  
filed with the county auditor of each county within which a party 4331  
to the contract is located within thirty days after the resolution 4332  
is adopted by the board or when an initiative petition, signed by 4333  
ten per cent of the number of electors in the district who voted 4334  
for the office of governor at the most recent general election for 4335  
the office of governor, is filed with the county auditor of each 4336  
such county ordering that a resolution to amend or repeal a prior 4337  
resolution levying an income tax be submitted to the electors 4338  
within the district for their approval or rejection, the county 4339  
auditor of each such county, after ten days and not later than 4340  
four p.m. of the ~~seventy-fifth~~ eighty-fifth day before the 4341  
election, shall certify the text of the resolution to the board of 4342  
elections of that county. The county auditor of each such county 4343  
shall retain the petition. The board of elections shall submit the 4344  
resolution to such electors, for their approval or rejection, at 4345  
the next general, primary, or special election occurring 4346  
subsequent to ~~seventy-five~~ eighty-five days after the certifying 4347  
of such petition to the board of elections. 4348

(3) Whenever a district is located in the territory of more 4349  
than one contracting party, a majority vote of the electors, if 4350  
any, in each of the several portions of the territory of the 4351  
contracting parties constituting the district approving the levy 4352

of the tax is required before it may be imposed pursuant to this 4353  
division. 4354

(4) If there are no electors residing in the district, no 4355  
election for the approval or rejection of an income tax shall be 4356  
held pursuant to this section, provided that where no electors 4357  
reside in the district, the maximum rate of the income tax that 4358  
may be levied shall not exceed one per cent. 4359

(5) The board of directors of a district levying an income 4360  
tax shall enter into an agreement with one of the municipal 4361  
corporations that is a party to the contract to administer, 4362  
collect, and enforce the income tax on behalf of the district. The 4363  
resolution levying the income tax shall provide the same credits, 4364  
if any, to residents of the district for income taxes paid to 4365  
other such districts or municipal corporations where the residents 4366  
work, as credits provided to residents of the municipal 4367  
corporation administering the income tax. 4368

(6)(a) The board shall publish or post public notice within 4369  
the district of any resolution adopted levying an income tax in 4370  
the same manner required of municipal corporations under sections 4371  
731.21 and 731.25 of the Revised Code. 4372

(b) Except as otherwise specified by this division, any 4373  
referendum or initiative proceeding within a district shall be 4374  
conducted in the same manner as is required for such proceedings 4375  
within a municipal corporation pursuant to sections 731.28 to 4376  
731.40 of the Revised Code. 4377

(G) Membership on the board of directors does not constitute 4378  
the holding of a public office or employment within the meaning of 4379  
any section of the Revised Code or any charter provision 4380  
prohibiting the holding of other public office or employment, and 4381  
shall not constitute an interest, either direct or indirect, in a 4382  
contract or expenditure of money by any municipal corporation, 4383

township, county, or other political subdivision with which the 4384  
member may be connected. No member of a board of directors shall 4385  
be disqualified from holding any public office or employment, nor 4386  
shall such member forfeit or be disqualified from holding any such 4387  
office or employment, by reason of the member's membership on the 4388  
board of directors, notwithstanding any law or charter provision 4389  
to the contrary. 4390

(H) The powers and authorizations granted pursuant to this 4391  
section or section 715.71 of the Revised Code are in addition to 4392  
and not in derogation of all other powers granted to municipal 4393  
corporations and townships pursuant to law. When exercising a 4394  
power or performing a function or duty under a contract authorized 4395  
pursuant to this section or section 715.71 of the Revised Code, a 4396  
municipal corporation may exercise all of the powers of a 4397  
municipal corporation, and may perform all the functions and 4398  
duties of a municipal corporation, within the district, pursuant 4399  
to and to the extent consistent with the contract. When exercising 4400  
a power or performing a function or duty under a contract 4401  
authorized pursuant to this section or section 715.71 of the 4402  
Revised Code, a township may exercise all of the powers of a 4403  
township, and may perform all the functions and duties of a 4404  
township, within the district, pursuant to and to the extent 4405  
consistent with the contract. The district board of directors has 4406  
no powers except those specifically set forth in the contract as 4407  
agreed to by the participating parties. No political subdivision 4408  
shall authorize or grant any tax exemption pursuant to Chapter 4409  
1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the 4410  
Revised Code on any property located within the district without 4411  
the consent of the contracting parties. The prohibition for any 4412  
tax exemption pursuant to this division shall not apply to any 4413  
exemption filed, pending, or approved, or for which an agreement 4414  
has been entered into, before the effective date of the contract 4415  
entered into by the parties. 4416

(I) Municipal corporations and townships may enter into 4417  
binding agreements pursuant to a contract authorized under this 4418  
section or section 715.71 of the Revised Code with respect to the 4419  
substance and administration of zoning and other land use 4420  
regulations, building codes, public permanent improvements, and 4421  
other regulatory and proprietary matters that are determined, 4422  
pursuant to the contract, to be for a public purpose and to be 4423  
desirable with respect to the operation of the district or to 4424  
facilitate new or expanded economic development in the state or 4425  
the district, provided that no contract shall exempt the territory 4426  
within the district from the procedures and processes of land use 4427  
regulation applicable pursuant to municipal corporation, township, 4428  
and county regulations, including but not limited to procedures 4429  
and processes concerning zoning. 4430

(J) A contract entered into pursuant to this section or 4431  
section 715.71 of the Revised Code may be amended and it may be 4432  
renewed, canceled, or terminated as provided in or pursuant to the 4433  
contract. The contract may be amended to add property owned by one 4434  
of the contracting parties to the district, or may be amended to 4435  
delete property from the district whether or not one of the 4436  
contracting parties owns the deleted property. The contract shall 4437  
continue in existence throughout its term and shall be binding on 4438  
the contracting parties and on any entities succeeding to such 4439  
parties, whether by annexation, merger, or otherwise. The income 4440  
tax levied by the board pursuant to this section or section 715.71 4441  
of the Revised Code shall apply in the entire district throughout 4442  
the term of the contract, notwithstanding that all or a portion of 4443  
the district becomes subject to annexation, merger, or 4444  
incorporation. No township or municipal corporation is divested of 4445  
its rights or obligations under the contract because of 4446  
annexation, merger, or succession of interests. 4447

(K) After the creation of a joint economic development 4448

district described in division (A)(2) of this section, a municipal 4449  
corporation that is a contracting party may cease to own property 4450  
included in the district, but such property shall continue to be 4451  
included in the district and subject to the terms of the contract. 4452

**Sec. 715.71.** (A) This section provides alternative procedures 4453  
and requirements to those set forth in section 715.70 of the 4454  
Revised Code for creating and operating a joint economic 4455  
development district. Divisions (B), (C), (D)(1) to (3), and (F) 4456  
of section 715.70 of the Revised Code do not apply to a joint 4457  
economic development district established under this section. 4458  
However, divisions (A), (D)(4), (E), (G), (H), (I), (J), and (K) 4459  
of section 715.70 of the Revised Code do apply to a district 4460  
established under this section. 4461

(B) One or more municipal corporations and one or more 4462  
townships may enter into a contract approved by the legislative 4463  
authority of each contracting party pursuant to which they create 4464  
as a joint economic development district one or more areas for the 4465  
purpose of facilitating economic development to create or preserve 4466  
jobs and employment opportunities and to improve the economic 4467  
welfare of the people in this state and in the area of the 4468  
contracting parties. The district created shall be located within 4469  
the territory of one or more of the contracting parties and may 4470  
consist of all or a portion of that territory. The boundaries of 4471  
the district shall be described in the contract or in an addendum 4472  
to the contract. The area or areas of land to be included in the 4473  
district shall not include any parcel of land owned in fee by or 4474  
leased to a municipal corporation or township, unless the 4475  
municipal corporation or township is a party to the contract or 4476  
has given its consent to have its parcel of land included in the 4477  
district by the adoption of a resolution. As used in this 4478  
division, "parcel of land" has the same meaning as in division (B) 4479  
of section 715.70 of the Revised Code. 4480

(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 4513  
of the notice of the hearings. 4514

(E) Within thirty days after the filing under division (D) of 4515  
this section, the legislative authority of each county within 4516  
which a party to the contract is located shall adopt a resolution 4517  
acknowledging the receipt of the required documents, approving the 4518  
creation of the joint economic development district, and directing 4519  
that the resolution of the board of township trustees approving 4520  
the contract be submitted to the electors of the township for 4521  
approval at the next succeeding general, primary, or special 4522  
election. The legislative authority of the county shall file with 4523  
the board of elections at least ~~seventy-five~~ eighty-five days 4524  
before the day of the election a copy of the resolution of the 4525  
board of township trustees approving the contract. The resolution 4526  
of the legislative authority of the county also shall specify the 4527  
date the election is to be held and shall direct the board of 4528  
elections to conduct the election in the township. If the 4529  
resolution of the legislative authority of the county is not 4530  
adopted within the thirty-day period after the filing under 4531  
division (D) of this section, the joint economic development 4532  
district shall be deemed approved by the county legislative 4533  
authority, and the board of township trustees shall file its 4534  
resolution with the board of elections for submission to the 4535  
electors of the township for approval at the next succeeding 4536  
general, primary, or special election. The filing shall occur at 4537  
least ~~seventy-five~~ eighty-five days before the specified date the 4538  
election is to be held and shall direct the board of elections to 4539  
conduct the election in the township. 4540

The ballot shall be in the following form: 4541

"Shall the resolution of the board of township trustees 4542  
approving the contract with ..... (here insert name of 4543  
each municipal corporation and other township that is a party to 4544

the contract) for the creation of a joint economic development 4545  
district be approved? 4546

4547

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

4548

"

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4550

If a majority of the electors of the township voting on the issue 4551  
vote for the resolution and contract, the resolution shall become 4552  
effective immediately and the contract shall go into effect 4553  
immediately or in accordance with its terms. 4554

(F) The contract creating the district shall set forth or 4555  
provide for the amount or nature of the contribution of each 4556  
municipal corporation and township to the development and 4557  
operation of the district and may provide for the sharing of the 4558  
costs of the operation of and improvements for the district. The 4559  
contributions may be in any form to which the contracting 4560  
municipal corporations and townships agree and may include but are 4561  
not limited to the provision of services, money, real or personal 4562  
property, facilities, or equipment. The contract may provide for 4563  
the contracting parties to share revenue from taxes levied on 4564  
property by one or more of the contracting parties if those 4565  
revenues may lawfully be applied to that purpose under the 4566  
legislation by which those taxes are levied. The contract shall 4567  
provide for new, expanded, or additional services, facilities, or 4568  
improvements, including expanded or additional capacity for or 4569  
other enhancement of existing services, facilities, or 4570  
improvements, provided that the existing services, facilities, or 4571  
improvements, or the expanded or additional capacity for or 4572  
enhancement of the existing services, facilities, or improvements, 4573  
have been provided within the two-year period prior to the 4574  
execution of the contract. 4575

(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 4608  
each board of township trustees whose territory is included, in 4609  
whole or part, within the district and the territory proposed to 4610  
be annexed, merged, or consolidated adopts a resolution consenting 4611  
to the commencement of the proceeding and a copy of the resolution 4612  
is filed with the legislative authority of each such county or 4613  
unless the contract is terminated during this three-year period. 4614  
The contract entered into between the municipal corporations and 4615  
townships pursuant to this section may provide for the prohibition 4616  
of any annexation by the participating municipal corporations of 4617  
any unincorporated territory within the district. 4618

**Sec. 715.77.** (A)(1) A board of township trustees that is a 4619  
party to a contract creating a joint economic development district 4620  
pursuant to sections 715.72 to 715.82 of the Revised Code may 4621  
choose to not submit its resolution approving the contract to the 4622  
electors of the township if all of the following conditions are 4623  
satisfied: 4624

(a) The resolution has been approved by a unanimous vote of 4625  
the members of the board of township trustees or, if a county is 4626  
one of the contracting parties under division (D) of section 4627  
715.72 of the Revised Code, the resolution has been approved by a 4628  
majority vote of the members of the board of township trustees; 4629

(b) The creation of the joint economic development district 4630  
is proposed at the request of a majority of the owners of land 4631  
included within the proposed district; 4632

(c) The territory to be included in the proposed joint 4633  
economic development district is zoned in a manner appropriate to 4634  
the function of the proposed district. 4635

(2) Unless the legislative authority of a county adopts a 4636  
resolution under section 715.76 of the Revised Code disapproving 4637  
the creation of a joint economic development district within 4638

thirty days after the filing made under that section, the 4639  
legislative authority of each such county shall adopt a resolution 4640  
acknowledging the receipt of the required documents, approving the 4641  
creation of the joint economic development district, and, if the 4642  
board of township trustees has not invoked its authority under 4643  
division (A)(1) of this section, directing that the resolution of 4644  
the board of township trustees approving the contract creating the 4645  
joint economic development district be submitted to the electors 4646  
of the township for approval at the next succeeding general, 4647  
primary, or special election. If the board of township trustees 4648  
chooses to submit approval of the contract to the electors of the 4649  
township, the legislative authority of the county shall file with 4650  
the board of elections at least ~~seventy-five~~ eighty-five days 4651  
before the day of the election a copy of the resolution of the 4652  
board of township trustees approving the contract. The resolution 4653  
of the legislative authority of the county also shall specify the 4654  
date the election is to be held and shall direct the board of 4655  
elections to conduct the election in the township. 4656

(3) If the resolution of the legislative authority of the 4657  
county is not adopted within the thirty-day period after the 4658  
filing made under section 715.76 of the Revised Code, the joint 4659  
economic development district shall be deemed approved by the 4660  
county legislative authority and, if the board of township 4661  
trustees has not invoked its authority under division (A)(1) of 4662  
this section, the board of township trustees shall file its 4663  
resolution with the board of elections for submission to the 4664  
electors of the township for approval at the next succeeding 4665  
general, primary, or special election. In such case, the board of 4666  
township trustees shall file the resolution at least ~~seventy-five~~ 4667  
eighty-five days before the specified date the election is to be 4668  
held and shall direct the board of elections to conduct the 4669  
election in the township. 4670

(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
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	AGAINST THE RESOLUTION AND CONTRACT	"	4702
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4703

If a majority of the electors of the township voting on the issue 4704  
vote for the resolution and contract, the resolution shall become 4705  
effective immediately and the contract shall go into effect on the 4706  
thirty-first day after this election or thereafter in accordance 4707  
with terms of the contract. 4708

**Sec. 718.01.** (A) As used in this chapter: 4709

(1) "Adjusted federal taxable income" means a C corporation's 4710  
federal taxable income before net operating losses and special 4711  
deductions as determined under the Internal Revenue Code, adjusted 4712  
as follows: 4713

(a) Deduct intangible income to the extent included in 4714  
federal taxable income. The deduction shall be allowed regardless 4715  
of whether the intangible income relates to assets used in a trade 4716  
or business or assets held for the production of income. 4717

(b) Add an amount equal to five per cent of intangible income 4718  
deducted under division (A)(1)(a) of this section, but excluding 4719  
that portion of intangible income directly related to the sale, 4720  
exchange, or other disposition of property described in section 4721  
1221 of the Internal Revenue Code; 4722

(c) Add any losses allowed as a deduction in the computation 4723  
of federal taxable income if the losses directly relate to the 4724  
sale, exchange, or other disposition of an asset described in 4725  
section 1221 or 1231 of the Internal Revenue Code; 4726

(d)(i) Except as provided in division (A)(1)(d)(ii) of this 4727  
section, deduct income and gain included in federal taxable income 4728  
to the extent the income and gain directly relate to the sale, 4729  
exchange, or other disposition of an asset described in section 4730  
1221 or 1231 of the Internal Revenue Code; 4731

(ii) Division (A)(1)(d)(i) of this section does not apply to 4732  
the extent the income or gain is income or gain described in 4733  
section 1245 or 1250 of the Internal Revenue Code. 4734

(e) Add taxes on or measured by net income allowed as a 4735  
deduction in the computation of federal taxable income; 4736

(f) In the case of a real estate investment trust and 4737  
regulated investment company, add all amounts with respect to 4738  
dividends to, distributions to, or amounts set aside for or 4739  
credited to the benefit of investors and allowed as a deduction in 4740  
the computation of federal taxable income; 4741

(g) If the taxpayer is not a C corporation and is not an 4742  
individual, the taxpayer shall compute adjusted federal taxable 4743  
income as if the taxpayer were a C corporation, except: 4744

(i) Guaranteed payments and other similar amounts paid or 4745  
accrued to a partner, former partner, member, or former member 4746  
shall not be allowed as a deductible expense; and 4747

(ii) Amounts paid or accrued to a qualified self-employed 4748  
retirement plan with respect to an owner or owner-employee of the 4749  
taxpayer, amounts paid or accrued to or for health insurance for 4750  
an owner or owner-employee, and amounts paid or accrued to or for 4751  
life insurance for an owner or owner-employee shall not be allowed 4752  
as a deduction. 4753

Nothing in division (A)(1) of this section shall be construed 4754  
as allowing the taxpayer to add or deduct any amount more than 4755  
once or shall be construed as allowing any taxpayer to deduct any 4756  
amount paid to or accrued for purposes of federal self-employment 4757  
tax. 4758

Nothing in this chapter shall be construed as limiting or 4759  
removing the ability of any municipal corporation to administer, 4760  
audit, and enforce the provisions of its municipal income tax. 4761



- (2) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. 4762  
4763
- (3) "Schedule C" means internal revenue service schedule C filed by a taxpayer pursuant to the Internal Revenue Code. 4764  
4765
- (4) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code. 4766  
4767
- (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. 4768  
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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. 4779  
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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. 4782  
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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 4789  
4790  
4791  
4792

for federal income tax purposes, but "taxpayer" includes any other 4793  
person who owns the disregarded entity or qualifying subchapter S 4794  
subsidiary. 4795

(9) "Taxable year" means the corresponding tax reporting 4796  
period as prescribed for the taxpayer under the Internal Revenue 4797  
Code. 4798

(10) "Tax administrator" means the individual charged with 4799  
direct responsibility for administration of a tax on income levied 4800  
by a municipal corporation and includes: 4801

(a) The central collection agency and the regional income tax 4802  
agency and their successors in interest, and other entities 4803  
organized to perform functions similar to those performed by the 4804  
central collection agency and the regional income tax agency; 4805

(b) A municipal corporation acting as the agent of another 4806  
municipal corporation; and 4807

(c) Persons retained by a municipal corporation to administer 4808  
a tax levied by the municipal corporation, but only if the 4809  
municipal corporation does not compensate the person in whole or 4810  
in part on a contingency basis. 4811

(11) "Person" includes individuals, firms, companies, 4812  
business trusts, estates, trusts, partnerships, limited liability 4813  
companies, associations, corporations, governmental entities, and 4814  
any other entity. 4815

(12) "Schedule E" means internal revenue service schedule E 4816  
filed by a taxpayer pursuant to the Internal Revenue Code. 4817

(13) "Schedule F" means internal revenue service schedule F 4818  
filed by a taxpayer pursuant to the Internal Revenue Code. 4819

(B) No municipal corporation shall tax income at other than a 4820  
uniform rate. 4821

(C) No municipal corporation shall levy a tax on income at a 4822

rate in excess of one per cent without having obtained the 4823  
approval of the excess by a majority of the electors of the 4824  
municipality voting on the question at a general, primary, or 4825  
special election. The legislative authority of the municipal 4826  
corporation shall file with the board of elections at least 4827  
~~seventy-five~~ eighty-five days before the day of the election a 4828  
copy of the ordinance together with a resolution specifying the 4829  
date the election is to be held and directing the board of 4830  
elections to conduct the election. The ballot shall be in the 4831  
following form: "Shall the Ordinance providing for a ... per cent 4832  
levy on income for (Brief description of the purpose of the 4833  
proposed levy) be passed? 4834

	FOR THE INCOME TAX	
	AGAINST THE INCOME TAX	"

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4836  
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4838  
In the event of an affirmative vote, the proceeds of the levy 4839  
may be used only for the specified purpose. 4840

(D)(1) Except as otherwise provided in this section, no 4841  
municipal corporation shall exempt from a tax on income 4842  
compensation for personal services of individuals over eighteen 4843  
years of age or the net profit from a business or profession. 4844

(2)(a) For taxable years beginning on or after January 1, 4845  
2004, no municipal corporation shall tax the net profit from a 4846  
business or profession using any base other than the taxpayer's 4847  
adjusted federal taxable income. 4848

(b) Division (D)(2)(a) of this section does not apply to any 4849  
taxpayer required to file a return under section 5745.03 of the 4850  
Revised Code or to the net profit from a sole proprietorship. 4851

(E)(1) The legislative authority of a municipal corporation 4852  
may, by ordinance or resolution, exempt from withholding and from 4853

a tax on income the following: 4854

(a) Compensation arising from the sale, exchange, or other 4855  
disposition of a stock option, the exercise of a stock option, or 4856  
the sale, exchange, or other disposition of stock purchased under 4857  
a stock option; or 4858

(b) Compensation attributable to a nonqualified deferred 4859  
compensation plan or program described in section 3121(v)(2)(C) of 4860  
the Internal Revenue Code. 4861

(2) The legislative authority of a municipal corporation may 4862  
adopt an ordinance or resolution that allows a taxpayer who is an 4863  
individual to deduct, in computing the taxpayer's municipal income 4864  
tax liability, an amount equal to the aggregate amount the 4865  
taxpayer paid in cash during the taxable year to a health savings 4866  
account of the taxpayer, to the extent the taxpayer is entitled to 4867  
deduct that amount on internal revenue service form 1040. 4868

(3) The legislative authority of a municipal corporation may 4869  
adopt an ordinance or resolution that allows a taxpayer who has a 4870  
net profit from a business or profession that is operated as a 4871  
sole proprietorship to deduct from that net profit the amount that 4872  
the taxpayer paid during the taxable year for medical care 4873  
insurance premiums for the taxpayer, the taxpayer's spouse, and 4874  
dependents as defined in section 5747.01 of the Revised Code. The 4875  
deduction shall be allowed to the same extent the taxpayer is 4876  
entitled to deduct the premiums on internal revenue service form 4877  
1040. The deduction allowed under this division shall be net of 4878  
any related premium refunds, related premium reimbursements, or 4879  
related insurance premium dividends received by the taxpayer 4880  
during the taxable year. 4881

(F) If an individual's taxable income includes income against 4882  
which the taxpayer has taken a deduction for federal income tax 4883  
purposes as reportable on the taxpayer's form 2106, and against 4884

which a like deduction has not been allowed by the municipal 4885  
corporation, the municipal corporation shall deduct from the 4886  
taxpayer's taxable income an amount equal to the deduction shown 4887  
on such form allowable against such income, to the extent not 4888  
otherwise so allowed as a deduction by the municipal corporation. 4889

(G)(1) In the case of a taxpayer who has a net profit from a 4890  
business or profession that is operated as a sole proprietorship, 4891  
no municipal corporation may tax or use as the base for 4892  
determining the amount of the net profit that shall be considered 4893  
as having a taxable situs in the municipal corporation, an amount 4894  
other than the net profit required to be reported by the taxpayer 4895  
on schedule C or F from such sole proprietorship for the taxable 4896  
year. 4897

(2) In the case of a taxpayer who has a net profit from 4898  
rental activity required to be reported on schedule E, no 4899  
municipal corporation may tax or use as the base for determining 4900  
the amount of the net profit that shall be considered as having a 4901  
taxable situs in the municipal corporation, an amount other than 4902  
the net profit from rental activities required to be reported by 4903  
the taxpayer on schedule E for the taxable year. 4904

(H) A municipal corporation shall not tax any of the 4905  
following: 4906

(1) The military pay or allowances of members of the armed 4907  
forces of the United States and of members of their reserve 4908  
components, including the Ohio national guard; 4909

(2) The income of religious, fraternal, charitable, 4910  
scientific, literary, or educational institutions to the extent 4911  
that such income is derived from tax-exempt real estate, 4912  
tax-exempt tangible or intangible property, or tax-exempt 4913  
activities; 4914

(3) Except as otherwise provided in division (I) of this 4915

section, intangible income; 4916

(4) Compensation paid under section 3501.28 or 3501.36 of the 4917  
Revised Code to a person serving as a precinct election official, 4918  
to the extent that such compensation does not exceed one thousand 4919  
dollars annually. Such compensation in excess of one thousand 4920  
dollars may be subjected to taxation by a municipal corporation. A 4921  
municipal corporation shall not require the payer of such 4922  
compensation to withhold any tax from that compensation. 4923

(5) Compensation paid to an employee of a transit authority, 4924  
regional transit authority, or regional transit commission created 4925  
under Chapter 306. of the Revised Code for operating a transit bus 4926  
or other motor vehicle for the authority or commission in or 4927  
through the municipal corporation, unless the bus or vehicle is 4928  
operated on a regularly scheduled route, the operator is subject 4929  
to such a tax by reason of residence or domicile in the municipal 4930  
corporation, or the headquarters of the authority or commission is 4931  
located within the municipal corporation; 4932

(6) The income of a public utility, when that public utility 4933  
is subject to the tax levied under section 5727.24 or 5727.30 of 4934  
the Revised Code, except a municipal corporation may tax the 4935  
following, subject to Chapter 5745. of the Revised Code: 4936

(a) Beginning January 1, 2002, the income of an electric 4937  
company or combined company; 4938

(b) Beginning January 1, 2004, the income of a telephone 4939  
company. 4940

As used in division (H)(6) of this section, "combined 4941  
company," "electric company," and "telephone company" have the 4942  
same meanings as in section 5727.01 of the Revised Code. 4943

(7) On and after January 1, 2003, items excluded from federal 4944  
gross income pursuant to section 107 of the Internal Revenue Code; 4945

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

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

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

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

continue after December 31, 2004, to impose the tax on such 4978  
distributive shares only to the extent such shares would be so 4979  
allocated or apportioned to this state. 4980

(d) For the purposes of division (D) of section 718.14 of the 4981  
Revised Code, a municipal corporation shall be deemed to have 4982  
elected to tax S corporation shareholders' distributive shares of 4983  
net profits of the S corporation in the hands of the shareholders 4984  
if a majority of the electors of a municipal corporation vote in 4985  
favor of a question at an election held under division (H)(9)(b) 4986  
or (c) of this section. The municipal corporation shall specify by 4987  
ordinance or rule that the tax applies to the distributive share 4988  
of a shareholder of an S corporation in the hands of the 4989  
shareholder of the S corporation. 4990

(10) Employee compensation that is not "qualifying wages" as 4991  
defined in section 718.03 of the Revised Code; 4992

(11) Beginning August 1, 2007, compensation paid to a person 4993  
employed within the boundaries of a United States air force base 4994  
under the jurisdiction of the United States air force that is used 4995  
for the housing of members of the United States air force and is a 4996  
center for air force operations, unless the person is subject to 4997  
taxation because of residence or domicile. If the compensation is 4998  
subject to taxation because of residence or domicile, municipal 4999  
income tax shall be payable only to the municipal corporation of 5000  
residence or domicile. 5001

(I) Any municipal corporation that taxes any type of 5002  
intangible income on March 29, 1988, pursuant to Section 3 of 5003  
Amended Substitute Senate Bill No. 238 of the 116th general 5004  
assembly, may continue to tax that type of income after 1988 if a 5005  
majority of the electors of the municipal corporation voting on 5006  
the question of whether to permit the taxation of that type of 5007  
intangible income after 1988 vote in favor thereof at an election 5008  
held on November 8, 1988. 5009



(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 5040  
consents to the election. 5041

(2) For purposes of division (L)(1)(e) of this section, a 5042  
municipal corporation is the primary place of business of a 5043  
limited liability company if, for the limited liability company's 5044  
taxable year ending in 2003, its income tax liability is greater 5045  
in that municipal corporation than in any other municipal 5046  
corporation in Ohio, and that tax liability to that municipal 5047  
corporation for its taxable year ending in 2003 is at least four 5048  
hundred thousand dollars. 5049

**Sec. 718.09.** (A) This section applies to either of the 5050  
following: 5051

(1) A municipal corporation that shares the same territory as 5052  
a city, local, or exempted village school district, to the extent 5053  
that not more than five per cent of the territory of the municipal 5054  
corporation is located outside the school district and not more 5055  
than five per cent of the territory of the school district is 5056  
located outside the municipal corporation; 5057

(2) A municipal corporation that shares the same territory as 5058  
a city, local, or exempted village school district, to the extent 5059  
that not more than five per cent of the territory of the municipal 5060  
corporation is located outside the school district, more than five 5061  
per cent but not more than ten per cent of the territory of the 5062  
school district is located outside the municipal corporation, and 5063  
that portion of the territory of the school district that is 5064  
located outside the municipal corporation is located entirely 5065  
within another municipal corporation having a population of four 5066  
hundred thousand or more according to the federal decennial census 5067  
most recently completed before the agreement is entered into under 5068  
division (B) of this section. 5069

(B) The legislative authority of a municipal corporation to 5070

which this section applies may propose to the electors an income 5071  
tax, one of the purposes of which shall be to provide financial 5072  
assistance to the school district through payment to the district 5073  
of not less than twenty-five per cent of the revenue generated by 5074  
the tax, except that the legislative authority may not propose to 5075  
levy the income tax on the incomes of nonresident individuals. 5076  
Prior to proposing the tax, the legislative authority shall 5077  
negotiate and enter into a written agreement with the board of 5078  
education of the school district specifying the tax rate, the 5079  
percentage of tax revenue to be paid to the school district, the 5080  
purpose for which the school district will use the money, the 5081  
first year the tax will be levied, the date of the special 5082  
election on the question of the tax, and the method and schedule 5083  
by which the municipal corporation will make payments to the 5084  
school district. The special election shall be held on a day 5085  
specified in division (D) of section 3501.01 of the Revised Code, 5086  
except that the special election may not be held on the day for 5087  
holding a primary election as authorized by the municipal 5088  
corporation's charter unless the municipal corporation is to have 5089  
a primary election on that day. 5090

After the legislative authority and board of education have 5091  
entered into the agreement, the legislative authority shall 5092  
provide for levying the tax by ordinance. The ordinance shall 5093  
state the tax rate, the percentage of tax revenue to be paid to 5094  
the school district, the purpose for which the municipal 5095  
corporation will use its share of the tax revenue, the first year 5096  
the tax will be levied, and that the question of the income tax 5097  
will be submitted to the electors of the municipal corporation. 5098  
The legislative authority also shall adopt a resolution specifying 5099  
the regular or special election date the election will be held and 5100  
directing the board of elections to conduct the election. At least 5101  
~~seventy-five~~ eighty-five days before the date of the election, the 5102  
legislative authority shall file certified copies of the ordinance 5103

and resolution with the board of elections. 5104

(C) The board of elections shall make the necessary 5105  
arrangements for the submission of the question to the electors of 5106  
the municipal corporation, and shall conduct the election in the 5107  
same manner as any other municipal income tax election. Notice of 5108  
the election shall be published in a newspaper of general 5109  
circulation in the municipal corporation once a week for four 5110  
consecutive weeks prior to the election, and shall include 5111  
statements of the rate and municipal corporation and school 5112  
district purposes of the income tax, the percentage of tax revenue 5113  
that will be paid to the school district, and the first year the 5114  
tax will be levied. The ballot shall be in the following form: 5115

"Shall the ordinance providing for a ..... per cent levy on 5116  
income for (brief description of the municipal corporation and 5117  
school district purposes of the levy, including a statement of the 5118  
percentage of tax revenue that will be paid to the school 5119  
district) be passed? The income tax, if approved, will not be 5120  
levied on the incomes of individuals who do not reside in (the 5121  
name of the municipal corporation). 5122

5123

	For the income tax
	Against the income tax

5124

5125

(D) If the question is approved by a majority of the 5127  
electors, the municipal corporation shall impose the income tax 5128  
beginning in the year specified in the ordinance. The proceeds of 5129  
the levy may be used only for the specified purposes, including 5130  
payment of the specified percentage to the school district. 5131

**Sec. 718.10.** (A) This section applies to a group of two or 5132  
more municipal corporations that, taken together, share the same 5133

territory as a single city, local, or exempted village school 5134  
district, to the extent that not more than five per cent of the 5135  
territory of the municipal corporations as a group is located 5136  
outside the school district and not more than five per cent of the 5137  
territory of the school district is located outside the municipal 5138  
corporations as a group. 5139

(B) The legislative authorities of the municipal corporations 5140  
in a group of municipal corporations to which this section applies 5141  
each may propose to the electors an income tax, to be levied in 5142  
concert with income taxes in the other municipal corporations of 5143  
the group, except that a legislative authority may not propose to 5144  
levy the income tax on the incomes of individuals who do not 5145  
reside in the municipal corporation. One of the purposes of such a 5146  
tax shall be to provide financial assistance to the school 5147  
district through payment to the district of not less than 5148  
twenty-five per cent of the revenue generated by the tax. Prior to 5149  
proposing the taxes, the legislative authorities shall negotiate 5150  
and enter into a written agreement with each other and with the 5151  
board of education of the school district specifying the tax rate, 5152  
the percentage of the tax revenue to be paid to the school 5153  
district, the first year the tax will be levied, and the date of 5154  
the election on the question of the tax, all of which shall be the 5155  
same for each municipal corporation. The agreement also shall 5156  
state the purpose for which the school district will use the 5157  
money, and specify the method and schedule by which each municipal 5158  
corporation will make payments to the school district. The special 5159  
election shall be held on a day specified in division (D) of 5160  
section 3501.01 of the Revised Code, including a day on which all 5161  
of the municipal corporations are to have a primary election. 5162

After the legislative authorities and board of education have 5163  
entered into the agreement, each legislative authority shall 5164  
provide for levying its tax by ordinance. Each ordinance shall 5165

state the rate of the tax, the percentage of tax revenue to be 5166  
paid to the school district, the purpose for which the municipal 5167  
corporation will use its share of the tax revenue, and the first 5168  
year the tax will be levied. Each ordinance also shall state that 5169  
the question of the income tax will be submitted to the electors 5170  
of the municipal corporation on the same date as the submission of 5171  
questions of an identical tax to the electors of each of the other 5172  
municipal corporations in the group, and that unless the electors 5173  
of all of the municipal corporations in the group approve the tax 5174  
in their respective municipal corporations, none of the municipal 5175  
corporations in the group shall levy the tax. Each legislative 5176  
authority also shall adopt a resolution specifying the regular or 5177  
special election date the election will be held and directing the 5178  
board of elections to conduct the election. At least ~~seventy-five~~ 5179  
eighty-five days before the date of the election, each legislative 5180  
authority shall file certified copies of the ordinance and 5181  
resolution with the board of elections. 5182

(C) For each of the municipal corporations, the board of 5183  
elections shall make the necessary arrangements for the submission 5184  
of the question to the electors, and shall conduct the election in 5185  
the same manner as any other municipal income tax election. For 5186  
each of the municipal corporations, notice of the election shall 5187  
be published in a newspaper of general circulation in the 5188  
municipal corporation once a week for four consecutive weeks prior 5189  
to the election. The notice shall include a statement of the rate 5190  
and municipal corporation and school district purposes of the 5191  
income tax, the percentage of tax revenue that will be paid to the 5192  
school district, and the first year the tax will be levied, and an 5193  
explanation that the tax will not be levied unless an identical 5194  
tax is approved by the electors of each of the other municipal 5195  
corporations in the group. The ballot shall be in the following 5196  
form: 5197

"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 5229  
members of the legislative authority should be changed from two to 5230  
four years. The question may also ask whether the legislative 5231  
authority should be authorized to establish staggered four-year 5232  
terms of office among members of the legislative authority by 5233  
fixing certain terms of office at two years for one term of office 5234  
but then at four years thereafter. If the resolution calls for 5235  
submission of the question about staggered terms, the resolution 5236  
shall specify the number of members to be elected for four-year 5237  
terms and the number to be elected for two-year terms at the next 5238  
election for such members. The resolution shall also specify how 5239  
many of those members elected to four-year terms and how many of 5240  
those members elected to two-year terms shall be elected from the 5241  
city at large, and how many from wards. If staggered terms of 5242  
office are established, the legislative authority shall fix the 5243  
length of the terms of office prior to the last day fixed by law 5244  
for filing as a candidate for such office. The question shall be 5245  
voted upon at the next general election occurring not less than 5246  
~~seventy-five~~ eighty-five days after the certification of the 5247  
resolution to the board of elections. If a majority of the votes 5248  
cast on the question is in the affirmative, the terms of office of 5249  
the members of the legislative authority shall be four years 5250  
effective on the first day of January following the next regular 5251  
municipal election, except as may otherwise be provided by the 5252  
legislative authority to establish staggered terms of office among 5253  
members of the legislative authority. 5254

A city legislative authority whose members' terms of office 5255  
are four years may, by a majority vote, adopt a resolution 5256  
establishing staggered four-year terms of office among members of 5257  
the legislative authority by fixing certain terms of office at two 5258  
years for one term of office but then at four years thereafter. 5259  
The resolution shall specify the number of members to be elected 5260  
for four-year terms and the number to be elected for two-year 5261



terms, and shall specify how many of those members elected to 5262  
four-year terms and how many of those members elected to two-year 5263  
terms shall be elected from the city at large, and how many from 5264  
wards. If staggered terms of office are established, the 5265  
legislative authority shall fix the length of the terms of office 5266  
prior to the last day fixed by law for filing as a candidate for 5267  
such office. 5268

A city legislative authority whose members' terms of office 5269  
are four years may, by majority vote, adopt a resolution causing 5270  
the board of elections to submit to the city electors the question 5271  
of whether the members' terms should be changed back from four to 5272  
two years. The question shall be voted upon at the next general 5273  
election occurring not less than ~~seventy-five~~ eighty-five days 5274  
after the certification of the resolution to the board of 5275  
elections. If a majority of the votes cast on the question is in 5276  
the affirmative, the terms of office of the members of the 5277  
legislative authority shall be two years effective on the first 5278  
day of January following the next regular municipal election. 5279

**Sec. 731.28.** Ordinances and other measures providing for the 5280  
exercise of any powers of government granted by the constitution 5281  
or delegated to any municipal corporation by the general assembly 5282  
may be proposed by initiative petition. Such initiative petition 5283  
must contain the signatures of not less than ten per cent of the 5284  
number of electors who voted for governor at the most recent 5285  
general election for the office of governor in the municipal 5286  
corporation. 5287

When a petition is filed with the city auditor or village 5288  
clerk, signed by the required number of electors proposing an 5289  
ordinance or other measure, such auditor or clerk shall, after ten 5290  
days, transmit a certified copy of the text of the proposed 5291  
ordinance or measure to the board of elections. The auditor or 5292

clerk shall transmit the petition to the board together with the 5293  
certified copy of the proposed ordinance or other measure. The 5294  
board shall examine all signatures on the petition to determine 5295  
the number of electors of the municipal corporation who signed the 5296  
petition. The board shall return the petition to the auditor or 5297  
clerk within ten days after receiving it, together with a 5298  
statement attesting to the number of such electors who signed the 5299  
petition. 5300

The board shall submit such proposed ordinance or measure for 5301  
the approval or rejection of the electors of the municipal 5302  
corporation at the next general election occurring subsequent to 5303  
~~seventy-five~~ eighty-five days after the auditor or clerk certifies 5304  
the sufficiency and validity of the initiative petition to the 5305  
board of elections. No ordinance or other measure proposed by 5306  
initiative petition and approved by a majority of the electors 5307  
voting upon the measure in such municipal corporation shall be 5308  
subject to the veto of the mayor. 5309

As used in this section, "certified copy" means a copy 5310  
containing a written statement attesting it is a true and exact 5311  
reproduction of the original proposed ordinance or other measure. 5312

**Sec. 731.29.** Any ordinance or other measure passed by the 5313  
legislative authority of a municipal corporation shall be subject 5314  
to the referendum except as provided by section 731.30 of the 5315  
Revised Code. No ordinance or other measure shall go into effect 5316  
until thirty days after it is filed with the mayor of a city or 5317  
passed by the legislative authority in a village, except as 5318  
provided by such section. 5319

When a petition, signed by ten per cent of the number of 5320  
electors who voted for governor at the most recent general 5321  
election for the office of governor in the municipal corporation, 5322  
is filed with the city auditor or village clerk within thirty days 5323

after any ordinance or other measure is filed with the mayor or 5324  
passed by the legislative authority of a village, or in case the 5325  
mayor has vetoed the ordinance or any measure and returned it to 5326  
council, such petition may be filed within thirty days after the 5327  
council has passed the ordinance or measure over ~~his~~ the veto, 5328  
ordering that such ordinance or measure be submitted to the 5329  
electors of such municipal corporation for their approval or 5330  
rejection, such auditor or clerk shall, after ten days, and not 5331  
later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before 5332  
the day of election, transmit a certified copy of the text of the 5333  
ordinance or measure to the board of elections. The auditor or 5334  
clerk shall transmit the petition to the board together with the 5335  
certified copy of the ordinance or measure. The board shall 5336  
examine all signatures on the petition to determine the number of 5337  
electors of the municipal corporation who signed the petition. The 5338  
board shall return the petition to the auditor or clerk within ten 5339  
days after receiving it, together with a statement attesting to 5340  
the number of such electors who signed the petition. The board 5341  
shall submit the ordinance or measure to the electors of the 5342  
municipal corporation, for their approval or rejection, at the 5343  
next general election occurring subsequent to ~~seventy-five~~ 5344  
eighty-five days after the auditor or clerk certifies the 5345  
sufficiency and validity of the petition to the board of 5346  
elections. 5347

No such ordinance or measure shall go into effect until 5348  
approved by the majority of those voting upon it. Sections 731.28 5349  
to 731.41 of the Revised Code do not prevent a municipal 5350  
corporation, after the passage of any ordinance or other measure, 5351  
from proceeding at once to give any notice or make any publication 5352  
required by such ordinance or other measure. 5353

As used in this section, "certified copy" means a copy 5354  
containing a written statement attesting that it is a true and 5355

exact reproduction of the original ordinance or other measure. 5356

**Sec. 733.09.** (A) Except as otherwise provided in division (B) 5357  
of this section, the president of the legislative authority of a 5358  
city shall be elected for a term of two years, commencing on the 5359  
first day of January next after ~~his~~ election. ~~He~~ The president of 5360  
the legislative authority shall be an elector of the city, and 5361  
shall preside at all regular and special meetings of such 5362  
legislative authority, but ~~he~~ the president shall have no vote 5363  
therein except in case of a tie. 5364

(B) A city legislative authority may, by majority vote, adopt 5365  
a resolution causing the board of elections to submit to the city 5366  
electors the question of whether the term of office of the 5367  
president of the legislative authority should be changed from two 5368  
to four years. The question shall be voted upon at the next 5369  
general election occurring not less than ~~seventy-five~~ eighty-five 5370  
days after the certification of the resolution to the board of 5371  
elections. If a majority of the votes cast on the question is in 5372  
the affirmative, the term of office of the president of the 5373  
legislative authority shall be four years effective on the first 5374  
day of January following the next regular municipal election. 5375

A city legislative authority whose president's term of office 5376  
is four years may, by majority vote, adopt a resolution causing 5377  
the board of elections to submit to the city electors the question 5378  
of whether the president's term should be changed from four to two 5379  
years. The question shall be voted upon at the next general 5380  
election ~~occurring~~ occurring not less than ~~seventy-five~~ eighty-five 5381  
days after the certification of the resolution to the board of 5382  
elections. If a majority of the votes cast on the question is in 5383  
the affirmative, the term of the office of the president of the 5384  
legislative authority shall be two years effective on the first 5385  
day of January following the next regular municipal election. 5386

Sec. 733.261. (A) The legislative authority of a village may, 5387  
by ordinance or resolution passed by at least a majority vote, 5388  
combine the duties of the clerk and the treasurer into one office, 5389  
to be known as the clerk-treasurer. The combination shall be 5390  
effective on the first day of January following the next regular 5391  
municipal election at which the village clerk is to be elected, 5392  
provided that a clerk-treasurer shall be elected at such election 5393  
pursuant to this section and shall be elected for a term of four 5394  
years, commencing on the first day of April following ~~his~~ 5395  
election. Between the first day of January and the first day of 5396  
April following such an election, the clerk shall perform the 5397  
duties of clerk-treasurer. The legislative authority of the 5398  
village shall file certification of such action with the board of 5399  
elections not less than one hundred ~~five~~ fifteen days before the 5400  
day of the next municipal primary election at which the village 5401  
clerk is to be elected; provided that in villages under two 5402  
thousand population in which no petition for a primary election 5403  
was filed pursuant to section 3513.01 of the Revised Code, or in 5404  
villages in which no primary is held pursuant to section 3513.02 5405  
of the Revised Code, such action shall be certified to the board 5406  
of elections not less than one hundred ~~five~~ fifteen days before 5407  
the next general election at which the village clerk is to be 5408  
elected. 5409

At such succeeding regular municipal election and thereafter, 5410  
the clerk-treasurer shall be elected for a term of four years, 5411  
commencing on the first day of April following the 5412  
clerk-treasurer's election. The clerk-treasurer shall be an 5413  
elector of the corporation. 5414

(B) In addition to the circumstances described in division 5415  
(A) of this section, when a vacancy exists in the office of 5416  
village treasurer or village clerk the legislative authority of a 5417  
village may, by ordinance or resolution passed by at least a 5418

majority vote, combine the duties of the clerk and the treasurer 5419  
into one office, to be known as the clerk-treasurer. The 5420  
combination shall be effective on the effective date of the 5421  
ordinance or resolution combining the duties of the offices of 5422  
clerk and treasurer. At the next regular municipal election at 5423  
which the village clerk would have been elected and each four 5424  
years thereafter, the clerk-treasurer shall be elected for a term 5425  
of four years, commencing on the first day of April following the 5426  
clerk-treasurer's election. The clerk-treasurer shall be an 5427  
elector of the municipal corporation. 5428

(C) The clerk-treasurer shall perform the duties provided by 5429  
law for the clerk and the treasurer. All laws pertaining to the 5430  
clerk and to the treasurer shall be construed to apply to the 5431  
clerk-treasurer, provided that the initial compensation for the 5432  
office of clerk-treasurer shall be established by the legislative 5433  
authority and that action shall not be subject to section 731.13 5434  
of the Revised Code relating to the time when the compensation of 5435  
village elected officials shall be fixed and pertaining to changes 5436  
in compensation of officials during the term of office. 5437

(D) The legislative authority of a village having a 5438  
clerk-treasurer may separate the offices by ordinance or 5439  
resolution passed by at least a majority vote. The action to 5440  
separate the offices may be taken in either of the following 5441  
circumstances: 5442

(1) When a vacancy exists in the office of clerk-treasurer, 5443  
in which case the separation shall be effective upon the effective 5444  
date of the ordinance or resolution; 5445

(2) When the action of the legislative authority is certified 5446  
to and filed with the board of elections not less than one hundred 5447  
~~five~~ fifteen days before the day of the next primary election at 5448  
which the village clerk and treasurer are to be elected; provided 5449  
that in villages under two thousand population in which no 5450

petition for a primary election was filed pursuant to section 5451  
3513.01 of the Revised Code, or in villages in which no primary is 5452  
held pursuant to section 3513.02 of the Revised Code, such action 5453  
shall be certified to the board of elections not less than one 5454  
hundred ~~five~~ fifteen days before the next general election at 5455  
which the village clerk and treasurer are to be elected. 5456

**Sec. 733.262.** (A) In lieu of having the elected office of 5457  
village clerk and the office of village treasurer, or the combined 5458  
elected office of village clerk-treasurer, a village may combine 5459  
the duties of the clerk and treasurer into one appointed office, 5460  
to be known as the village fiscal officer. To make this change, 5461  
the village legislative authority shall pass, by a two-thirds 5462  
vote, an ordinance or resolution proposing to make the change 5463  
effective on the first day of January following the next regular 5464  
municipal election at which the village clerk or village 5465  
clerk-treasurer is to be elected. 5466

So that no election for the office of village clerk or 5467  
village clerk-treasurer is held after the passage of the ordinance 5468  
or resolution, the village legislative authority shall file a 5469  
certified copy of the ordinance or resolution with the board of 5470  
elections not less than one hundred ~~five~~ fifteen days before the 5471  
day of the next succeeding municipal primary election at which 5472  
candidates for the office of village clerk or village 5473  
clerk-treasurer are to be nominated, or, in villages with a 5474  
population of under two thousand in which no petition for a 5475  
primary election is filed under section 3513.01 of the Revised 5476  
Code or in villages in which no primary is held under section 5477  
3513.02 of the Revised Code, not less than one hundred ~~five~~ 5478  
fifteen days before the next succeeding regular municipal election 5479  
at which the village clerk or village clerk-treasurer is to be 5480  
elected. 5481

(B) In addition to the circumstances described in division 5482  
(A) of this section, when a vacancy exists in the office of 5483  
village clerk or village clerk-treasurer, the village legislative 5484  
authority may pass, by a two-thirds vote, an ordinance or 5485  
resolution to combine the duties of the clerk and the treasurer 5486  
into the appointed office of village fiscal officer. That change 5487  
shall take effect on the effective date of the ordinance or 5488  
resolution. 5489

(C) A village fiscal officer appointed under this section 5490  
shall perform the duties provided by law for the village clerk and 5491  
treasurer and any other duties consistent with the nature of the 5492  
office that are provided for by municipal ordinance. 5493

(D) A village fiscal officer shall be appointed by the mayor 5494  
of the village, but that appointment does not become effective 5495  
until it is approved by a majority vote of the village legislative 5496  
authority. The village fiscal officer need not be an elector of 5497  
the village or reside in the village at the time of appointment; 5498  
however, the fiscal officer shall become a resident of the village 5499  
within six months after the appointment takes effect, unless an 5500  
ordinance is passed approving the fiscal officer's residence 5501  
outside of the village. 5502

The village fiscal officer may be removed without cause 5503  
either by the mayor with the consent of a majority of the members 5504  
of the village legislative authority or by a three-fourths vote of 5505  
the village legislative authority with or without the consent of 5506  
the mayor. 5507

(E) The legislative authority of a village that has a village 5508  
fiscal officer may abolish that appointed office and return to an 5509  
elected office of village clerk-treasurer by passing an ordinance 5510  
or resolution by a two-thirds vote. 5511

If a vacancy exists in the office of village fiscal officer 5512



when this ordinance or resolution is passed, the abolition shall 5513  
take effect on the effective date of the ordinance or resolution, 5514  
and the mayor shall appoint a village clerk-treasurer to serve 5515  
until the first day of April following the next regular municipal 5516  
election at which a clerk-treasurer can be elected. So an election 5517  
can be held, the village legislative authority shall file a 5518  
certified copy of the ordinance or resolution with the board of 5519  
elections not less than one hundred ~~five~~ fifteen days before the 5520  
day of the next succeeding municipal primary election. 5521

If a vacancy does not exist in the office of village fiscal 5522  
officer when the abolishing ordinance or resolution is passed, the 5523  
village legislative authority shall certify a copy of the 5524  
ordinance or resolution to the board of elections not less than 5525  
one hundred ~~five~~ fifteen days before the day of the next 5526  
succeeding municipal primary election. 5527

The person elected at the next regular municipal election as 5528  
village clerk-treasurer under the circumstances described in this 5529  
division shall serve a four-year term commencing on the first day 5530  
of April following that election. 5531

**Sec. 733.31.** (A) Unless otherwise provided by law, vacancies 5532  
arising in appointive and elective offices of villages shall be 5533  
filled by appointment by the mayor for the remainder of the 5534  
unexpired term, provided that: 5535

(1) Vacancies in the office of mayor shall be filled in the 5536  
manner provided by section 733.25 of the Revised Code; 5537

(2) Vacancies in the membership of the legislative authority 5538  
shall be filled in the manner provided by section 731.43 of the 5539  
Revised Code; 5540

(3) Vacancies in the office of president pro tempore of a 5541  
village legislative authority shall be filled in the manner 5542

provided by section 731.11 of the Revised Code. 5543

In the event of a vacancy in the office of village clerk or 5544  
treasurer, the mayor may appoint a person to serve as an acting 5545  
officer to perform the duties of the office until a permanent 5546  
officer is appointed to fill the vacancy. 5547

(B) Unless otherwise provided by law, vacancies arising in 5548  
appointive offices of cities shall be filled by appointment by the 5549  
mayor for the remainder of the unexpired term. 5550

(C) A vacancy in the office of president of the legislative 5551  
authority of a city shall be filled in the same manner as provided 5552  
in division (D) of this section. Vacancies in the office of mayor 5553  
of a city shall be filled in the manner provided in section 733.08 5554  
of the Revised Code. Vacancies in the membership of the 5555  
legislative authority of a city shall be filled in the manner 5556  
provided in section 731.43 of the Revised Code. 5557

(D) In case of the death, resignation, removal, or disability 5558  
of the director of law, auditor, or treasurer of a city and such 5559  
vacancy occurs more than ~~forty~~ fifty days before the next general 5560  
election for such office, a successor shall be elected at such 5561  
election for the unexpired term unless such term expires within 5562  
one year immediately following the date of such general election. 5563  
In either event, the vacancy shall be filled as provided in this 5564  
section and the appointee shall hold ~~his~~ office until a successor 5565  
is elected and qualified. 5566

(1) The county central committee of the political party with 5567  
which the last occupant of the office was affiliated, acting 5568  
through its members who reside in the city where the vacancy 5569  
occurs, shall appoint a person to hold the office and to perform 5570  
the duties thereof until a successor is elected and has qualified, 5571  
except that if such vacancy occurs because of the death, 5572  
resignation, or inability to take the office of an officer-elect 5573

whose term has not yet begun, an appointment to take such office 5574  
at the beginning of the term shall be made by the members of the 5575  
central committee who reside in the city where the vacancy occurs. 5576

(2) Not less than five nor more than forty-five days after a 5577  
vacancy occurs, the county central committee, acting through its 5578  
members who reside in the city where the vacancy occurs, shall 5579  
meet for the purpose of making an appointment. Not less than four 5580  
days before the date of the meeting the ~~chairman~~ chairperson or 5581  
secretary of the central committee shall send by first class mail 5582  
to every member of such central committee who resides in the city 5583  
where the vacancy occurs a written notice which shall state the 5584  
time and place of such meeting and the purpose thereof. A majority 5585  
of the members of the central committee present at such meeting 5586  
may make the appointment. 5587

(E) If the last occupant of the office or the officer-elect, 5588  
as provided in division (D) of this section, was elected as an 5589  
independent candidate, the mayor of the city shall make the 5590  
appointment at the time the vacancy occurs. 5591

(F) Appointments made under this section shall be certified 5592  
by the appointing county central committee or by the mayor of the 5593  
municipal corporation to the county board of elections and to the 5594  
secretary of state. The persons so appointed and certified shall 5595  
be entitled to all remuneration provided by law for the offices to 5596  
which they are appointed. 5597

(G) The mayor of the city may appoint a person to hold the 5598  
city office of director of law, auditor, or treasurer as an acting 5599  
officer and to perform the duties thereof between the occurrence 5600  
of the vacancy and the time when the person appointed by the 5601  
central committee qualifies and takes the office. 5602

**Sec. 733.48.** (A) Except as provided in division (B) of this 5603  
section, when it considers it necessary, the legislative authority 5604

of a village may provide legal counsel for the village, or for any 5605  
department or official of the village, for a period not to exceed 5606  
two years and shall provide compensation for the legal counsel. 5607

(B) A petition may be filed with the village clerk, signed by 5608  
registered electors residing in the village equal in number to not 5609  
less than ten per cent of the total vote cast for all candidates 5610  
for governor in the village at the most recent general election at 5611  
which a governor was elected, requesting that the question be 5612  
placed before the electors whether, instead of the legislative 5613  
authority appointing legal counsel for the village or for any 5614  
department or official of the village, the mayor shall appoint an 5615  
attorney or law firm as the legal counsel with the advice and 5616  
consent of the legislative authority. Within two weeks after 5617  
receipt of the petition, the clerk shall certify it to the board 5618  
of elections, which shall determine its sufficiency and validity. 5619  
The petition shall be certified to the board not less than 5620  
~~seventy-five~~ eighty-five days prior to the election at which the 5621  
question is to be voted upon. 5622

At the election, if a majority of the electors of the village 5623  
approves the question, then effective immediately when the mayor 5624  
considers it necessary, the mayor shall appoint, with the advice 5625  
and consent of the legislative authority, an attorney or law firm 5626  
as legal counsel for the village, or for any department or 5627  
official of the village, for a period not to exceed two years. The 5628  
appointment of legal counsel under this division shall be pursuant 5629  
to a contract approved by the mayor and a majority vote of the 5630  
legislative authority. The contract shall provide for the 5631  
compensation and other terms of the engagement of the legal 5632  
counsel, and the legislative authority shall provide that 5633  
compensation for the legal counsel. 5634

(C) When acting under this section, the legislative authority 5635  
acts in its administrative capacity. 5636

**Sec. 749.021.** Upon the execution of the agreement provided 5637  
for in section 749.02 of the Revised Code the legislative 5638  
authority of the municipal corporation shall submit to the 5639  
electors thereof, at the next general election occurring not less 5640  
than ~~seventy-five~~ eighty-five days after the certification of the 5641  
resolution to the board of elections, the question of the 5642  
ratification of such agreement, and if the sum to be paid by the 5643  
municipal corporation under the terms of such agreement is not 5644  
available from current general revenues thereof, the legislative 5645  
authority shall also submit to the electors, at the same election, 5646  
the question of the issue of bonds of the municipal corporation in 5647  
the amount specified in such agreement for the purpose of 5648  
providing funds for the payment of such sum. The proceedings in 5649  
the matter of such election and in the issuance and sale of such 5650  
bonds shall be as provided by law for municipal bonds. Such 5651  
agreement shall not be effective, and no bonds shall be issued, 5652  
unless the electors approve of both the agreement and the bond 5653  
issue, if the question of the issue of bonds is so submitted. 5654

**Sec. 755.01.** When five per cent of the qualified electors of 5655  
a city petition the board of elections of the county for the 5656  
privilege of determining by ballot whether there shall be a board 5657  
of park commissioners, such board shall submit at the next general 5658  
election held within such city at least eighty-five days after the 5659  
petition is filed, or at a special election occurring at least 5660  
eighty-five days after the petition is filed, if the petition 5661  
requests a special election, the questions presented in the 5662  
petition, to the electors of the city. Such special election shall 5663  
be held at the usual place for holding municipal elections and 5664  
shall be governed by the same rules, regulations, and laws as 5665  
govern the holding of municipal elections. 5666

**Sec. 757.02.** Upon the filing of a petition as provided by 5667  
section 757.01 of the Revised Code, the taxing authority of the 5668  
municipal corporation shall pass a resolution providing for the 5669  
submission of the question of levying a tax as provided by such 5670  
section at the next following municipal election. A copy of such 5671  
resolution shall be certified by the taxing authority to the board 5672  
of elections not less than ~~seventy-five~~ eighty-five days before 5673  
the general election in any year in which a municipal election is 5674  
held, and such board shall submit the question to the electors of 5675  
the municipal corporation at the succeeding November election. 5676  
Section 5705.25 of the Revised Code relating to the arrangements 5677  
for and the conduct of such election, publication thereof, and 5678  
form of ballot therefor, shall apply to such proposal to the 5679  
electorate. 5680

If sixty-five per cent of the electors voting on such 5681  
proposal at the election vote in favor thereof, sections 5705.25 5682  
and 5705.26 of the Revised Code, shall apply to the certification 5683  
and levy of such additional tax. 5684

**Sec. 759.25.** The legislative authority of a village may levy 5685  
a tax for the purchase of a funeral coach or the ~~construction~~ 5686  
construction of a vault for the dead, for the use of the village. 5687  
Such resolution shall be filed with the board of elections not 5688  
later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before 5689  
the day of the election. The question of levying such tax, for 5690  
either or both purposes, and the amount asked therefor, shall be 5691  
separately submitted to the electors of the village at a general 5692  
election. Twenty days' notice of such election shall be given by 5693  
posting in at least three public places in the village. The notice 5694  
shall state specifically the amount to be raised, and for what 5695  
purpose. If a majority of all the votes cast at the election is in 5696  
favor of either or both propositions, they shall be considered 5697

adopted and the tax authorized. The funeral coach and vault shall 5698  
be under the control of the board of cemetery trustees of the 5699  
village where there is such board, otherwise under the control of 5700  
the legislative authority or person appointed by it. 5701

**Sec. 1515.28.** A board of county commissioners may declare by 5702  
resolution that it is necessary to levy a tax upon the property 5703  
within the project area in order to pay the costs of the 5704  
improvement not otherwise funded. 5705

Such resolution shall specify the rate which it is necessary 5706  
to levy, the purpose thereof, and the number of years during which 5707  
such increase shall be in effect, which levy may include a levy 5708  
upon the duplicate of the current year. 5709

A copy of the resolution shall be certified to the board of 5710  
elections for the county not less than ~~seventy-five~~ eighty-five 5711  
days before the general election in any year and said board shall 5712  
submit the proposal to the electors within the project area at the 5713  
succeeding November election in accordance with section 5705.25 of 5714  
the Revised Code. For purposes of that section, the subdivision is 5715  
the project area. 5716

If the per cent required for approval of a levy as set forth 5717  
in section 5705.26 of the Revised Code vote in favor thereof, the 5718  
board of county commissioners may levy a tax within the project 5719  
area, outside the ten-mill limitation, during the period and for 5720  
the purpose stated in the resolution, or at any less rate or for 5721  
any less number of years. 5722

The board may issue bonds and notes in anticipation of the 5723  
collection of taxes levied under this section, and notes in 5724  
anticipation of the issuance of bonds. 5725

**Sec. 1545.21.** The board of park commissioners, by resolution, 5726  
may submit to the electors of the park district the question of 5727

levying taxes for the use of the district. The resolution shall 5728  
declare the necessity of levying such taxes, shall specify the 5729  
purpose for which such taxes shall be used, the annual rate 5730  
proposed, and the number of consecutive years the rate shall be 5731  
levied. Such resolution shall be forthwith certified to the board 5732  
of elections in each county in which any part of such district is 5733  
located, not later than the ~~seventy-fifth~~ eighty-fifth day before 5734  
the day of the election, and the question of the levy of taxes as 5735  
provided in such resolution shall be submitted to the electors of 5736  
the district at a special election to be held on whichever of the 5737  
following occurs first: 5738

(A) The day of the next general election; 5739

(B) The first Tuesday after the first Monday in May in any 5740  
calendar year, except that if a presidential primary election is 5741  
held in that calendar year, then the day of that election. The 5742  
ballot shall set forth the purpose for which the taxes shall be 5743  
levied, the annual rate of levy, and the number of years of such 5744  
levy. If the tax is to be placed on the current tax list, the form 5745  
of the ballot shall state that the tax will be levied in the 5746  
current tax year and shall indicate the first calendar year the 5747  
tax will be due. If the resolution of the board of park 5748  
commissioners provides that an existing levy will be canceled upon 5749  
the passage of the new levy, the ballot may include a statement 5750  
that: "an existing levy of ... mills (stating the original levy 5751  
millage), having ... years remaining, will be canceled and 5752  
replaced upon the passage of this levy." In such case, the ballot 5753  
may refer to the new levy as a "replacement levy" if the new 5754  
millage does not exceed the original millage of the levy being 5755  
canceled or as a "replacement and additional levy" if the new 5756  
millage exceeds the original millage of the levy being canceled. 5757  
If a majority of the electors voting upon the question of such 5758  
levy vote in favor thereof, such taxes shall be levied and shall 5759



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 5791  
number of signatures and the time for filing has elapsed, the 5792  
board shall declare it invalid. No further petition for 5793  
dissolution shall be received until after the next election is 5794  
completed. On determination of these findings, the board shall 5795  
send written notice of them to the principal circulator. 5796

(D)(1) If a majority of the votes cast support the 5797  
dissolution, the board shall immediately send written notice of 5798  
the vote, citing the number of votes for and against the issue, to 5799  
the probate court, to the board of park commissioners, and to the 5800  
principal circulator. No park district shall be applied for within 5801  
the dissolved district for a period of four years following the 5802  
election in which the issue was supported. 5803

(2) If the issue fails to obtain a majority of the votes 5804  
cast, the board shall receive no further petition for dissolution 5805  
until the fourth year following that in which the election failed, 5806  
and shall send written notice of these results to the principal 5807  
circulator and the board of park commissioners. 5808

**Sec. 1711.30.** Before issuing bonds under section 1711.28 of 5809  
the Revised Code, the board of county commissioners, by 5810  
resolution, shall submit to the qualified electors of the county 5811  
at the next general election for county officers, held not less 5812  
than ~~thirty~~ eighty-five days after receiving from the county 5813  
agricultural society the notice provided for in section 1711.25 of 5814  
the Revised Code, the question of issuing and selling such bonds 5815  
in such amount and denomination as are necessary for the purpose 5816  
in view, and shall certify a copy of such resolution to the county 5817  
board of elections. 5818

The county board of elections shall place the question of 5819  
issuing and selling such bonds upon the ballot and make all other 5820  
necessary arrangements for the submission, at the time fixed by 5821

such resolution, of such question to such electors. The votes cast 5822  
at such election upon such question must be counted, canvassed, 5823  
and certified in the same manner, except as provided by law, as 5824  
votes cast for county officers. Fifteen days' notice of such 5825  
submission shall be given by the county board of elections, by 5826  
publication once a week for two consecutive weeks in two or more 5827  
newspapers published in the county, stating the amount of bonds to 5828  
be issued, the purpose for which they are to be issued, and the 5829  
time and places of holding such election. Such question must be 5830  
stated on the ballot as follows: "For the issue of county fair 5831  
bonds, yes"; "For the issue of county fair bonds, no." If the 5832  
majority of those voting upon the question of issuing the bonds 5833  
vote in favor thereof, then and only then shall they be issued and 5834  
the tax provided for in section 1711.29 of the Revised Code be 5835  
levied. 5836

**Sec. 1901.07.** (A) All municipal court judges shall be elected 5837  
on the nonpartisan ballot for terms of six years. In a municipal 5838  
court in which only one judge is to be elected in any one year, 5839  
that judge's term commences on the first day of January after the 5840  
election. In a municipal court in which two or more judges are to 5841  
be elected in any one year, their terms commence on successive 5842  
days beginning the first day of January, following the election, 5843  
unless otherwise provided by section 1901.08 of the Revised Code. 5844  
5845

(B) All candidates for municipal court judge may be nominated 5846  
either by nominating petition or by primary election, except that 5847  
if the jurisdiction of a municipal court extends only to the 5848  
corporate limits of the municipal corporation in which the court 5849  
is located and that municipal corporation operates under a 5850  
charter, all candidates shall be nominated in the same manner 5851  
provided in the charter for the office of municipal court judge 5852  
or, if no specific provisions are made in the charter for the 5853

office of municipal court judge, in the same manner as the charter 5854  
prescribes for the nomination and election of the legislative 5855  
authority of the municipal corporation. 5856

If the jurisdiction of a municipal court extends beyond the 5857  
corporate limits of the municipal corporation in which it is 5858  
located or if the jurisdiction of the court does not extend beyond 5859  
the corporate limits of the municipal corporation in which it is 5860  
located and no charter provisions apply, all candidates for party 5861  
nomination to the office of municipal court judge shall file a 5862  
declaration of candidacy and petition not later than four p.m. of 5863  
the ~~seventy-fifth~~ eighty-fifth day before the day of the primary 5864  
election, ~~or if the primary election is a presidential primary~~ 5865  
~~election, not later than four p.m. of the sixtieth day before the~~ 5866  
~~day of the presidential primary election,~~ in the form prescribed 5867  
by section 3513.07 of the Revised Code. The petition shall conform 5868  
to the requirements provided for those petitions of candidacy 5869  
contained in section 3513.05 of the Revised Code, except that the 5870  
petition shall be signed by at least fifty electors of the 5871  
territory of the court. If no valid declaration of candidacy is 5872  
filed for nomination as a candidate of a political party for 5873  
election to the office of municipal court judge, or if the number 5874  
of persons filing the declarations of candidacy for nominations as 5875  
candidates of one political party for election to the office does 5876  
not exceed the number of candidates that that party is entitled to 5877  
nominate as its candidates for election to the office, no primary 5878  
election shall be held for the purpose of nominating candidates of 5879  
that party for election to the office, and the candidates shall be 5880  
issued certificates of nomination in the manner set forth in 5881  
section 3513.02 of the Revised Code. 5882

If the jurisdiction of a municipal court extends beyond the 5884  
corporate limits of the municipal corporation in which it is 5885

located or if the jurisdiction of the court does not extend beyond 5886  
the corporate limits of the municipal corporation in which it is 5887  
located and no charter provisions apply, nonpartisan candidates 5888  
for the office of municipal court judge shall file nominating 5889  
petitions not later than four p.m. of the day before the day of 5890  
the primary election in the form prescribed by section 3513.261 of 5891  
the Revised Code. The petition shall conform to the requirements 5892  
provided for those petitions of candidacy contained in section 5893  
3513.257 of the Revised Code, except that the petition shall be 5894  
signed by at least fifty electors of the territory of the court. 5895

The nominating petition or declaration of candidacy for a 5896  
municipal court judge shall contain a designation of the term for 5897  
which the candidate seeks election. At the following regular 5898  
municipal election, the candidacies of the judges nominated shall 5899  
be submitted to the electors of the territory on a nonpartisan, 5900  
judicial ballot in the same manner as provided for judges of the 5901  
court of common pleas, except that, in a municipal corporation 5902  
operating under a charter, all candidates for municipal court 5903  
judge shall be elected in conformity with the charter if 5904  
provisions are made in the charter for the election of municipal 5905  
court judges. 5906

(C) Notwithstanding divisions (A) and (B) of this section, in 5907  
the following municipal courts, the judges shall be nominated and 5908  
elected as follows: 5909

(1) In the Cleveland municipal court, the judges shall be 5910  
nominated only by petition. The petition shall be signed by at 5911  
least fifty electors of the territory of the court. It shall be in 5912  
the statutory form and shall be filed in the manner and within the 5913  
time prescribed by the charter of the city of Cleveland for filing 5914  
petitions of candidates for municipal offices. Each elector shall 5915  
have the right to sign petitions for as many candidates as are to 5916  
be elected, but no more. The judges shall be elected by the 5917

electors of the territory of the court in the manner provided by 5918  
law for the election of judges of the court of common pleas. 5919

(2) In the Toledo municipal court, the judges shall be 5920  
nominated only by petition. The petition shall be signed by at 5921  
least fifty electors of the territory of the court. It shall be in 5922  
the statutory form and shall be filed in the manner and within the 5923  
time prescribed by the charter of the city of Toledo for filing 5924  
nominating petitions for city council. Each elector shall have the 5925  
right to sign petitions for as many candidates as are to be 5926  
elected, but no more. The judges shall be elected by the electors 5927  
of the territory of the court in the manner provided by law for 5928  
the election of judges of the court of common pleas. 5929

(3) In the Akron municipal court, the judges shall be 5930  
nominated only by petition. The petition shall be signed by at 5931  
least fifty electors of the territory of the court. It shall be in 5932  
statutory form and shall be filed in the manner and within the 5933  
time prescribed by the charter of the city of Akron for filing 5934  
nominating petitions of candidates for municipal offices. Each 5935  
elector shall have the right to sign petitions for as many 5936  
candidates as are to be elected, but no more. The judges shall be 5937  
elected by the electors of the territory of the court in the 5938  
manner provided by law for the election of judges of the court of 5939  
common pleas. 5940

(4) In the Hamilton county municipal court, the judges shall 5941  
be nominated only by petition. The petition shall be signed by at 5942  
least fifty electors of the territory of the court, which 5943  
petitions shall be signed, verified, and filed in the manner and 5944  
within the time required by law for nominating petitions for 5945  
members of council of the city of Cincinnati. The judges shall be 5946  
elected by the electors of the territory of the court at the 5947  
regular municipal election and in the manner provided by law for 5948  
the election of judges of the court of common pleas. 5949

(5) In the Franklin county municipal court, the judges shall 5950  
be nominated only by petition. The petition shall be signed by at 5951  
least fifty electors of the territory of the court. The petition 5952  
shall be in the statutory form and shall be filed in the manner 5953  
and within the time prescribed by the charter of the city of 5954  
Columbus for filing petitions of candidates for municipal offices. 5955  
The judges shall be elected by the electors of the territory of 5956  
the court in the manner provided by law for the election of judges 5957  
of the court of common pleas. 5958

(6) In the Auglaize, Brown, Carroll, Clermont, Crawford, 5959  
Hocking, Jackson, Lawrence, Madison, Miami, Morrow, and Wayne 5960  
county municipal courts, the judges shall be nominated only by 5961  
petition. The petitions shall be signed by at least fifty electors 5962  
of the territory of the court and shall conform to the provisions 5963  
of this section. 5964

(D) In the Portage county municipal court, the judges shall 5965  
be nominated either by nominating petition or by primary election, 5966  
as provided in division (B) of this section. 5967

(E) As used in this section, as to an election for either a 5968  
full or an unexpired term, "the territory within the jurisdiction 5969  
of the court" means that territory as it will be on the first day 5970  
of January after the election. 5971

**Sec. 1901.10.** (A)(1)(a) The judges of the municipal court and 5972  
officers of the court shall take an oath of office as provided in 5973  
section 3.23 of the Revised Code. The office of judge of the 5974  
municipal court is subject to forfeiture, and the judge may be 5975  
removed from office, for the causes and by the procedure provided 5976  
in sections 3.07 to 3.10 of the Revised Code. A vacancy in the 5977  
office of judge exists upon the death, resignation, forfeiture, 5978  
removal from office, or absence from official duties for a period 5979  
of six consecutive months, as determined under this section, of 5980

the judge and also by reason of the expiration of the term of an 5981  
incumbent when no successor has been elected or qualified. The 5982  
chief justice of the supreme court may designate a judge of 5983  
another municipal court to act until that vacancy is filled in 5984  
accordance with section 107.08 of the Revised Code. A vacancy 5985  
resulting from the absence of a judge from official duties for a 5986  
period of six consecutive months shall be determined and declared 5987  
by the legislative authority. 5988

(b) If a vacancy occurs in the office of judge or clerk of 5989  
the municipal court after the one-hundredth day before the first 5990  
Tuesday after the first Monday in May and prior to the ~~fortieth~~ 5991  
fiftieth day before the day of the general election, all 5992  
candidates for election to the unexpired term of the judge or 5993  
clerk shall file nominating petitions with the board of elections 5994  
not later than four p.m. on the tenth day following the day on 5995  
which the vacancy occurs, except that, when the vacancy occurs 5996  
fewer than six days before the ~~fortieth~~ fiftieth day before the 5997  
general election, the deadline for filing shall be four p.m. on 5998  
the ~~thirty-sixth~~ forty-sixth day before the day of the general 5999  
election. 6000

(c) Each nominating petition referred to in division 6001  
(A)(1)(b) of this section shall be in the form prescribed in 6002  
section 3513.261 of the Revised Code and shall be signed by at 6003  
least fifty qualified electors of the territory of the municipal 6004  
court. No nominating petition shall be accepted for filing or 6005  
filed if it appears on its face to contain signatures aggregating 6006  
in number more than twice the minimum aggregate number of 6007  
signatures required by this section. 6008

(2) If a judge of a municipal court that has only one judge 6009  
is temporarily absent, incapacitated, or otherwise unavailable, 6010  
the judge may appoint a substitute who has the qualifications 6011  
required by section 1901.06 of the Revised Code or a retired judge 6012



of a court of record who is a qualified elector and a resident of 6013  
the territory of the court. If the judge is unable to make the 6014  
appointment, the chief justice of the supreme court shall appoint 6015  
a substitute. The appointee shall serve during the absence, 6016  
incapacity, or unavailability of the incumbent, shall have the 6017  
jurisdiction and powers conferred upon the judge of the municipal 6018  
court, and shall be styled "acting judge." During that time of 6019  
service, the acting judge shall sign all process and records and 6020  
shall perform all acts pertaining to the office, except that of 6021  
removal and appointment of officers of the court. All courts shall 6022  
take judicial notice of the selection and powers of the acting 6023  
judge. The incumbent judge shall establish the amount of 6024  
compensation of an acting judge upon either a per diem, hourly, or 6025  
other basis, but the rate of pay shall not exceed the per diem 6026  
amount received by the incumbent judge. 6027

(B) When the volume of cases pending in any municipal court 6028  
necessitates an additional judge, the chief justice of the supreme 6029  
court, upon the written request of the judge or presiding judge of 6030  
that municipal court, may designate a judge of another municipal 6031  
court or county court to serve for any period of time that the 6032  
chief justice may prescribe. The compensation of a judge so 6033  
designated shall be paid from the city treasury or, in the case of 6034  
a county-operated municipal court, from the county treasury. In 6035  
addition to the annual salary provided for in section 1901.11 of 6036  
the Revised Code and in addition to any compensation under 6037  
division (A)(5) or (6) of section 141.04 of the Revised Code to 6038  
which the judge is entitled in connection with the judge's own 6039  
court, a full-time or part-time judge while holding court outside 6040  
the judge's territory on the designation of the chief justice 6041  
shall receive actual and necessary expenses and compensation as 6042  
follows: 6043

(1) A full-time judge shall receive thirty dollars for each 6044

day of the assignment. 6045

(2) A part-time judge shall receive for each day of the 6046  
assignment the per diem compensation of the judges of the court to 6047  
which the judge is assigned, less the per diem amount paid to 6048  
those judges pursuant to section 141.04 of the Revised Code, 6049  
calculated on the basis of two hundred fifty working days per 6050  
year. 6051

If a request is made by a judge or the presiding judge of a 6052  
municipal court to designate a judge of another municipal court 6053  
because of the volume of cases in the court for which the request 6054  
is made and the chief justice reports, in writing, that no 6055  
municipal or county court judge is available to serve by 6056  
designation, the judges of the court requesting the designation 6057  
may appoint a substitute as provided in division (A)(2) of this 6058  
section, who may serve for any period of time that is prescribed 6059  
by the chief justice. The substitute judge shall be paid in the 6060  
same manner and at the same rate as the incumbent judges, except 6061  
that, if the substitute judge is entitled to compensation under 6062  
division (A)(5) or (6) of section 141.04 of the Revised Code, then 6063  
section 1901.121 of the Revised Code shall govern its payment. 6064

**Sec. 1901.31.** The clerk and deputy clerks of a municipal 6065  
court shall be selected, be compensated, give bond, and have 6066  
powers and duties as follows: 6067

(A) There shall be a clerk of the court who is appointed or 6068  
elected as follows: 6069

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton 6070  
county, Portage county, and Wayne county municipal courts and 6071  
through December 31, 2008, the Cuyahoga Falls municipal court, if 6072  
the population of the territory equals or exceeds one hundred 6073  
thousand at the regular municipal election immediately preceding 6074  
the expiration of the term of the present clerk, the clerk shall 6075

be nominated and elected by the qualified electors of the 6076  
territory in the manner that is provided for the nomination and 6077  
election of judges in section 1901.07 of the Revised Code. 6078

The clerk so elected shall hold office for a term of six 6079  
years, which term shall commence on the first day of January 6080  
following the clerk's election and continue until the clerk's 6081  
successor is elected and qualified. 6082

(b) In the Hamilton county municipal court, the clerk of 6083  
courts of Hamilton county shall be the clerk of the municipal 6084  
court and may appoint an assistant clerk who shall receive the 6085  
compensation, payable out of the treasury of Hamilton county in 6086  
semimonthly installments, that the board of county commissioners 6087  
prescribes. The clerk of courts of Hamilton county, acting as the 6088  
clerk of the Hamilton county municipal court and assuming the 6089  
duties of that office, shall receive compensation at one-fourth 6090  
the rate that is prescribed for the clerks of courts of common 6091  
pleas as determined in accordance with the population of the 6092  
county and the rates set forth in sections 325.08 and 325.18 of 6093  
the Revised Code. This compensation shall be paid from the county 6094  
treasury in semimonthly installments and is in addition to the 6095  
annual compensation that is received for the performance of the 6096  
duties of the clerk of courts of Hamilton county, as provided in 6097  
sections 325.08 and 325.18 of the Revised Code. 6098

(c) In the Portage county and Wayne county municipal courts, 6099  
the clerks of courts of Portage county and Wayne county shall be 6100  
the clerks, respectively, of the Portage county and Wayne county 6101  
municipal courts and may appoint a chief deputy clerk for each 6102  
branch that is established pursuant to section 1901.311 of the 6103  
Revised Code and assistant clerks as the judges of the municipal 6104  
court determine are necessary, all of whom shall receive the 6105  
compensation that the legislative authority prescribes. The clerks 6106  
of courts of Portage county and Wayne county, acting as the clerks 6107

of the Portage county and Wayne county municipal courts and 6108  
assuming the duties of these offices, shall receive compensation 6109  
payable from the county treasury in semimonthly installments at 6110  
one-fourth the rate that is prescribed for the clerks of courts of 6111  
common pleas as determined in accordance with the population of 6112  
the county and the rates set forth in sections 325.08 and 325.18 6113  
of the Revised Code. 6114

(d) Except as otherwise provided in division (A)(1)(d) of 6115  
this section, in the Akron municipal court, candidates for 6116  
election to the office of clerk of the court shall be nominated by 6117  
primary election. The primary election shall be held on the day 6118  
specified in the charter of the city of Akron for the nomination 6119  
of municipal officers. Notwithstanding any contrary provision of 6120  
section 3513.05 or 3513.257 of the Revised Code, the declarations 6121  
of candidacy and petitions of partisan candidates and the 6122  
nominating petitions of independent candidates for the office of 6123  
clerk of the Akron municipal court shall be signed by at least 6124  
fifty qualified electors of the territory of the court. 6125

The candidates shall file a declaration of candidacy and 6126  
petition, or a nominating petition, whichever is applicable, not 6127  
later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before 6128  
the day of the primary election, in the form prescribed by section 6129  
3513.07 or 3513.261 of the Revised Code. The declaration of 6130  
candidacy and petition, or the nominating petition, shall conform 6131  
to the applicable requirements of section 3513.05 or 3513.257 of 6132  
the Revised Code. 6133

If no valid declaration of candidacy and petition is filed by 6134  
any person for nomination as a candidate of a particular political 6135  
party for election to the office of clerk of the Akron municipal 6136  
court, a primary election shall not be held for the purpose of 6137  
nominating a candidate of that party for election to that office. 6138  
If only one person files a valid declaration of candidacy and 6139

petition for nomination as a candidate of a particular political 6140  
party for election to that office, a primary election shall not be 6141  
held for the purpose of nominating a candidate of that party for 6142  
election to that office, and the candidate shall be issued a 6143  
certificate of nomination in the manner set forth in section 6144  
3513.02 of the Revised Code. 6145

Declarations of candidacy and petitions, nominating 6146  
petitions, and certificates of nomination for the office of clerk 6147  
of the Akron municipal court shall contain a designation of the 6148  
term for which the candidate seeks election. At the following 6149  
regular municipal election, all candidates for the office shall be 6150  
submitted to the qualified electors of the territory of the court 6151  
in the manner that is provided in section 1901.07 of the Revised 6152  
Code for the election of the judges of the court. The clerk so 6153  
elected shall hold office for a term of six years, which term 6154  
shall commence on the first day of January following the clerk's 6155  
election and continue until the clerk's successor is elected and 6156  
qualified. 6157

(e) Except as otherwise provided in division (A)(1)(e) of 6158  
this section, in the Barberton municipal court, candidates for 6159  
election to the office of clerk of the court shall be nominated by 6160  
primary election. The primary election shall be held on the day 6161  
specified in the charter of the city of Barberton for the 6162  
nomination of municipal officers. Notwithstanding any contrary 6163  
provision of section 3513.05 or 3513.257 of the Revised Code, the 6164  
declarations of candidacy and petitions of partisan candidates and 6165  
the nominating petitions of independent candidates for the office 6166  
of clerk of the Barberton municipal court shall be signed by at 6167  
least fifty qualified electors of the territory of the court. 6168

The candidates shall file a declaration of candidacy and 6169  
petition, or a nominating petition, whichever is applicable, not 6170  
later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before 6171

the day of the primary election, in the form prescribed by section 6172  
3513.07 or 3513.261 of the Revised Code. The declaration of 6173  
candidacy and petition, or the nominating petition, shall conform 6174  
to the applicable requirements of section 3513.05 or 3513.257 of 6175  
the Revised Code. 6176

If no valid declaration of candidacy and petition is filed by 6177  
any person for nomination as a candidate of a particular political 6178  
party for election to the office of clerk of the Barberton 6179  
municipal court, a primary election shall not be held for the 6180  
purpose of nominating a candidate of that party for election to 6181  
that office. If only one person files a valid declaration of 6182  
candidacy and petition for nomination as a candidate of a 6183  
particular political party for election to that office, a primary 6184  
election shall not be held for the purpose of nominating a 6185  
candidate of that party for election to that office, and the 6186  
candidate shall be issued a certificate of nomination in the 6187  
manner set forth in section 3513.02 of the Revised Code. 6188

Declarations of candidacy and petitions, nominating 6189  
petitions, and certificates of nomination for the office of clerk 6190  
of the Barberton municipal court shall contain a designation of 6191  
the term for which the candidate seeks election. At the following 6192  
regular municipal election, all candidates for the office shall be 6193  
submitted to the qualified electors of the territory of the court 6194  
in the manner that is provided in section 1901.07 of the Revised 6195  
Code for the election of the judges of the court. The clerk so 6196  
elected shall hold office for a term of six years, which term 6197  
shall commence on the first day of January following the clerk's 6198  
election and continue until the clerk's successor is elected and 6199  
qualified. 6200

(f)(i) Through December 31, 2008, except as otherwise 6201  
provided in division (A)(1)(f)(i) of this section, in the Cuyahoga 6202  
Falls municipal court, candidates for election to the office of 6203

clerk of the court shall be nominated by primary election. The 6204  
primary election shall be held on the day specified in the charter 6205  
of the city of Cuyahoga Falls for the nomination of municipal 6206  
officers. Notwithstanding any contrary provision of section 6207  
3513.05 or 3513.257 of the Revised Code, the declarations of 6208  
candidacy and petitions of partisan candidates and the nominating 6209  
petitions of independent candidates for the office of clerk of the 6210  
Cuyahoga Falls municipal court shall be signed by at least fifty 6211  
qualified electors of the territory of the court. 6212

The candidates shall file a declaration of candidacy and 6213  
petition, or a nominating petition, whichever is applicable, not 6214  
later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before 6215  
the day of the primary election, in the form prescribed by section 6216  
3513.07 or 3513.261 of the Revised Code. The declaration of 6217  
candidacy and petition, or the nominating petition, shall conform 6218  
to the applicable requirements of section 3513.05 or 3513.257 of 6219  
the Revised Code. 6220

If no valid declaration of candidacy and petition is filed by 6221  
any person for nomination as a candidate of a particular political 6222  
party for election to the office of clerk of the Cuyahoga Falls 6223  
municipal court, a primary election shall not be held for the 6224  
purpose of nominating a candidate of that party for election to 6225  
that office. If only one person files a valid declaration of 6226  
candidacy and petition for nomination as a candidate of a 6227  
particular political party for election to that office, a primary 6228  
election shall not be held for the purpose of nominating a 6229  
candidate of that party for election to that office, and the 6230  
candidate shall be issued a certificate of nomination in the 6231  
manner set forth in section 3513.02 of the Revised Code. 6232

Declarations of candidacy and petitions, nominating 6233  
petitions, and certificates of nomination for the office of clerk 6234  
of the Cuyahoga Falls municipal court shall contain a designation 6235

of the term for which the candidate seeks election. At the 6236  
following regular municipal election, all candidates for the 6237  
office shall be submitted to the qualified electors of the 6238  
territory of the court in the manner that is provided in section 6239  
1901.07 of the Revised Code for the election of the judges of the 6240  
court. The clerk so elected shall hold office for a term of six 6241  
years, which term shall commence on the first day of January 6242  
following the clerk's election and continue until the clerk's 6243  
successor is elected and qualified. 6244

(ii) Division (A)(1)(f)(i) of this section shall have no 6245  
effect after December 31, 2008. 6246

(g) Except as otherwise provided in division (A)(1)(g) of 6247  
this section, in the Toledo municipal court, candidates for 6248  
election to the office of clerk of the court shall be nominated by 6249  
primary election. The primary election shall be held on the day 6250  
specified in the charter of the city of Toledo for the nomination 6251  
of municipal officers. Notwithstanding any contrary provision of 6252  
section 3513.05 or 3513.257 of the Revised Code, the declarations 6253  
of candidacy and petitions of partisan candidates and the 6254  
nominating petitions of independent candidates for the office of 6255  
clerk of the Toledo municipal court shall be signed by at least 6256  
fifty qualified electors of the territory of the court. 6257

The candidates shall file a declaration of candidacy and 6258  
petition, or a nominating petition, whichever is applicable, not 6259  
later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before 6260  
the day of the primary election, in the form prescribed by section 6261  
3513.07 or 3513.261 of the Revised Code. The declaration of 6262  
candidacy and petition, or the nominating petition, shall conform 6263  
to the applicable requirements of section 3513.05 or 3513.257 of 6264  
the Revised Code. 6265

If no valid declaration of candidacy and petition is filed by 6266  
any person for nomination as a candidate of a particular political 6267



party for election to the office of clerk of the Toledo municipal 6268  
court, a primary election shall not be held for the purpose of 6269  
nominating a candidate of that party for election to that office. 6270  
If only one person files a valid declaration of candidacy and 6271  
petition for nomination as a candidate of a particular political 6272  
party for election to that office, a primary election shall not be 6273  
held for the purpose of nominating a candidate of that party for 6274  
election to that office, and the candidate shall be issued a 6275  
certificate of nomination in the manner set forth in section 6276  
3513.02 of the Revised Code. 6277

Declarations of candidacy and petitions, nominating 6278  
petitions, and certificates of nomination for the office of clerk 6279  
of the Toledo municipal court shall contain a designation of the 6280  
term for which the candidate seeks election. At the following 6281  
regular municipal election, all candidates for the office shall be 6282  
submitted to the qualified electors of the territory of the court 6283  
in the manner that is provided in section 1901.07 of the Revised 6284  
Code for the election of the judges of the court. The clerk so 6285  
elected shall hold office for a term of six years, which term 6286  
shall commence on the first day of January following the clerk's 6287  
election and continue until the clerk's successor is elected and 6288  
qualified. 6289

(2)(a) Except for the Alliance, Auglaize county, Brown 6290  
county, Columbiana county, Holmes county, Lorain, Massillon, and 6291  
Youngstown municipal courts, in a municipal court for which the 6292  
population of the territory is less than one hundred thousand, the 6293  
clerk shall be appointed by the court, and the clerk shall hold 6294  
office until the clerk's successor is appointed and qualified. 6295

(b) In the Alliance, Lorain, Massillon, and Youngstown 6296  
municipal courts, the clerk shall be elected for a term of office 6297  
as described in division (A)(1)(a) of this section. 6298

(c) In the Auglaize county, Brown county, and Holmes county 6299

municipal courts, the clerks of courts of Auglaize county, Brown 6300  
county, and Holmes county shall be the clerks, respectively, of 6301  
the Auglaize county, Brown county, and Holmes county municipal 6302  
courts and may appoint a chief deputy clerk for each branch office 6303  
that is established pursuant to section 1901.311 of the Revised 6304  
Code, and assistant clerks as the judge of the court determines 6305  
are necessary, all of whom shall receive the compensation that the 6306  
legislative authority prescribes. The clerks of courts of Auglaize 6307  
county, Brown county, and Holmes county, acting as the clerks of 6308  
the Auglaize county, Brown county, and Holmes county municipal 6309  
courts and assuming the duties of these offices, shall receive 6310  
compensation payable from the county treasury in semimonthly 6311  
installments at one-fourth the rate that is prescribed for the 6312  
clerks of courts of common pleas as determined in accordance with 6313  
the population of the county and the rates set forth in sections 6314  
325.08 and 325.18 of the Revised Code. 6315

(d) In the Columbiana county municipal court, the clerk of 6316  
courts of Columbiana county shall be the clerk of the municipal 6317  
court, may appoint a chief deputy clerk for each branch office 6318  
that is established pursuant to section 1901.311 of the Revised 6319  
Code, and may appoint any assistant clerks that the judges of the 6320  
court determine are necessary. All of the chief deputy clerks and 6321  
assistant clerks shall receive the compensation that the 6322  
legislative authority prescribes. The clerk of courts of 6323  
Columbiana county, acting as the clerk of the Columbiana county 6324  
municipal court and assuming the duties of that office, shall 6325  
receive in either biweekly installments or semimonthly 6326  
installments, as determined by the payroll administrator, 6327  
compensation payable from the county treasury at one-fourth the 6328  
rate that is prescribed for the clerks of courts of common pleas 6329  
as determined in accordance with the population of the county and 6330  
the rates set forth in sections 325.08 and 325.18 of the Revised 6331  
Code. 6332

(3) During the temporary absence of the clerk due to illness, 6333  
vacation, or other proper cause, the court may appoint a temporary 6334  
clerk, who shall be paid the same compensation, have the same 6335  
authority, and perform the same duties as the clerk. 6336

(B) Except in the Hamilton county, Portage county, and Wayne 6337  
county municipal courts, if a vacancy occurs in the office of the 6338  
clerk of the Alliance, Lorain, Massillon, or Youngstown municipal 6339  
court or occurs in the office of the clerk of a municipal court 6340  
for which the population of the territory equals or exceeds one 6341  
hundred thousand because the clerk ceases to hold the office 6342  
before the end of the clerk's term or because a clerk-elect fails 6343  
to take office, the vacancy shall be filled, until a successor is 6344  
elected and qualified, by a person chosen by the residents of the 6345  
territory of the court who are members of the county central 6346  
committee of the political party by which the last occupant of 6347  
that office or the clerk-elect was nominated. Not less than five 6348  
nor more than fifteen days after a vacancy occurs, those members 6349  
of that county central committee shall meet to make an appointment 6350  
to fill the vacancy. At least four days before the date of the 6351  
meeting, the chairperson or a secretary of the county central 6352  
committee shall notify each such member of that county central 6353  
committee by first class mail of the date, time, and place of the 6354  
meeting and its purpose. A majority of all such members of that 6355  
county central committee constitutes a quorum, and a majority of 6356  
the quorum is required to make the appointment. If the office so 6357  
vacated was occupied or was to be occupied by a person not 6358  
nominated at a primary election, or if the appointment was not 6359  
made by the committee members in accordance with this division, 6360  
the court shall make an appointment to fill the vacancy. A 6361  
successor shall be elected to fill the office for the unexpired 6362  
term at the first municipal election that is held more than one 6363  
hundred ~~twenty~~ thirty days after the vacancy occurred. 6364

(C)(1) In a municipal court, other than the Auglaize county, 6365  
the Brown county, the Columbiana county, the Holmes county, and 6366  
the Lorain municipal courts, for which the population of the 6367  
territory is less than one hundred thousand, the clerk of the 6368  
municipal court shall receive the annual compensation that the 6369  
presiding judge of the court prescribes, if the revenue of the 6370  
court for the preceding calendar year, as certified by the auditor 6371  
or chief fiscal officer of the municipal corporation in which the 6372  
court is located or, in the case of a county-operated municipal 6373  
court, the county auditor, is equal to or greater than the 6374  
expenditures, including any debt charges, for the operation of the 6375  
court payable under this chapter from the city treasury or, in the 6376  
case of a county-operated municipal court, the county treasury for 6377  
that calendar year, as also certified by the auditor or chief 6378  
fiscal officer. If the revenue of a municipal court, other than 6379  
the Auglaize county, the Brown county, the Columbiana county, and 6380  
the Lorain municipal courts, for which the population of the 6381  
territory is less than one hundred thousand for the preceding 6382  
calendar year as so certified is not equal to or greater than 6383  
those expenditures for the operation of the court for that 6384  
calendar year as so certified, the clerk of a municipal court 6385  
shall receive the annual compensation that the legislative 6386  
authority prescribes. As used in this division, "revenue" means 6387  
the total of all costs and fees that are collected and paid to the 6388  
city treasury or, in a county-operated municipal court, the county 6389  
treasury by the clerk of the municipal court under division (F) of 6390  
this section and all interest received and paid to the city 6391  
treasury or, in a county-operated municipal court, the county 6392  
treasury in relation to the costs and fees under division (G) of 6393  
this section. 6394

(2) In a municipal court, other than the Hamilton county, 6395  
Portage county, and Wayne county municipal courts, for which the 6396  
population of the territory is one hundred thousand or more, and 6397

in the Lorain municipal court, the clerk of the municipal court 6398  
shall receive annual compensation in a sum equal to eighty-five 6399  
per cent of the salary of a judge of the court. 6400

(3) The compensation of a clerk described in division (C)(1) 6401  
or (2) of this section and of the clerk of the Columbiana county 6402  
municipal court is payable in either semimonthly installments or 6403  
biweekly installments, as determined by the payroll administrator, 6404  
from the same sources and in the same manner as provided in 6405  
section 1901.11 of the Revised Code, except that the compensation 6406  
of the clerk of the Carroll county municipal court is payable in 6407  
biweekly installments. 6408

(D) Before entering upon the duties of the clerk's office, 6409  
the clerk of a municipal court shall give bond of not less than 6410  
six thousand dollars to be determined by the judges of the court, 6411  
conditioned upon the faithful performance of the clerk's duties. 6412

(E) The clerk of a municipal court may do all of the 6413  
following: administer oaths, take affidavits, and issue executions 6414  
upon any judgment rendered in the court, including a judgment for 6415  
unpaid costs; issue, sign, and attach the seal of the court to all 6416  
writs, process, subpoenas, and papers issuing out of the court; 6417  
and approve all bonds, sureties, recognizances, and undertakings 6418  
fixed by any judge of the court or by law. The clerk may refuse to 6419  
accept for filing any pleading or paper submitted for filing by a 6420  
person who has been found to be a vexatious litigator under 6421  
section 2323.52 of the Revised Code and who has failed to obtain 6422  
leave to proceed under that section. The clerk shall do all of the 6423  
following: file and safely keep all journals, records, books, and 6424  
papers belonging or appertaining to the court; record the 6425  
proceedings of the court; perform all other duties that the judges 6426  
of the court may prescribe; and keep a book showing all receipts 6427  
and disbursements, which book shall be open for public inspection 6428  
at all times. 6429

The clerk shall prepare and maintain a general index, a 6430  
docket, and other records that the court, by rule, requires, all 6431  
of which shall be the public records of the court. In the docket, 6432  
the clerk shall enter, at the time of the commencement of an 6433  
action, the names of the parties in full, the names of the 6434  
counsel, and the nature of the proceedings. Under proper dates, 6435  
the clerk shall note the filing of the complaint, issuing of 6436  
summons or other process, returns, and any subsequent pleadings. 6437  
The clerk also shall enter all reports, verdicts, orders, 6438  
judgments, and proceedings of the court, clearly specifying the 6439  
relief granted or orders made in each action. The court may order 6440  
an extended record of any of the above to be made and entered, 6441  
under the proper action heading, upon the docket at the request of 6442  
any party to the case, the expense of which record may be taxed as 6443  
costs in the case or may be required to be prepaid by the party 6444  
demanding the record, upon order of the court. 6445

(F) The clerk of a municipal court shall receive, collect, 6446  
and issue receipts for all costs, fees, fines, bail, and other 6447  
moneys payable to the office or to any officer of the court. The 6448  
clerk shall each month disburse to the proper persons or officers, 6449  
and take receipts for, all costs, fees, fines, bail, and other 6450  
moneys that the clerk collects. Subject to sections 307.515 and 6451  
4511.193 of the Revised Code and to any other section of the 6452  
Revised Code that requires a specific manner of disbursement of 6453  
any moneys received by a municipal court and except for the 6454  
Hamilton county, Lawrence county, and Ottawa county municipal 6455  
courts, the clerk shall pay all fines received for violation of 6456  
municipal ordinances into the treasury of the municipal 6457  
corporation the ordinance of which was violated and shall pay all 6458  
fines received for violation of township resolutions adopted 6459  
pursuant to section 503.52 or 503.53 or Chapter 504. of the 6460  
Revised Code into the treasury of the township the resolution of 6461  
which was violated. Subject to sections 1901.024 and 4511.193 of 6462

the Revised Code, in the Hamilton county, Lawrence county, and 6463  
Ottawa county municipal courts, the clerk shall pay fifty per cent 6464  
of the fines received for violation of municipal ordinances and 6465  
fifty per cent of the fines received for violation of township 6466  
resolutions adopted pursuant to section 503.52 or 503.53 or 6467  
Chapter 504. of the Revised Code into the treasury of the county. 6468  
Subject to sections 307.515, 4511.19, and 5503.04 of the Revised 6469  
Code and to any other section of the Revised Code that requires a 6470  
specific manner of disbursement of any moneys received by a 6471  
municipal court, the clerk shall pay all fines collected for the 6472  
violation of state laws into the county treasury. Except in a 6473  
county-operated municipal court, the clerk shall pay all costs and 6474  
fees the disbursement of which is not otherwise provided for in 6475  
the Revised Code into the city treasury. The clerk of a 6476  
county-operated municipal court shall pay the costs and fees the 6477  
disbursement of which is not otherwise provided for in the Revised 6478  
Code into the county treasury. Moneys deposited as security for 6479  
costs shall be retained pending the litigation. The clerk shall 6480  
keep a separate account of all receipts and disbursements in civil 6481  
and criminal cases, which shall be a permanent public record of 6482  
the office. On the expiration of the term of the clerk, the clerk 6483  
shall deliver the records to the clerk's successor. The clerk 6484  
shall have other powers and duties as are prescribed by rule or 6485  
order of the court. 6486

(G) All moneys paid into a municipal court shall be noted on 6487  
the record of the case in which they are paid and shall be 6488  
deposited in a state or national bank, or a domestic savings and 6489  
loan association, as defined in section 1151.01 of the Revised 6490  
Code, that is selected by the clerk. Any interest received upon 6491  
the deposits shall be paid into the city treasury, except that, in 6492  
a county-operated municipal court, the interest shall be paid into 6493  
the treasury of the county in which the court is located. 6494

On the first Monday in January of each year, the clerk shall 6495  
make a list of the titles of all cases in the court that were 6496  
finally determined more than one year past in which there remains 6497  
unclaimed in the possession of the clerk any funds, or any part of 6498  
a deposit for security of costs not consumed by the costs in the 6499  
case. The clerk shall give notice of the moneys to the parties who 6500  
are entitled to the moneys or to their attorneys of record. All 6501  
the moneys remaining unclaimed on the first day of April of each 6502  
year shall be paid by the clerk to the city treasurer, except 6503  
that, in a county-operated municipal court, the moneys shall be 6504  
paid to the treasurer of the county in which the court is located. 6505  
The treasurer shall pay any part of the moneys at any time to the 6506  
person who has the right to the moneys upon proper certification 6507  
of the clerk. 6508

(H) Deputy clerks of a municipal court other than the Carroll 6509  
county municipal court may be appointed by the clerk and shall 6510  
receive the compensation, payable in either biweekly installments 6511  
or semimonthly installments, as determined by the payroll 6512  
administrator, out of the city treasury, that the clerk may 6513  
prescribe, except that the compensation of any deputy clerk of a 6514  
county-operated municipal court shall be paid out of the treasury 6515  
of the county in which the court is located. The judge of the 6516  
Carroll county municipal court may appoint deputy clerks for the 6517  
court, and the deputy clerks shall receive the compensation, 6518  
payable in biweekly installments out of the county treasury, that 6519  
the judge may prescribe. Each deputy clerk shall take an oath of 6520  
office before entering upon the duties of the deputy clerk's 6521  
office and, when so qualified, may perform the duties appertaining 6522  
to the office of the clerk. The clerk may require any of the 6523  
deputy clerks to give bond of not less than three thousand 6524  
dollars, conditioned for the faithful performance of the deputy 6525  
clerk's duties. 6526



(I) For the purposes of this section, whenever the population 6527  
of the territory of a municipal court falls below one hundred 6528  
thousand but not below ninety thousand, and the population of the 6529  
territory prior to the most recent regular federal census exceeded 6530  
one hundred thousand, the legislative authority of the municipal 6531  
corporation may declare, by resolution, that the territory shall 6532  
be considered to have a population of at least one hundred 6533  
thousand. 6534

(J) The clerk or a deputy clerk shall be in attendance at all 6535  
sessions of the municipal court, although not necessarily in the 6536  
courtroom, and may administer oaths to witnesses and jurors and 6537  
receive verdicts. 6538

**Sec. 1907.13.** A county court judge, at the time of filing a 6539  
nominating petition for the office or at the time of appointment 6540  
to the office and during the judge's term of office, shall be a 6541  
qualified elector and a resident of the county court district in 6542  
which the judge is elected or appointed. A county court judge does 6543  
not have to be a resident of an area of separate jurisdiction in 6544  
the county court district to which the judge may be assigned 6545  
pursuant to section 1907.15 of the Revised Code. Every county 6546  
court judge shall have been admitted to the practice of law in 6547  
this state and shall have been engaged, for a total of at least 6548  
six years preceding the judge's appointment or the commencement of 6549  
the judge's term, in the practice of law in this state, except 6550  
that the six-year practice requirement does not apply to a county 6551  
court judge who is holding office on the effective date of this 6552  
amendment and who subsequently is a candidate for that office. 6553

Judges shall be elected by the electors of the county court 6554  
district at the general election in even-numbered years as set 6555  
forth in section 1907.11 of the Revised Code for a term of six 6556  
years commencing on the first day of January following the 6557

election for the county court or on the dates specified in section 6558  
1907.11 of the Revised Code for particular county court judges. 6559  
Their successors shall be elected in even-numbered years every six 6560  
years. 6561

All candidates for county court judge shall be nominated by 6562  
petition. The nominating petition shall be in the general form and 6563  
signed and verified as prescribed by section 3513.261 of the 6564  
Revised Code and shall be signed by the lesser of fifty qualified 6565  
electors of the county court district or a number of qualified 6566  
electors of the county court district not less than one per cent 6567  
of the number of electors who voted for governor at the most 6568  
recent regular state election in the district. A nominating 6569  
petition shall not be accepted for filing or filed if it appears 6570  
on its face to contain signatures aggregating in number more than 6571  
twice the minimum aggregate number of signatures required by this 6572  
section. A nominating petition shall be filed with the board of 6573  
elections not later than four p.m. of the ~~seventy-fifth~~ 6574  
eighty-fifth day before the day of the general election. 6575

**Sec. 2101.43.** Whenever ten per cent of the number of electors 6576  
voting for governor at the most recent election in any county 6577  
having less than sixty thousand population, as determined by the 6578  
most recent federal census, petition a judge of the court of 6579  
common pleas of such county, not less than ~~seventy-five~~ 6580  
eighty-five days before any general election for county officers, 6581  
for the submission to the electors of such county the question of 6582  
combining the probate court with the court of common pleas, such 6583  
judge shall place upon the journal of said court an order 6584  
requiring the sheriff to make proclamation that at the next 6585  
general election there will be submitted to the electors the 6586  
question of combining the probate court with the court of common 6587  
pleas. The clerk of the court of common pleas shall, thereupon, 6588  
make and deliver a certified copy of such order to the sheriff, 6589

and the sheriff shall include notice of the submission of such 6590  
question in ~~his~~ the sheriff's proclamation of election for the 6591  
next general election. 6592

Each elector joining in a petition for the submission of said 6593  
question shall sign such petition in the elector's own 6594  
handwriting, unless the elector cannot write and the elector's 6595  
signature is made by mark, and shall add thereto the township, 6596  
precinct, or ward of which the elector is a resident. Such 6597  
petition may consist of as many parts as are convenient. One of 6598  
the signers to each separate paper shall swear before some officer 6599  
qualified to administer the oath that the petition is bona fide to 6600  
the best of the signer's knowledge and belief. Such oath shall be 6601  
a part of or attached to such paper. The judge upon receipt of 6602  
such petition shall deposit it with the clerk of the court of 6603  
common pleas. 6604

No signature shall be taken from or added to such petition 6605  
after it has been filed with the judge. When deposited such 6606  
petition shall be preserved and open to public inspection, and if 6607  
it is in conformity with this section, it shall be valid, unless 6608  
objection thereto is made in writing by an elector of the county 6609  
within five days after the filing thereof. Such objections, or any 6610  
other questions arising in the course of the submission of the 6611  
question of combining said courts, shall be considered and 6612  
determined by the judge, and ~~his~~ the judge's decision shall be 6613  
final. 6614

**Sec. 2301.02.** The number of judges of the court of common 6615  
pleas for each county, the time for the next election of the 6616  
judges in the several counties, and the beginning of their terms 6617  
shall be as follows: 6618

(A) In Adams, Ashland, Fayette, and Pike counties, one judge, 6619  
elected in 1956, term to begin February 9, 1957; 6620

In Brown, Crawford, Defiance, Highland, Holmes, Morgan,	6621
Ottawa, and Union counties, one judge, to be elected in 1954, term	6622
to begin February 9, 1955;	6623
In Auglaize county, one judge, to be elected in 1956, term to	6624
begin January 9, 1957;	6625
In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin,	6626
Jackson, Knox, Madison, Mercer, Monroe, Paulding, Vinton, and	6627
Wyandot counties, one judge, to be elected in 1956, term to begin	6628
January 1, 1957;	6629
In Morrow county, two judges, one to be elected in 1956, term	6630
to begin January 1, 1957, and one to be elected in 2006, term to	6631
begin January 1, 2007;	6632
In Logan county, two judges, one to be elected in 1956, term	6633
to begin January 1, 1957, and one to be elected in 2004, term to	6634
begin January 2, 2005;	6635
In Carroll, Clinton, Hocking, Meigs, Pickaway, Preble,	6636
Shelby, Van Wert, and Williams counties, one judge, to be elected	6637
in 1952, term to begin January 1, 1953;	6638
In Champaign county, two judges, one to be elected in 1952,	6639
term to begin January 1, 1953, and one to be elected in 2008, term	6640
to begin February 10, 2009.	6641
In Harrison and Noble counties, one judge, to be elected in	6642
1954, term to begin April 18, 1955;	6643
In Henry county, two judges, one to be elected in 1956, term	6644
to begin May 9, 1957, and one to be elected in 2004, term to begin	6645
January 1, 2005;	6646
In Putnam county, one judge, to be elected in 1956, term to	6647
begin May 9, 1957;	6648
In Huron county, one judge, to be elected in 1952, term to	6649
begin May 14, 1953;	6650

In Perry county, one judge, to be elected in 1954, term to  
begin July 6, 1956; 6651  
6652

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; 6653  
6654  
6655

(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; 6656  
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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; 6660  
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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; 6664  
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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; 6667  
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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; 6672  
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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; 6676  
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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,  
6679  
6680

term to begin January 1, 1961, the third to be elected in 1978, 6681  
term to begin January 2, 1979, and the fourth to be elected in 6682  
1994, term to begin January 1, 1995; 6683

In Hancock county, two judges, one to be elected in 1952, 6684  
term to begin January 1, 1953, and the second to be elected in 6685  
1978, term to begin January 1, 1979; 6686

In Lawrence county, two judges, one to be elected in 1954, 6687  
term to begin February 9, 1955, and the second to be elected in 6688  
1976, term to begin January 1, 1977; 6689

In Marion county, three judges, one to be elected in 1952, 6690  
term to begin January 1, 1953, the second to be elected in 1976, 6691  
term to begin January 2, 1977, and the third to be elected in 6692  
1998, term to begin February 9, 1999; 6693

In Medina county, three judges, one to be elected in 1956, 6694  
term to begin January 1, 1957, the second to be elected in 1966, 6695  
term to begin January 1, 1967, and the third to be elected in 6696  
1994, term to begin January 1, 1995; 6697

In Miami county, two judges, one to be elected in 1954, term 6698  
to begin February 9, 1955, and one to be elected in 1970, term to 6699  
begin on January 1, 1971; 6700

In Muskingum county, three judges, one to be elected in 1968, 6701  
term to begin August 9, 1969, one to be elected in 1978, term to 6702  
begin January 1, 1979, and one to be elected in 2002, term to 6703  
begin January 2, 2003; 6704

In Portage county, three judges, one to be elected in 1956, 6705  
term to begin January 1, 1957, the second to be elected in 1960, 6706  
term to begin January 1, 1961, and the third to be elected in 6707  
1986, term to begin January 2, 1987; 6708

In Ross county, two judges, one to be elected in 1956, term 6709  
to begin February 9, 1957, and the second to be elected in 1976, 6710

term to begin January 1, 1977; 6711

In Scioto county, three judges, one to be elected in 1954, 6712  
term to begin February 10, 1955, the second to be elected in 1960, 6713  
term to begin January 1, 1961, and the third to be elected in 6714  
1994, term to begin January 2, 1995; 6715

In Seneca county, two judges, one to be elected in 1956, term 6716  
to begin January 1, 1957, and the second to be elected in 1986, 6717  
term to begin January 2, 1987; 6718

In Warren county, four judges, one to be elected in 1954, 6719  
term to begin February 9, 1955, the second to be elected in 1970, 6720  
term to begin January 1, 1971, the third to be elected in 1986, 6721  
term to begin January 1, 1987, and the fourth to be elected in 6722  
2004, term to begin January 2, 2005; 6723

In Washington county, two judges, one to be elected in 1952, 6724  
term to begin January 1, 1953, and one to be elected in 1986, term 6725  
to begin January 1, 1987; 6726

In Wood county, three judges, one to be elected in 1968, term 6727  
beginning January 1, 1969, the second to be elected in 1970, term 6728  
to begin January 2, 1971, and the third to be elected in 1990, 6729  
term to begin January 1, 1991; 6730

In Belmont and Jefferson counties, two judges, to be elected 6731  
in 1954, terms to begin January 1, 1955, and February 9, 1955, 6732  
respectively; 6733

In Clark county, four judges, one to be elected in 1952, term 6734  
to begin January 1, 1953, the second to be elected in 1956, term 6735  
to begin January 2, 1957, the third to be elected in 1986, term to 6736  
begin January 3, 1987, and the fourth to be elected in 1994, term 6737  
to begin January 2, 1995. 6738

In Clermont county, five judges, one to be elected in 1956, 6739  
term to begin January 1, 1957, the second to be elected in 1964, 6740

term to begin January 1, 1965, the third to be elected in 1982, 6741  
term to begin January 2, 1983, the fourth to be elected in 1986, 6742  
term to begin January 2, 1987; and the fifth to be elected in 6743  
2006, term to begin January 3, 2007; 6744

In Columbiana county, two judges, one to be elected in 1952, 6745  
term to begin January 1, 1953, and the second to be elected in 6746  
1956, term to begin January 1, 1957; 6747

In Delaware county, two judges, one to be elected in 1990, 6748  
term to begin February 9, 1991, the second to be elected in 1994, 6749  
term to begin January 1, 1995; 6750

In Lake county, six judges, one to be elected in 1958, term 6751  
to begin January 1, 1959, the second to be elected in 1960, term 6752  
to begin January 2, 1961, the third to be elected in 1964, term to 6753  
begin January 3, 1965, the fourth and fifth to be elected in 1978, 6754  
terms to begin January 4, 1979, and January 5, 1979, respectively, 6755  
and the sixth to be elected in 2000, term to begin January 6, 6756  
2001; 6757

In Licking county, four judges, one to be elected in 1954, 6758  
term to begin February 9, 1955, one to be elected in 1964, term to 6759  
begin January 1, 1965, one to be elected in 1990, term to begin 6760  
January 1, 1991, and one to be elected in 2004, term to begin 6761  
January 1, 2005; 6762

In Lorain county, nine judges, two to be elected in 1952, 6763  
terms to begin January 1, 1953, and January 2, 1953, respectively, 6764  
one to be elected in 1958, term to begin January 3, 1959, one to 6765  
be elected in 1968, term to begin January 1, 1969, two to be 6766  
elected in 1988, terms to begin January 4, 1989, and January 5, 6767  
1989, respectively, two to be elected in 1998, terms to begin 6768  
January 2, 1999, and January 3, 1999, respectively; and one to be 6769  
elected in 2006, term to begin January 6, 2007; 6770

In Butler county, eleven judges, one to be elected in 1956, 6771



term to begin January 1, 1957; two to be elected in 1954, terms to  
begin January 1, 1955, and February 9, 1955, respectively; one to  
be elected in 1968, term to begin January 2, 1969; one to be  
elected in 1986, term to begin January 3, 1987; two to be elected  
in 1988, terms to begin January 1, 1989, and January 2, 1989,  
respectively; one to be elected in 1992, term to begin January 4,  
1993; two to be elected in 2002, terms to begin January 2, 2003,  
and January 3, 2003, respectively; and one to be elected in 2006,  
term to begin January 3, 2007;

In Richland county, four judges, one to be elected in 1956,  
term to begin January 1, 1957, the second to be elected in 1960,  
term to begin February 9, 1961, the third to be elected in 1968,  
term to begin January 2, 1969, and the fourth to be elected in  
2004, term to begin January 3, 2005;

In Tuscarawas county, two judges, one to be elected in 1956,  
term to begin January 1, 1957, and the second to be elected in  
1960, term to begin January 2, 1961;

In Wayne county, two judges, one to be elected in 1956, term  
beginning January 1, 1957, and one to be elected in 1968, term to  
begin January 2, 1969;

In Trumbull county, six judges, one to be elected in 1952,  
term to begin January 1, 1953, the second to be elected in 1954,  
term to begin January 1, 1955, the third to be elected in 1956,  
term to begin January 1, 1957, the fourth to be elected in 1964,  
term to begin January 1, 1965, the fifth to be elected in 1976,  
term to begin January 2, 1977, and the sixth to be elected in  
1994, term to begin January 3, 1995;

(C) In Cuyahoga county, thirty-nine judges; eight to be  
elected in 1954, terms to begin on successive days beginning from  
January 1, 1955, to January 7, 1955, and February 9, 1955,  
respectively; eight to be elected in 1956, terms to begin on

successive days beginning from January 1, 1957, to January 8, 6803  
1957; three to be elected in 1952, terms to begin from January 1, 6804  
1953, to January 3, 1953; two to be elected in 1960, terms to 6805  
begin on January 8, 1961, and January 9, 1961, respectively; two 6806  
to be elected in 1964, terms to begin January 4, 1965, and January 6807  
5, 1965, respectively; one to be elected in 1966, term to begin on 6808  
January 10, 1967; four to be elected in 1968, terms to begin on 6809  
successive days beginning from January 9, 1969, to January 12, 6810  
1969; two to be elected in 1974, terms to begin on January 18, 6811  
1975, and January 19, 1975, respectively; five to be elected in 6812  
1976, terms to begin on successive days beginning January 6, 1977, 6813  
to January 10, 1977; two to be elected in 1982, terms to begin 6814  
January 11, 1983, and January 12, 1983, respectively; and two to 6815  
be elected in 1986, terms to begin January 13, 1987, and January 6816  
14, 1987, respectively; 6817

In Franklin county, twenty-two judges; two to be elected in 6818  
1954, terms to begin January 1, 1955, and February 9, 1955, 6819  
respectively; four to be elected in 1956, terms to begin January 6820  
1, 1957, to January 4, 1957; four to be elected in 1958, terms to 6821  
begin January 1, 1959, to January 4, 1959; three to be elected in 6822  
1968, terms to begin January 5, 1969, to January 7, 1969; three to 6823  
be elected in 1976, terms to begin on successive days beginning 6824  
January 5, 1977, to January 7, 1977; one to be elected in 1982, 6825  
term to begin January 8, 1983; one to be elected in 1986, term to 6826  
begin January 9, 1987; two to be elected in 1990, terms to begin 6827  
July 1, 1991, and July 2, 1991, respectively; one to be elected in 6828  
1996, term to begin January 2, 1997; and one to be elected in 6829  
2004, term to begin July 1, 2005; 6830

In Hamilton county, twenty-one judges; eight to be elected in 6831  
1966, terms to begin January 1, 1967, January 2, 1967, and from 6832  
February 9, 1967, to February 14, 1967, respectively; five to be 6833  
elected in 1956, terms to begin from January 1, 1957, to January 6834

5, 1957; one to be elected in 1964, term to begin January 1, 1965; 6835  
one to be elected in 1974, term to begin January 15, 1975; one to 6836  
be elected in 1980, term to begin January 16, 1981; two to be 6837  
elected at large in the general election in 1982, terms to begin 6838  
April 1, 1983; one to be elected in 1990, term to begin July 1, 6839  
1991; and two to be elected in 1996, terms to begin January 3, 6840  
1997, and January 4, 1997, respectively; 6841

In Lucas county, fourteen judges; two to be elected in 1954, 6842  
terms to begin January 1, 1955, and February 9, 1955, 6843  
respectively; two to be elected in 1956, terms to begin January 1, 6844  
1957, and October 29, 1957, respectively; two to be elected in 6845  
1952, terms to begin January 1, 1953, and January 2, 1953, 6846  
respectively; one to be elected in 1964, term to begin January 3, 6847  
1965; one to be elected in 1968, term to begin January 4, 1969; 6848  
two to be elected in 1976, terms to begin January 4, 1977, and 6849  
January 5, 1977, respectively; one to be elected in 1982, term to 6850  
begin January 6, 1983; one to be elected in 1988, term to begin 6851  
January 7, 1989; one to be elected in 1990, term to begin January 6852  
2, 1991; and one to be elected in 1992, term to begin January 2, 6853  
1993; 6854

In Mahoning county, seven judges; three to be elected in 6855  
1954, terms to begin January 1, 1955, January 2, 1955, and 6856  
February 9, 1955, respectively; one to be elected in 1956, term to 6857  
begin January 1, 1957; one to be elected in 1952, term to begin 6858  
January 1, 1953; one to be elected in 1968, term to begin January 6859  
2, 1969; and one to be elected in 1990, term to begin July 1, 6860  
1991; 6861

In Montgomery county, fifteen judges; three to be elected in 6862  
1954, terms to begin January 1, 1955, January 2, 1955, and January 6863  
3, 1955, respectively; four to be elected in 1952, terms to begin 6864  
January 1, 1953, January 2, 1953, July 1, 1953, and July 2, 1953, 6865  
respectively; one to be elected in 1964, term to begin January 3, 6866

1965; one to be elected in 1968, term to begin January 3, 1969; 6867  
three to be elected in 1976, terms to begin on successive days 6868  
beginning January 4, 1977, to January 6, 1977; two to be elected 6869  
in 1990, terms to begin July 1, 1991, and July 2, 1991, 6870  
respectively; and one to be elected in 1992, term to begin January 6871  
1, 1993. 6872

In Stark county, eight judges; one to be elected in 1958, 6873  
term to begin on January 2, 1959; two to be elected in 1954, terms 6874  
to begin on January 1, 1955, and February 9, 1955, respectively; 6875  
two to be elected in 1952, terms to begin January 1, 1953, and 6876  
April 16, 1953, respectively; one to be elected in 1966, term to 6877  
begin on January 4, 1967; and two to be elected in 1992, terms to 6878  
begin January 1, 1993, and January 2, 1993, respectively; 6879

In Summit county, thirteen judges; four to be elected in 6880  
1954, terms to begin January 1, 1955, January 2, 1955, January 3, 6881  
1955, and February 9, 1955, respectively; three to be elected in 6882  
1958, terms to begin January 1, 1959, January 2, 1959, and May 17, 6883  
1959, respectively; one to be elected in 1966, term to begin 6884  
January 4, 1967; one to be elected in 1968, term to begin January 6885  
5, 1969; one to be elected in 1990, term to begin May 1, 1991; one 6886  
to be elected in 1992, term to begin January 6, 1993; and two to 6887  
be elected in 2008, terms to begin January 5, 2009, and January 6, 6888  
2009, respectively. 6889

Notwithstanding the foregoing provisions, in any county 6890  
having two or more judges of the court of common pleas, in which 6891  
more than one-third of the judges plus one were previously elected 6892  
at the same election, if the office of one of those judges so 6893  
elected becomes vacant more than ~~forty~~ fifty days prior to the 6894  
second general election preceding the expiration of that judge's 6895  
term, the office that that judge had filled shall be abolished as 6896  
of the date of the next general election, and a new office of 6897  
judge of the court of common pleas shall be created. The judge who 6898

is to fill that new office shall be elected for a six-year term at 6899  
the next general election, and the term of that judge shall 6900  
commence on the first day of the year following that general 6901  
election, on which day no other judge's term begins, so that the 6902  
number of judges that the county shall elect shall not be reduced. 6903

Judges of the probate division of the court of common pleas 6904  
are judges of the court of common pleas but shall be elected 6905  
pursuant to sections 2101.02 and 2101.021 of the Revised Code, 6906  
except in Adams, Harrison, Henry, Morgan, Noble, and Wyandot 6907  
counties in which the judge of the court of common pleas elected 6908  
pursuant to this section also shall serve as judge of the probate 6909  
division, except in Lorain county in which the judges of the 6910  
domestic relations division of the Lorain county court of common 6911  
pleas elected pursuant to this section also shall perform the 6912  
duties and functions of the judge of the probate division from 6913  
February 9, 2009, through September 28, 2009, and except in Morrow 6914  
county in which the judges of the court of common pleas elected 6915  
pursuant to this section also shall perform the duties and 6916  
functions of the judge of the probate division. 6917

**Sec. 3311.053.** (A) The boards of education of up to five 6918  
adjoining educational service centers may, by identical 6919  
resolutions adopted by a majority of the members of each governing 6920  
board within any sixty-day period, combine such educational 6921  
service centers into one educational service center. The 6922  
resolutions shall state the name of the new center, which may be 6923  
styled as a "joint educational service center." The resolutions 6924  
shall also indicate whether the governing board of the new 6925  
educational service center is to be formed in accordance with 6926  
division (B) of this section, in accordance with division (A) of 6927  
section 3311.054 of the Revised Code, or in accordance with 6928  
section 3311.057 of the Revised Code. 6929

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 6961  
county in which the greatest number of pupils under the 6962  
supervision of the new educational service center reside shall 6963  
appoint the remaining members. 6964

Electors of the new educational service center shall elect a 6965  
new governing board at the next general election occurring in an 6966  
odd-numbered year and more than ~~seventy-five~~ eighty-five days 6967  
after the date of the appointment of the last member to the 6968  
initial governing board. Members shall serve for the duration of 6969  
the term to which they are elected or until their successors are 6970  
elected and qualified. At such election, two members shall be 6971  
elected to terms of two years and three members shall be elected 6972  
to terms of four years. Thereafter, their successors shall be 6973  
elected in the same manner and for the same terms as members of 6974  
governing boards of all educational service centers. Each 6975  
candidate for election as a member of the educational service 6976  
center governing board shall file a nominating petition in 6977  
accordance with section 3513.255 of the Revised Code. 6978

(C) The funds of each former educational service center shall 6979  
be paid over in full to the governing board of the new educational 6980  
service center, and the legal title to all property of the former 6981  
governing boards shall become vested in the new governing board. 6982

The governing board of an educational service center created 6983  
under this section shall honor all contracts made by the former 6984  
governing boards. 6985

**Sec. 3311.059.** The procedure prescribed in this section may 6986  
be used in lieu of a transfer prescribed under section 3311.231 of 6987  
the Revised Code. 6988

(A) Subject to divisions (B) and (C) of this section, a board 6989  
of education of a local school district may by a resolution 6990  
approved by a majority of all its members propose to sever that 6991

local school district from the territory of the educational 6992  
service center in which the local school district is currently 6993  
included and to instead annex the local school district to the 6994  
territory of another educational service center, the current 6995  
territory of which is adjacent to the territory of the educational 6996  
service center in which the local school district is currently 6997  
included. The resolution shall promptly be filed with the 6998  
governing board of each educational service center affected by the 6999  
resolution and with the superintendent of public instruction. 7000

(B) The resolution adopted under division (A) of this section 7001  
shall not be effective unless it is approved by the state board of 7002  
education. In deciding whether to approve the resolution, the 7003  
state board shall consider the impact of an annexation on both the 7004  
school district and the educational service center to which the 7005  
district is proposed to be annexed, including the ability of that 7006  
service center to deliver services in a cost-effective and 7007  
efficient manner. The severance of the local school district from 7008  
one educational service center and its annexation to another 7009  
educational service center under this section shall not be 7010  
effective until one year after the first day of July following the 7011  
later of the date that the state board of education approves the 7012  
resolution or the date the board of elections certifies the 7013  
results of the referendum election as provided in division (C) of 7014  
this section. 7015

(C) Within sixty days following the date of the adoption of 7016  
the resolution under division (A) of this section, the electors of 7017  
the local school district may petition for a referendum vote on 7018  
the resolution. The question whether to approve or disapprove the 7019  
resolution shall be submitted to the electors of such school 7020  
district if a number of qualified electors equal to twenty per 7021  
cent of the number of electors in the school district who voted 7022  
for the office of governor at the most recent general election for 7023



that office sign a petition asking that the question of whether 7024  
the resolution shall be disapproved be submitted to the electors. 7025  
The petition shall be filed with the board of elections of the 7026  
county in which the school district is located. If the school 7027  
district is located in more than one county, the petition shall be 7028  
filed with the board of elections of the county in which the 7029  
majority of the territory of the school district is located. The 7030  
board shall certify the validity and sufficiency of the signatures 7031  
on the petition. 7032

The board of elections shall immediately notify the board of 7033  
education of the local school district and the governing board of 7034  
each educational service center affected by the resolution that 7035  
the petition has been filed. 7036

The effect of the resolution shall be stayed until the board 7037  
of elections certifies the validity and sufficiency of the 7038  
signatures on the petition. If the board of elections determines 7039  
that the petition does not contain a sufficient number of valid 7040  
signatures and sixty days have passed since the adoption of the 7041  
resolution, the resolution shall become effective as provided in 7042  
division (B) of this section. 7043

If the board of elections certifies that the petition 7044  
contains a sufficient number of valid signatures, the board shall 7045  
submit the question to the qualified electors of the school 7046  
district on the day of the next general or primary election held 7047  
at least ~~seventy-five~~ eighty-five days after the board of 7048  
elections certifies the validity and sufficiency of signatures on 7049  
the petition. The election shall be conducted and canvassed and 7050  
the results shall be certified in the same manner as in regular 7051  
elections for the election of members of a board of education. 7052

If a majority of the electors voting on the question 7053  
disapprove the resolution, the resolution shall not become 7054  
effective. If a majority of the electors voting on the question 7055

approve the resolution, the resolution shall become effective as 7056  
provided in division (B) of this section. 7057

(D) Upon the effective date of the severance of the local 7058  
school district from one educational service center and its 7059  
annexation to another educational service center as provided in 7060  
division (B) of this section, the governing board of each 7061  
educational service center shall take such steps for the election 7062  
of members of the governing board and for organization of the 7063  
governing board as prescribed in Chapter 3313. of the Revised 7064  
Code. 7065

(E) If a school district is severed from one educational 7066  
service center and annexed to another service center under this 7067  
section, the board of education of that school district shall not 7068  
propose a subsequent severance and annexation action under this 7069  
section that would be effective sooner than five years after the 7070  
effective date of the next previous severance and annexation 7071  
action under this section. 7072

**Sec. 3311.21.** (A) In addition to the resolutions authorized 7073  
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 7074  
the Revised Code, the board of education of a joint vocational or 7075  
cooperative education school district by a vote of two-thirds of 7076  
its full membership may at any time adopt a resolution declaring 7077  
the necessity to levy a tax in excess of the ten-mill limitation 7078  
for a period not to exceed ten years to provide funds for any one 7079  
or more of the following purposes, which may be stated in the 7080  
following manner in such resolution, the ballot, and the notice of 7081  
election: purchasing a site or enlargement thereof and for the 7082  
erection and equipment of buildings; for the purpose of enlarging, 7083  
improving, or rebuilding thereof; for the purpose of providing for 7084  
the current expenses of the joint vocational or cooperative school 7085  
district; or for a continuing period for the purpose of providing 7086

for the current expenses of the joint vocational or cooperative 7087  
education school district. The resolution shall specify the amount 7088  
of the proposed rate and, if a renewal, whether the levy is to 7089  
renew all, or a portion of, the existing levy, and shall specify 7090  
the first year in which the levy will be imposed. If the levy 7091  
provides for but is not limited to current expenses, the 7092  
resolution shall apportion the annual rate of the levy between 7093  
current expenses and the other purpose or purposes. Such 7094  
apportionment may but need not be the same for each year of the 7095  
levy, but the respective portions of the rate actually levied each 7096  
year for current expenses and the other purpose or purposes shall 7097  
be limited by such apportionment. The portion of any such rate 7098  
actually levied for current expenses of a joint vocational or 7099  
cooperative education school district shall be used in applying 7100  
division (A)(1) of section 3306.01 and division (A) of section 7101  
3317.01 of the Revised Code. The portion of any such rate not 7102  
apportioned to the current expenses of a joint vocational or 7103  
cooperative education school district shall be used in applying 7104  
division (B) of this section. On the adoption of such resolution, 7105  
the joint vocational or cooperative education school district 7106  
board of education shall certify the resolution to the board of 7107  
elections of the county containing the most populous portion of 7108  
the district, which board shall receive resolutions for filing and 7109  
send them to the boards of elections of each county in which 7110  
territory of the district is located, furnish all ballots for the 7111  
election as provided in section 3505.071 of the Revised Code, and 7112  
prepare the election notice; and the board of elections of each 7113  
county in which the territory of such district is located shall 7114  
make the other necessary arrangements for the submission of the 7115  
question to the electors of the joint vocational or cooperative 7116  
education school district at the next primary or general election 7117  
occurring not less than ~~seventy-five~~ eighty-five days after the 7118  
resolution was received from the joint vocational or cooperative 7119

education school district board of education, or at a special 7120  
election to be held at a time designated by the district board of 7121  
education consistent with the requirements of section 3501.01 of 7122  
the Revised Code, which date shall not be earlier than 7123  
~~seventy-five~~ eighty-five days after the adoption and certification 7124  
of the resolution. 7125

The board of elections of the county or counties in which 7126  
territory of the joint vocational or cooperative education school 7127  
district is located shall cause to be published in one or more 7128  
newspapers of general circulation in that district an 7129  
advertisement of the proposed tax levy question together with a 7130  
statement of the amount of the proposed levy once a week for two 7131  
consecutive weeks, prior to the election at which the question is 7132  
to appear on the ballot, and, if the board of elections operates 7133  
and maintains a web site, the board also shall post a similar 7134  
advertisement on its web site for thirty days prior to that 7135  
election. 7136

If a majority of the electors voting on the question of 7137  
levying such tax vote in favor of the levy, the joint vocational 7138  
or cooperative education school district board of education shall 7139  
annually make the levy within the district at the rate specified 7140  
in the resolution and ballot or at any lesser rate, and the county 7141  
auditor of each affected county shall annually place the levy on 7142  
the tax list and duplicate of each school district in the county 7143  
having territory in the joint vocational or cooperative education 7144  
school district. The taxes realized from the levy shall be 7145  
collected at the same time and in the same manner as other taxes 7146  
on the duplicate, and the taxes, when collected, shall be paid to 7147  
the treasurer of the joint vocational or cooperative education 7148  
school district and deposited to a special fund, which shall be 7149  
established by the joint vocational or cooperative education 7150  
school district board of education for all revenue derived from 7151

any tax levied pursuant to this section and for the proceeds of 7152  
anticipation notes which shall be deposited in such fund. After 7153  
the approval of the levy, the joint vocational or cooperative 7154  
education school district board of education may anticipate a 7155  
fraction of the proceeds of the levy and from time to time, during 7156  
the life of the levy, but in any year prior to the time when the 7157  
tax collection from the levy so anticipated can be made for that 7158  
year, issue anticipation notes in an amount not exceeding fifty 7159  
per cent of the estimated proceeds of the levy to be collected in 7160  
each year up to a period of five years after the date of the 7161  
issuance of the notes, less an amount equal to the proceeds of the 7162  
levy obligated for each year by the issuance of anticipation 7163  
notes, provided that the total amount maturing in any one year 7164  
shall not exceed fifty per cent of the anticipated proceeds of the 7165  
levy for that year. Each issue of notes shall be sold as provided 7166  
in Chapter 133. of the Revised Code, and shall, except for such 7167  
limitation that the total amount of such notes maturing in any one 7168  
year shall not exceed fifty per cent of the anticipated proceeds 7169  
of the levy for that year, mature serially in substantially equal 7170  
installments, during each year over a period not to exceed five 7171  
years after their issuance. 7172

(B) Prior to the application of section 319.301 of the 7173  
Revised Code, the rate of a levy that is limited to, or to the 7174  
extent that it is apportioned to, purposes other than current 7175  
expenses shall be reduced in the same proportion in which the 7176  
district's total valuation increases during the life of the levy 7177  
because of additions to such valuation that have resulted from 7178  
improvements added to the tax list and duplicate. 7179

(C) The form of ballot cast at an election under division (A) 7180  
of this section shall be as prescribed by section 5705.25 of the 7181  
Revised Code. 7182

Sec. 3311.213. (A) With the approval of the board of 7183  
education of a joint vocational school district which is in 7184  
existence, any school district in the county or counties 7185  
comprising the joint vocational school district or any school 7186  
district in a county adjacent to a county comprising part of a 7187  
joint vocational school district may become a part of the joint 7188  
vocational school district. On the adoption of a resolution of 7189  
approval by the board of education of the joint vocational school 7190  
district, it shall advertise a copy of such resolution in a 7191  
newspaper of general circulation in the school district proposing 7192  
to become a part of such joint vocational school district once 7193  
each week for at least two weeks immediately following the date of 7194  
the adoption of such resolution. Such resolution shall not become 7195  
effective until the later of the sixty-first day after its 7196  
adoption or until the board of elections certifies the results of 7197  
an election in favor of joining of the school district to the 7198  
joint vocational school district if such an election is held under 7199  
division (B) of this section. 7200

(B) During the sixty-day period following the date of the 7201  
adoption of a resolution to join a school district to a joint 7202  
vocational school district under division (A) of this section, the 7203  
electors of the school district that proposes joining the joint 7204  
vocational school district may petition for a referendum vote on 7205  
the resolution. The question whether to approve or disapprove the 7206  
resolution shall be submitted to the electors of such school 7207  
district if a number of qualified electors equal to twenty per 7208  
cent of the number of electors in the school district who voted 7209  
for the office of governor at the most recent general election for 7210  
that office sign a petition asking that the question of whether 7211  
the resolution shall be disapproved be submitted to the electors. 7212  
The petition shall be filed with the board of elections of the 7213  
county in which the school district is located. If the school 7214

district is located in more than one county, the petition shall be 7215  
filed with the board of elections of the county in which the 7216  
majority of the territory of the school district is located. The 7217  
board shall certify the validity and sufficiency of the signatures 7218  
on the petition. 7219

The board of elections shall immediately notify the board of 7220  
education of the joint vocational school district and the board of 7221  
education of the school district that proposes joining the joint 7222  
vocational school district that the petition has been filed. 7223

The effect of the resolution shall be stayed until the board 7224  
of elections certifies the validity and sufficiency of the 7225  
signatures on the petition. If the board of elections determines 7226  
that the petition does not contain a sufficient number of valid 7227  
signatures and sixty days have passed since the adoption of the 7228  
resolution, the resolution shall become effective. 7229

If the board of elections certifies that the petition 7230  
contains a sufficient number of valid signatures, the board shall 7231  
submit the question to the qualified electors of the school 7232  
district on the day of the next general or primary election held 7233  
at least ~~seventy-five~~ eighty-five days after but no later than six 7234  
months after the board of elections certifies the validity and 7235  
sufficiency of signatures on the petition. If there is no general 7236  
or primary election held at least ~~seventy-five~~ eighty-five days 7237  
after but no later than six months after the board of elections 7238  
certifies the validity and sufficiency of signatures on the 7239  
petition, the board shall submit the question to the electors at a 7240  
special election to be held on the next day specified for special 7241  
elections in division (D) of section 3501.01 of the Revised Code 7242  
that occurs at least ~~seventy-five~~ eighty-five days after the board 7243  
certifies the validity and sufficiency of signatures on the 7244  
petition. The election shall be conducted and canvassed and the 7245  
results shall be certified in the same manner as in regular 7246

elections for the election of members of a board of education. 7247

If a majority of the electors voting on the question 7248  
disapprove the resolution, the resolution shall not become 7249  
effective. 7250

(C) If the resolution becomes effective, the board of 7251  
education of the joint vocational school district shall notify the 7252  
county auditor of the county in which the school district becoming 7253  
a part of the joint vocational school district is located, who 7254  
shall thereupon have any outstanding levy for building purposes, 7255  
bond retirement, or current expenses in force in the joint 7256  
vocational school district spread over the territory of the school 7257  
district becoming a part of the joint vocational school district. 7258  
On the addition of a city or exempted village school district or 7259  
an educational service center to the joint vocational school 7260  
district, pursuant to this section, the board of education of such 7261  
joint vocational school district shall submit to the state board 7262  
of education a proposal to enlarge the membership of such board by 7263  
the addition of one or more persons at least one of whom shall be 7264  
a member of the board of education or governing board of such 7265  
additional school district or educational service center, and the 7266  
term of each such additional member. On the addition of a local 7267  
school district to the joint vocational school district, pursuant 7268  
to this section, the board of education of such joint vocational 7269  
school district may submit to the state board of education a 7270  
proposal to enlarge the membership of such board by the addition 7271  
of one or more persons who are members of the educational service 7272  
center governing board of such additional local school district. 7273  
On approval by the state board of education additional members 7274  
shall be added to such joint vocational school district board of 7275  
education. 7276

**Sec. 3311.22.** A governing board of an educational service 7277



center may propose, by resolution adopted by majority vote of its 7278  
full membership, or qualified electors of the area affected equal 7279  
in number to at least fifty-five per cent of the qualified 7280  
electors voting at the last general election residing within that 7281  
portion of a school district, or districts proposed to be 7282  
transferred may propose, by petition, the transfer of a part or 7283  
all of one or more local school districts to another local school 7284  
district or districts within the territory of the educational 7285  
service center. Such transfers may be made only to local school 7286  
districts adjoining the school district that is proposed to be 7287  
transferred, unless the board of education of the district 7288  
proposed to be transferred has entered into an agreement pursuant 7289  
to section 3313.42 of the Revised Code, in which case such 7290  
transfers may be made to any local school district within the 7291  
territory of the educational service center. 7292

When a governing board of an educational service center 7293  
adopts a resolution proposing a transfer of school territory it 7294  
shall forthwith file a copy of such resolution, together with an 7295  
accurate map of the territory described in the resolution, with 7296  
the board of education of each school district whose boundaries 7297  
would be altered by such proposal. A governing board of an 7298  
educational service center proposing a transfer of territory under 7299  
the provisions of this section shall at its next regular meeting 7300  
that occurs not earlier than thirty days after the adoption by the 7301  
governing board of a resolution proposing such transfer, adopt a 7302  
resolution making the transfer effective at any time prior to the 7303  
next succeeding first day of July, unless, prior to the expiration 7304  
of such thirty-day period, qualified electors residing in the area 7305  
proposed to be transferred, equal in number to a majority of the 7306  
qualified electors voting at the last general election, file a 7307  
petition of referendum against such transfer. 7308

Any petition of transfer or petition of referendum filed 7309

under the provisions of this section shall be filed at the office 7310  
of the educational service center superintendent. The person 7311  
presenting the petition shall be given a receipt containing 7312  
thereon the time of day, the date, and the purpose of the 7313  
petition. 7314

The educational service center superintendent shall cause the 7315  
board of elections to check the sufficiency of signatures on any 7316  
petition of transfer or petition of referendum filed under this 7317  
section and, if found to be sufficient, ~~he~~ the superintendent 7318  
shall present the petition to the educational service center 7319  
governing board at a meeting of the board which shall occur not 7320  
later than thirty days following the filing of the petition. 7321

Upon presentation to the educational service center governing 7322  
board of a proposal to transfer territory as requested by petition 7323  
of fifty-five per cent of the qualified electors voting at the 7324  
last general election or a petition of referendum against a 7325  
proposal of the county board to transfer territory, the governing 7326  
board shall promptly certify the proposal to the board of 7327  
elections for the purpose of having the proposal placed on the 7328  
ballot at the next general or primary election which occurs not 7329  
less than ~~seventy-five~~ eighty-five days after the date of such 7330  
certification, or at a special election, the date of which shall 7331  
be specified in the certification, which date shall not be less 7332  
than ~~seventy-five~~ eighty-five days after the date of such 7333  
certification. Signatures on a petition of transfer or petition of 7334  
referendum may be withdrawn up to and including the above 7335  
mentioned meeting of the educational service center governing 7336  
board only by order of the board upon testimony of the petitioner 7337  
concerned under oath before the board that ~~his~~ the petitioner's 7338  
signature was obtained by fraud, duress, or misrepresentation. 7339

If a petition is filed with the educational service center 7340  
governing board which proposes the transfer of a part or all of 7341

the territory included in a resolution of transfer previously 7342  
adopted by the educational service center governing board, no 7343  
action shall be taken on such petition if within the thirty-day 7344  
period after the adoption of the resolution of transfer a 7345  
referendum petition is filed. After the election, if the proposed 7346  
transfer fails to receive a majority vote, action on such petition 7347  
shall then be processed under this section as though originally 7348  
filed under the provisions hereof. If no referendum petition is 7349  
filed within the thirty-day period after the adoption of the 7350  
resolution of transfer, no action shall be taken on such petition. 7351

If a petition is filed with the educational service center 7352  
governing board which proposes the transfer of a part or all of 7353  
the territory included in a petition previously filed by electors 7354  
no action shall be taken on such new petition. 7355

Upon certification of a proposal to the board or boards of 7356  
elections pursuant to this section, the board or boards of 7357  
elections shall make the necessary arrangements for the submission 7358  
of such question to the electors of the county or counties 7359  
qualified to vote thereon, and the election shall be conducted and 7360  
canvassed and the results shall be certified in the same manner as 7361  
in regular elections for the election of members of a board of 7362  
education. 7363

The persons qualified to vote upon a proposal are the 7364  
electors residing in the district or districts containing 7365  
territory that is proposed to be transferred. If the proposed 7366  
transfer be approved by at least a majority of the electors voting 7367  
on the proposal, the educational service center governing board 7368  
shall make such transfer at any time prior to the next succeeding 7369  
first day of July. If the proposed transfer is not approved by at 7370  
least a majority of the electors voting on the proposal, the 7371  
question of transferring any property included in the territory 7372  
covered by the proposal shall not be submitted to electors at any 7373

election prior to the first general election the date of which is 7374  
at least two years after the date of the original election, or the 7375  
first primary election held in an even-numbered year the date of 7376  
which is at least two years after the date of the original 7377  
election. A transfer shall be subject to the approval of the 7378  
receiving board or boards of education, unless the proposal was 7379  
initiated by the educational service center governing board, in 7380  
which case, if the transfer is opposed by the board of education 7381  
offered the territory, the local board may, within thirty days, 7382  
following the receipt of the notice of transfer, appeal to the 7383  
state board of education which shall then either approve or 7384  
disapprove the transfer. 7385

Following an election upon a proposed transfer initiated by a 7386  
petition the board of education that is offered territory shall, 7387  
within thirty days following receipt of the proposal, either 7388  
accept or reject the transfer. 7389

When an entire school district is proposed to be transferred 7390  
to two or more school districts and the offer is rejected by any 7391  
one of the receiving boards of education, none of the territory 7392  
included in the proposal shall be transferred. 7393

Upon the acceptance of territory by the receiving board or 7394  
boards of education the educational service center governing board 7395  
offering the territory shall file with the county auditor and with 7396  
the state board of education an accurate map showing the 7397  
boundaries of the territory transferred. 7398

Upon the making of such transfer, the net indebtedness of the 7399  
former district from which territory was transferred shall be 7400  
apportioned between the acquiring school district and that portion 7401  
of the former school district remaining after the transfer in the 7402  
ratio which the assessed valuation of the territory transferred to 7403  
the acquiring school district bears to the assessed valuation of 7404  
the original school district as of the effective date of the 7405

transfer. As used in this section "net indebtedness" means the 7406  
difference between the par value of the outstanding and unpaid 7407  
bonds and notes of the school district and the amount held in the 7408  
sinking fund and other indebtedness retirement funds for their 7409  
redemption. 7410

If an entire district is transferred, any indebtedness of the 7411  
former district incurred as a result of a loan made under section 7412  
3317.64 of the Revised Code is hereby canceled and such 7413  
indebtedness shall not be apportioned among any districts 7414  
acquiring the territory. 7415

Upon the making of any transfer under this section, the funds 7416  
of the district from which territory was transferred shall be 7417  
divided equitably by the educational service center governing 7418  
board between the acquiring district and any part of the original 7419  
district remaining after the transfer. 7420

If an entire district is transferred the board of education 7421  
of such district is thereby abolished or if a member of the board 7422  
of education lives in that part of a school district transferred 7423  
the member becomes a nonresident of the school district from which 7424  
the territory was transferred and ~~he~~ such member ceases to be a 7425  
member of the board of education of such district. 7426

The legal title of all property of the board of education in 7427  
the territory transferred shall become vested in the board of 7428  
education of the school district to which such territory is 7429  
transferred. 7430

Subsequent to June 30, 1959, if an entire district is 7431  
transferred, foundation program moneys accruing to a district 7432  
accepting school territory under the provisions of this section or 7433  
former section 3311.22 of the Revised Code, shall not be less, in 7434  
any year during the next succeeding three years following the 7435  
transfer, than the sum of the amounts received by the districts 7436

separately in the year in which the transfer was consummated. 7437

**Sec. 3311.231.** A governing board of an educational service 7438  
center may propose, by resolution adopted by majority vote of its 7439  
full membership, or qualified electors of the area affected equal 7440  
in number to not less than fifty-five per cent of the qualified 7441  
electors voting at the last general election residing within that 7442  
portion of a school district proposed to be transferred may 7443  
propose, by petition, the transfer of a part or all of one or more 7444  
local school districts within the territory of the center to an 7445  
adjoining educational service center or to an adjoining city or 7446  
exempted village school district. 7447

A governing board of an educational service center adopting a 7448  
resolution proposing a transfer of school territory under this 7449  
section shall file a copy of such resolution together with an 7450  
accurate map of the territory described in the resolution, with 7451  
the board of education of each school district whose boundaries 7452  
would be altered by such proposal. Where a transfer of territory 7453  
is proposed by a governing board of an educational service center 7454  
under this section, the governing board shall, at its next regular 7455  
meeting that occurs not earlier than the thirtieth day after the 7456  
adoption by the governing board of the resolution proposing such 7457  
transfer, adopt a resolution making the transfer as originally 7458  
proposed, effective at any time prior to the next succeeding first 7459  
day of July, unless, prior to the expiration of such thirty-day 7460  
period, qualified electors residing in the area proposed to be 7461  
transferred, equal in number to a majority of the qualified 7462  
electors voting at the last general election, file a petition of 7463  
referendum against such transfer. 7464

Any petition of transfer or petition of referendum under the 7465  
provisions of this section shall be filed at the office of the 7466  
educational service center superintendent. The person presenting 7467

the petition shall be given a receipt containing thereon the time 7468  
of day, the date, and the purpose of the petition. 7469

The educational service center superintendent shall cause the 7470  
board of elections to check the sufficiency of signatures on any 7471  
such petition, and, if found to be sufficient, ~~he~~ the 7472  
superintendent shall present the petition to the educational 7473  
service center governing board at a meeting of said governing 7474  
board which shall occur not later than thirty days following the 7475  
filing of said petition. 7476

The educational service center governing board shall promptly 7477  
certify the proposal to the board of elections of such counties in 7478  
which school districts whose boundaries would be altered by such 7479  
proposal are located for the purpose of having the proposal placed 7480  
on the ballot at the next general or primary election which occurs 7481  
not less than ~~seventy-five~~ eighty-five days after the date of such 7482  
certification or at a special election, the date of which shall be 7483  
specified in the certification, which date shall not be less than 7484  
~~seventy-five~~ eighty-five days after the date of such 7485  
certification. 7486

Signatures on a petition of transfer or petition of 7487  
referendum may be withdrawn up to and including the above 7488  
mentioned meeting of the educational service center governing 7489  
board only by order of the governing board upon testimony of the 7490  
petitioner concerned under oath before the board that ~~his~~ the 7491  
petitioner's signature was obtained by fraud, duress, or 7492  
misrepresentation. 7493

If a petition is filed with the educational service center 7494  
governing board which proposes the transfer of a part or all of 7495  
the territory included either in a petition previously filed by 7496  
electors or in a resolution of transfer previously adopted by the 7497  
educational service center governing board, no action shall be 7498  
taken on such new petition as long as the previously initiated 7499

proposal is pending before the governing board or is subject to an election. 7500  
7501

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. 7502  
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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. 7510  
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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 7529  
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educational service center the governing board of such educational 7532  
service center shall, within thirty days following receipt of the 7533  
proposal, either accept or reject the transfer. 7534

Where a governing board of an educational service center 7535  
adopts a resolution accepting territory transferred to the 7536  
educational service center under the provisions of sections 7537  
3311.231 and 3311.24 of the Revised Code, the governing board 7538  
shall, at the time of the adoption of the resolution accepting the 7539  
territory, designate the school district to which the accepted 7540  
territory shall be annexed. 7541

When an entire school district is proposed to be transferred 7542  
to two or more adjoining school districts and the offer is 7543  
rejected by any one of the receiving boards of education, none of 7544  
the territory included in the proposal shall be transferred. 7545

Upon the acceptance of territory by the receiving board or 7546  
boards of education the educational service center governing board 7547  
offering the territory shall file with the county auditor of each 7548  
county affected by the transfer and with the state board of 7549  
education an accurate map showing the boundaries of the territory 7550  
transferred. 7551

Upon the making of such transfer, the net indebtedness of the 7552  
former district from which territory was transferred shall be 7553  
apportioned between the acquiring school district and the portion 7554  
of the former school district remaining after the transfer in the 7555  
ratio which the assessed valuation of the territory transferred to 7556  
the acquiring school district bears to the assessed valuation of 7557  
the original school district as of the effective date of the 7558  
transfer. As used in this section "net indebtedness" means the 7559  
difference between the par value of the outstanding and unpaid 7560  
bonds and notes of the school district and the amount held in the 7561  
sinking fund and other indebtedness retirement funds for their 7562  
redemption. 7563

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. 7595

(B) A petition may be filed with the board of elections 7596  
proposing that two or more school districts whose territory is 7597  
primarily located within a county meeting the qualifications of 7598  
division (A) of this section form a commission to study the 7599  
proposed merger of the school districts. The petition may be 7600  
presented in separate petition papers. Each petition paper shall 7601  
contain, in concise language, the purpose of the petition and the 7602  
names of five electors of each school district proposed to be 7603  
merged to serve as commissioners on the merger study commission. 7604  
The petition shall be governed by the rules of section 3501.38 of 7605  
the Revised Code. 7606

A petition filed under this section shall contain signatures 7607  
of electors of each school district proposed to be merged, 7608  
numbering not less than ten per cent of the number of electors 7609  
residing in that district who voted for the office of governor at 7610  
the most recent general election for that office. The petition 7611  
shall be filed with the board of elections of the county described 7612  
by division (A) of this section. The board of elections of the 7613  
county in which the petition is required to be filed shall 7614  
ascertain the validity of all signatures on the petition and may 7615  
require the assistance of boards of elections of other counties if 7616  
any of the school districts proposed to be merged are located 7617  
partially in a county other than the one in which the petition is 7618  
required to be filed. 7619

(C)(1) If the board of elections of the county in which the 7620  
petition is required to be filed determines that the petition is 7621  
sufficient, the board shall submit the following question for the 7622  
approval or rejection of the electors of each school district 7623  
proposed to be merged at the next general election occurring at 7624  
least ~~seventy-five~~ eighty-five days after the date the petition is 7625

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 7690  
proposed merger. All meetings of the commission shall be subject 7691  
to the requirements of section 121.22 of the Revised Code. 7692

(3) The conditions for a proposed merger may provide for the 7693  
election of school board members for the new school district and 7694  
any other conditions that a majority of the members of the 7695  
commission from each school district find necessary. The 7696  
conditions for the proposed merger also may provide that the 7697  
merger, if approved, shall not become effective until the date on 7698  
which any required changes in state law necessary for the school 7699  
district merger to occur become effective. 7700

(4) As soon as the commission determines that a merger is not 7701  
desirable or finalizes the conditions for a proposed merger, the 7702  
commission shall report this fact, and the name of each school 7703  
district proposed for merger in which the majority of the 7704  
district's commissioners have agreed to the conditions for merger, 7705  
to the board of elections of each of the counties in which the 7706  
school districts proposed for merger are located. 7707

The question shall be submitted to the voters in each school 7708  
district in which the majority of the district's commissioners 7709  
have agreed to the conditions for merger at the next general 7710  
election occurring after the commission is elected. The question 7711  
shall not be submitted to the voters in any school district in 7712  
which a majority of that district's commissioners have not agreed 7713  
to the conditions for merger. The board of elections shall not 7714  
submit the conditions for merger to the voters in any district if 7715  
the conditions for merger include the merging of any district in 7716  
which the majority of that district's commissioners have not 7717  
agreed to the conditions for merger. 7718

The boards of elections shall submit the conditions of 7719  
proposed merger for the approval or rejection of the electors in 7720  
the portions of the school districts proposed to be merged within 7721

their respective counties. Upon the holding of that election, the boards of elections shall certify the results to the board of elections of the county in which the petition is required to be filed.

Regardless of whether the commission succeeds in reaching agreement, the commission shall cease to exist on the ~~seventy-fifth~~ eighty-fifth day prior to the next general election after the commission is elected.

(F) If the conditions of merger agreed upon by the merger commission are disapproved by a majority of those voting on them in any school district proposed to be merged, the merger shall not occur, unless the conditions of merger provide for a merger to occur without the inclusion of that district and the conditions of merger are otherwise met. No district in which the conditions of merger are disapproved by a majority of those voting on them shall be included in any merger resulting from that election. If the conditions of merger are approved by a majority of those voting on them in each school district proposed to be merged, or if the conditions of merger provide for a merger to occur without the inclusion of one or more districts in which the conditions of merger are disapproved by a majority of those voting on them, the merger shall be effective on the date specified in the conditions of the merger, unless the conditions of merger specify changes required to be made in state law for the merger to occur, in which case the merger shall be effective on the date on which those changes to state law become effective.

**Sec. 3311.26.** The state board of education may, by resolution adopted by majority vote of its full membership, propose the creation of a new local school district from one or more local school districts or parts thereof, including the creation of a local district with noncontiguous territory from one or more local

school districts if one of those districts has entered into an 7753  
agreement under section 3313.42 of the Revised Code. Such proposal 7754  
shall include an accurate map showing the territory affected. 7755  
After the adoption of the resolution, the state board shall file a 7756  
copy of such proposal with the board of education of each school 7757  
district whose boundaries would be altered by such proposal. 7758

7759

Upon the creation of a new district under this section, the 7760  
state board shall at its next regular meeting that occurs not 7761  
earlier than thirty days after the adoption by the state board of 7762  
the resolution proposing such creation, adopt a resolution making 7763  
the creation effective prior to the next succeeding first day of 7764  
July, unless, prior to the expiration of such thirty-day period, 7765  
qualified electors residing in the area included in such proposed 7766  
new district, equal in number to thirty-five per cent of the 7767  
qualified electors voting at the last general election, file a 7768  
petition of referendum against the creation of the proposed new 7769  
district. 7770

A petition of referendum filed under this section shall be 7771  
filed at the office of the state superintendent of public 7772  
instruction. The person presenting the petition shall be given a 7773  
receipt containing thereon the time of day, the date, and the 7774  
purpose of the petition. 7775

If a petition of referendum is filed, the state board shall, 7776  
at the next regular meeting of the state board, certify the 7777  
proposal to the board of elections for the purpose of having the 7778  
proposal placed on the ballot at the next general or primary 7779  
election which occurs not less than ~~seventy-five~~ eighty-five days 7780  
after the date of such certification, or at a special election, 7781  
the date of which shall be specified in the certification, which 7782  
date shall not be less than ~~seventy-five~~ eighty-five days after 7783  
the date of such certification. 7784



Upon certification of a proposal to the board or boards of 7785  
elections pursuant to this section, the board or boards of 7786  
elections shall make the necessary arrangements for the submission 7787  
of such question to the electors of the county or counties 7788  
qualified to vote thereon, and the election shall be conducted and 7789  
canvassed and the results shall be certified in the same manner as 7790  
in regular elections for the election of members of a board of 7791  
education. 7792

The persons qualified to vote upon a proposal are the 7793  
electors residing in the proposed new districts. 7794

If the proposed district be approved by at least a majority 7795  
of the electors voting on the proposal, the state board shall then 7796  
create such new district prior to the next succeeding first day of 7797  
July. 7798

Upon the creation of such district, the indebtedness of each 7799  
former district becoming in its entirety a part of the new 7800  
district shall be assumed in full by the new district. Upon the 7801  
creation of such district, that part of the net indebtedness of 7802  
each former district becoming only in part a part of the new 7803  
district shall be assumed by the new district which bears the same 7804  
ratio to the entire net indebtedness of the former district as the 7805  
assessed valuation of the part taken by the new district bears to 7806  
the entire assessed valuation of the former district as fixed on 7807  
the effective date of transfer. As used in this section, "net 7808  
indebtedness" means the difference between the par value of the 7809  
outstanding and unpaid bonds and notes of the school district and 7810  
the amount held in the sinking fund and other indebtedness 7811  
retirement funds for their redemption. Upon the creation of such 7812  
district, the funds of each former district becoming in its 7813  
entirety a part of the new district shall be paid over in full to 7814  
the new district. Upon the creation of such district, the funds of 7815  
each former district becoming only in part a part of the new 7816

district shall be divided equitably by the state board between the 7817  
new district and that part of the former district not included in 7818  
the new district as such funds existed on the effective date of 7819  
the creation of the new district. 7820

The state board shall, following the election, file with the 7821  
county auditor of each county affected by the creation of a new 7822  
district an accurate map showing the boundaries of such newly 7823  
created district. 7824

When a new local school district is so created, a board of 7825  
education for such newly created district shall be appointed by 7826  
the state board. The members of such appointed board of education 7827  
shall hold their office until their successors are elected and 7828  
qualified. A board of education shall be elected for such newly 7829  
created district at the next general election held in an odd 7830  
numbered year occurring more than ~~thirty~~ eighty-five days after 7831  
the appointment of the board of education of such newly created 7832  
district. At such election two members shall be elected for a term 7833  
of two years and three members shall be elected for a term of four 7834  
years, and, thereafter, their successors shall be elected in the 7835  
same manner and for the same terms as members of the board of 7836  
education of a local school district. 7837

When the new district consists of territory lying in two or 7838  
more counties, the state board shall determine to which 7839  
educational service center the new district shall be assigned. 7840

The legal title of all property of the board of education in 7841  
the territory taken shall become vested in the board of education 7842  
of the newly created school district. 7843

Foundation program moneys accruing to a district created 7844  
under the provisions of this section or previous section 3311.26 7845  
of the Revised Code, shall not be less, in any year during the 7846  
next succeeding three years following the creation, than the sum 7847

of the amounts received by the districts separately in the year in 7848  
which the creation of the district became effective. 7849

If, prior to ~~the effective date of this amendment~~ September 7850  
26, 2003, a local school district board of education or a group of 7851  
individuals requests the governing board of an educational service 7852  
center to consider proposing the creation of a new local school 7853  
district, the governing board, at any time during the one-year 7854  
period following the date that request is made, may adopt a 7855  
resolution proposing the creation of a new local school district 7856  
in response to that request and in accordance with the first 7857  
paragraph of the version of this section in effect prior to ~~the~~ 7858  
~~effective date of this amendment~~ September 26, 2003. If the 7859  
governing board so proposes within that one-year period, the 7860  
governing board may proceed to create the new local school 7861  
district as it proposed, in accordance with the version of this 7862  
section in effect prior to ~~the effective date of this amendment~~ 7863  
September 26, 2003, subject to the provisions of that version 7864  
authorizing a petition and referendum on the matter. 7865

Consolidations of school districts which include all of the 7866  
schools of a county and which become effective on or after July 1, 7867  
1959, shall be governed and included under this section. 7868

**Sec. 3311.37.** The state board of education may conduct 7869  
studies where there is evidence of need for consolidation of 7870  
contiguous local, exempted village, or city school districts or 7871  
parts of such districts. The possibility of making improvements in 7872  
school district organization as well as the desires of the 7873  
residents of the affected districts shall be given consideration 7874  
in such studies and in any recommendations growing out of such 7875  
studies. 7876

After the adoption of recommendations growing out of any such 7877  
study, the state board may proceed as follows: 7878

Propose by resolution the creation of a new school district 7879  
which may consist of all or a part of the territory of two or more 7880  
contiguous local, exempted village, or city school districts, or 7881  
any combination of such districts. 7882

The state board shall thereupon file a copy of such proposal 7883  
with the board of education of each school district whose 7884  
boundaries would be altered by the proposal and with the governing 7885  
board of any educational service center in which such school 7886  
district is located. 7887

The state board may, not less than thirty days following the 7888  
adoption of the resolution proposing the creation of a new school 7889  
district certify the proposal to the board of elections of the 7890  
county or counties in which any of the territory of the proposed 7891  
district is located, for the purpose of having the proposal placed 7892  
on the ballot at the next general or primary election occurring 7893  
not less than ~~seventy-five~~ eighty-five days after the 7894  
certification of such resolution. 7895

If any proposal has been previously initiated pursuant to 7896  
section 3311.22, 3311.231, or 3311.26 of the Revised Code which 7897  
affects any of the territory affected by the proposal of the state 7898  
board, the proposal of the state board shall not be placed on the 7899  
ballot while the previously initiated proposal is subject to an 7900  
election. 7901

Upon certification of a proposal to the board of elections of 7902  
any county pursuant to this section, the board of elections of 7903  
such county shall make the necessary arrangements for the 7904  
submission of such question to the electors of the county 7905  
qualified to vote thereon, and the election shall be counted and 7906  
canvassed and the results shall be certified in the same manner as 7907  
in regular elections for the election of members of a board of 7908  
education. 7909

The electors qualified to vote upon a proposal are the 7910  
electors residing in the local, exempted village, or city school 7911  
districts, or parts thereof included in the proposed new school 7912  
district. If a majority of those voting on the proposal vote in 7913  
favor thereof, the state board shall create the proposed school 7914  
district prior to the next succeeding July 1. 7915

Upon the creation of such district, the indebtedness of each 7916  
former district becoming in its entirety a part of the new 7917  
district shall be assumed in full by the new district. Upon the 7918  
creation of such district, the net indebtedness of each original 7919  
district of which only a part is taken by the new district shall 7920  
be apportioned between the new district and the original district 7921  
in the ratio which the assessed valuation of the part taken by the 7922  
new district bears to the assessed valuation of the original 7923  
district as of the effective date of the creation of the new 7924  
district. As used in this section "net indebtedness" means the 7925  
difference between the par value of the outstanding and unpaid 7926  
bonds and notes of the school district and the amount held in the 7927  
sinking fund and other indebtedness retirement funds for their 7928  
redemption. 7929

Upon the creation of such district, the funds of each former 7930  
district becoming in its entirety a part of the new district shall 7931  
be paid over in full to the new district. Upon the creation of 7932  
such district the funds of each former district of which only a 7933  
part is taken by the new district shall be apportioned equitably 7934  
by the state board between the new district and that part of the 7935  
original district not included in the new district as such funds 7936  
existed on the effective date of the creation of the new district. 7937

When the new district consists of territory lying in two or 7938  
more counties, the state board shall determine to which 7939  
educational service center the new district shall be assigned. 7940

When a new local school district is so created, the state 7941

board shall appoint five electors residing in the district to be 7942  
the members of the board of education of such district, and such 7943  
members shall hold office until their successors are elected and 7944  
qualified. A board of education of such district shall be elected 7945  
by the electors of the district at the next general election held 7946  
in an odd numbered year which occurs not less than ~~ninety~~ one 7947  
hundred days after the appointment of the initial members of the 7948  
board. At such election two members shall be elected for a term of 7949  
two years and three members shall be elected for a term of four 7950  
years, and thereafter their successors shall be elected in the 7951  
same manner and for the same terms as members of the board of 7952  
education of a local school district. 7953

When a new city school district is created, the state board 7954  
shall determine the number of members which will comprise the 7955  
board of education of the school district, which number shall not 7956  
conflict with the number set forth in section 3313.02 of the 7957  
Revised Code. The state board shall then appoint a like number of 7958  
persons to be members of the board of education of such district, 7959  
and said members shall hold office until their successors are 7960  
elected and qualified. A board of education of such district shall 7961  
be elected by the electors of the district at the next general 7962  
election held in an odd numbered year which occurs not less than 7963  
~~ninety~~ one hundred days after the appointment of the initial 7964  
members of the board. At such election if the number of members of 7965  
the board is even, one-half of the number shall be elected for two 7966  
years and one-half for four years. If the number of members of the 7967  
board is odd, one-half the number less one-half shall be elected 7968  
for two years and the remaining number shall be elected for four 7969  
years, and thereafter their successors shall be elected in the 7970  
manner provided in section 3313.08 of the Revised Code. 7971

Foundation program moneys accruing to a district created 7972  
under this section shall not be less, in any year during the next 7973

succeeding three years following the creation, than the sum of the 7974  
amounts received by the districts separately in the year in which 7975  
the creation of the district became effective. 7976

**Sec. 3311.38.** The state board of education may conduct, or 7977  
may direct the superintendent of public instruction to conduct, 7978  
studies where there is evidence of need for transfer of local, 7979  
exempted village, or city school districts, or parts of any such 7980  
districts, to contiguous or noncontiguous local, exempted village, 7981  
or city school districts. Such studies shall include a study of 7982  
the effect of any proposal upon any portion of a school district 7983  
remaining after such proposed transfer. The state board, in 7984  
conducting such studies and in making recommendations as a result 7985  
thereof, shall consider the possibility of improving school 7986  
district organization as well as the desires of the residents of 7987  
the school districts which would be affected. 7988

(A) After the adoption of recommendations growing out of any 7989  
such study, or upon receipt of a resolution adopted by majority 7990  
vote of the full membership of the board of any city, local, or 7991  
exempted village school district requesting that the entire 7992  
district be transferred to another city, local, or exempted 7993  
village school district, the state board may propose by resolution 7994  
the transfer of territory, which may consist of part or all of the 7995  
territory of a local, exempted village, or city school district to 7996  
a contiguous local, exempted village, or city school district. 7997

The state board shall thereupon file a copy of such proposal 7998  
with the board of education of each school district whose 7999  
boundaries would be altered by the proposal and with the governing 8000  
board of any educational service center in which such school 8001  
district is located. 8002

The state board may, not less than thirty days following the 8003  
adoption of the resolution proposing the transfer of territory, 8004

certify the proposal to the board of elections of the county or 8005  
counties in which any of the territory of the proposed district is 8006  
located, for the purpose of having the proposal placed on the 8007  
ballot at the next general election or at a primary election 8008  
occurring not less than ~~seventy-five~~ eighty-five days after the 8009  
adoption of such resolution. 8010

If any proposal has been previously initiated pursuant to 8011  
section 3311.22, 3311.231, or 3311.26 of the Revised Code which 8012  
affects any of the territory affected by the proposal of the state 8013  
board, the proposal of the state board shall not be placed on the 8014  
ballot while the previously initiated proposal is subject to an 8015  
election. 8016

Upon certification of a proposal to the board of elections of 8017  
any county pursuant to this section, the board of elections of 8018  
such county shall make the necessary arrangements for the 8019  
submission of such question to the electors of the county 8020  
qualified to vote thereon, and the election shall be counted and 8021  
canvassed and the results shall be certified in the same manner as 8022  
in regular elections for the election of members of a board of 8023  
education. 8024

The electors qualified to vote upon a proposal are the 8025  
electors residing in the local, exempted village, or city school 8026  
districts, containing territory proposed to be transferred. 8027

If the proposed transfer be approved by a majority of the 8028  
electors voting on the proposal, the state board, subject to the 8029  
approval of the board of education of the district to which the 8030  
territory would be transferred, shall make such transfer prior to 8031  
the next succeeding July 1. 8032

(B) If a study conducted in accordance with this section 8033  
involves a school district with less than four thousand dollars of 8034  
assessed value for each pupil in the total student count 8035



determined under section 3317.03 of the Revised Code, the state 8036  
board of education, with the approval of the educational service 8037  
center governing board, and upon recommendation by the state 8038  
superintendent of public instruction, may by resolution transfer 8039  
all or any part of such a school district to any city, exempted 8040  
village, or local school district which has more than twenty-five 8041  
thousand pupils in average daily membership. Such resolution of 8042  
transfer shall be adopted only after the board of education of the 8043  
receiving school district has adopted a resolution approving the 8044  
proposed transfer. For the purposes of this division, the assessed 8045  
value shall be as certified in accordance with section 3317.021 of 8046  
the Revised Code. 8047

(C) Upon the making of a transfer of an entire school 8048  
district pursuant to this section, the indebtedness of the 8049  
district transferred shall be assumed in full by the acquiring 8050  
district and the funds of the district transferred shall be paid 8051  
over in full to the acquiring district, except that any 8052  
indebtedness of the transferred district incurred as a result of a 8053  
loan made under section 3317.64 of the Revised Code is hereby 8054  
canceled and shall not be assumed by the acquiring district. 8055

(D) Upon the making of a transfer pursuant to this section, 8056  
when only part of a district is transferred, the net indebtedness 8057  
of each original district of which only a part is taken by the 8058  
acquiring district shall be apportioned between the acquiring 8059  
district and the original district in the ratio which the assessed 8060  
valuation of the part taken by the acquiring district bears to the 8061  
assessed valuation of the original district as of the effective 8062  
date of the transfer. As used in this section "net indebtedness" 8063  
means the difference between the par value of the outstanding and 8064  
unpaid bonds and notes of the school district and the amount held 8065  
in the sinking fund and other indebtedness retirement funds for 8066  
their redemption. 8067

(E) Upon the making of a transfer pursuant to this section, 8068  
when only part of a district is transferred, the funds of the 8069  
district from which territory was transferred shall be divided 8070  
equitably by the state board between the acquiring district and 8071  
that part of the former district remaining after the transfer. 8072

(F) If an entire school district is transferred, the board of 8073  
education of such district is thereby abolished. If part of a 8074  
school district is transferred, any member of the board of 8075  
education who is a legal resident of that part which is 8076  
transferred shall thereby cease to be a member of that board. 8077

If an entire school district is transferred, foundation 8078  
program moneys accruing to a district accepting school territory 8079  
under the provisions of this section shall not be less, in any 8080  
year during the next succeeding three years following the 8081  
transfer, than the sum of the amounts received by the districts 8082  
separately in the year in which the transfer became effective. 8083

**Sec. 3311.50.** (A) As used in this section, "county school 8084  
financing district" means a taxing district consisting of the 8085  
following territory: 8086

(1) The territory that constitutes the educational service 8087  
center on the date that the governing board of that educational 8088  
service center adopts a resolution under division (B) of this 8089  
section declaring that the territory of the educational service 8090  
center is a county school financing district, exclusive of any 8091  
territory subsequently withdrawn from the district under division 8092  
(D) of this section; 8093

(2) Any territory that has been added to the county school 8094  
financing district under this section. 8095

A county school financing district may include the territory 8096  
of a city, local, or exempted village school district whose 8097

territory also is included in the territory of one or more other 8098  
county school financing districts. 8099

(B) The governing board of any educational service center 8100  
may, by resolution, declare that the territory of the educational 8101  
service center is a county school financing district. The 8102  
resolution shall state the purpose for which the county school 8103  
financing district is created which may be for any one or more of 8104  
the following purposes: 8105

(1) To levy taxes for the provision of special education by 8106  
the school districts that are a part of the district, including 8107  
taxes for permanent improvements for special education; 8108

(2) To levy taxes for the provision of specified educational 8109  
programs and services by the school districts that are a part of 8110  
the district, as identified in the resolution creating the 8111  
district, including the levying of taxes for permanent 8112  
improvements for those programs and services; 8113

(3) To levy taxes for permanent improvements of school 8114  
districts that are a part of the district. 8115

The governing board of the educational service center that 8116  
creates a county school financing district shall serve as the 8117  
taxing authority of the district and may use educational service 8118  
center governing board employees to perform any of the functions 8119  
necessary in the performance of its duties as a taxing authority. 8120  
A county school financing district shall not employ any personnel. 8121

With the approval of a majority of the members of the board 8122  
of education of each school district within the territory of the 8123  
county school financing district, the taxing authority of the 8124  
financing district may amend the resolution creating the district 8125  
to broaden or narrow the purposes for which it was created. 8126

A governing board of an educational service center may create 8127  
more than one county school financing district. If a governing 8128

board of an educational service center creates more than one such 8129  
district, it shall clearly distinguish among the districts it 8130  
creates by including a designation of each district's purpose in 8131  
the district's name. 8132

(C) A majority of the members of a board of education of a 8133  
city, local, or exempted village school district may adopt a 8134  
resolution requesting that its territory be joined with the 8135  
territory of any county school financing district. Copies of the 8136  
resolution shall be filed with the state board of education and 8137  
the taxing authority of the county school financing district. 8138  
Within sixty days of its receipt of such a resolution, the county 8139  
school financing district's taxing authority shall vote on the 8140  
question of whether to accept the school district's territory as 8141  
part of the county school financing district. If a majority of the 8142  
members of the taxing authority vote to accept the territory, the 8143  
school district's territory shall thereupon become a part of the 8144  
county school financing district unless the county school 8145  
financing district has in effect a tax imposed under section 8146  
5705.211 of the Revised Code. If the county school financing 8147  
district has such a tax in effect, the taxing authority shall 8148  
certify a copy of its resolution accepting the school district's 8149  
territory to the school district's board of education, which may 8150  
then adopt a resolution, with the affirmative vote of a majority 8151  
of its members, proposing the submission to the electors of the 8152  
question of whether the district's territory shall become a part 8153  
of the county school financing district and subject to the taxes 8154  
imposed by the financing district. The resolution shall set forth 8155  
the date on which the question shall be submitted to the electors, 8156  
which shall be at a special election held on a date specified in 8157  
the resolution, which shall not be earlier than ~~seventy-five~~ 8158  
eighty-five days after the adoption and certification of the 8159  
resolution. A copy of the resolution shall immediately be 8160  
certified to the board of elections of the proper county, which 8161

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 8194  
expires or is renewed. No board may adopt a resolution withdrawing 8195  
from a county school financing district that would take effect 8196  
during the forty-five days preceding the date of an election at 8197  
which a levy proposed under section 5705.215 of the Revised Code 8198  
is to be voted upon. 8199

(E) A city, local, or exempted village school district does 8200  
not lose its separate identity or legal existence by reason of 8201  
joining its territory to a county school financing district under 8202  
this section and an educational service center does not lose its 8203  
separate identity or legal existence by reason of creating a 8204  
county school financing district that accepts or loses territory 8205  
under this section. 8206

**Sec. 3311.73.** (A) No later than ~~seventy-five~~ eighty-five days 8207  
before the general election held in the first even-numbered year 8208  
occurring at least four years after the date it assumed control of 8209  
the municipal school district pursuant to division (B) of section 8210  
3311.71 of the Revised Code, the board of education appointed 8211  
under that division shall notify the board of elections of each 8212  
county containing territory of the municipal school district of 8213  
the referendum election required by division (B) of this section. 8214

(B) At the general election held in the first even-numbered 8216  
year occurring at least four years after the date the new board 8217  
assumed control of a municipal school district pursuant to 8218  
division (B) of section 3311.71 of the Revised Code, the following 8219  
question shall be submitted to the electors residing in the school 8220  
district: 8221

"Shall the mayor of ..... (here insert the name of the 8222  
applicable municipal corporation) continue to appoint the members 8223  
of the board of education of the ..... (here insert the name of 8224

the municipal school district)?" 8225

The board of elections of the county in which the majority of 8226  
the school district's territory is located shall make all 8227  
necessary arrangements for the submission of the question to the 8228  
electors, and the election shall be conducted, canvassed, and 8229  
certified in the same manner as regular elections in the district 8230  
for the election of county officers, provided that in any such 8231  
election in which only part of the electors of a precinct are 8232  
qualified to vote, the board of elections may assign voters in 8233  
such part to an adjoining precinct. Such an assignment may be made 8234  
to an adjoining precinct in another county with the consent and 8235  
approval of the board of elections of such other county. Notice of 8236  
the election shall be published in a newspaper of general 8237  
circulation in the school district once a week for two consecutive 8238  
weeks prior to the election, and, if the board of elections 8239  
operates and maintains a web site, the board of elections shall 8240  
post notice of the election on its web site for thirty days prior 8241  
to the election. The notice shall state the question on which the 8242  
election is being held. The ballot shall be in the form prescribed 8243  
by the secretary of state. Costs of submitting the question to the 8244  
electors shall be charged to the municipal school district in 8245  
accordance with section 3501.17 of the Revised Code. 8246

(C) If a majority of electors voting on the issue proposed in 8247  
division (B) of this section approve the question, the mayor shall 8248  
appoint a new board on the immediately following first day of July 8249  
pursuant to division (F) of section 3311.71 of the Revised Code. 8250

(D) If a majority of electors voting on the issue proposed in 8251  
division (B) of this section disapprove the question, a new 8252  
seven-member board of education shall be elected at the next 8253  
regular election occurring in November of an odd-numbered year. At 8254  
such election, four members shall be elected for terms of four 8255  
years and three members shall be elected for terms of two years. 8256

Thereafter, their successors shall be elected in the same manner 8257  
and for the same terms as members of boards of education of a city 8258  
school district. All members of the board of education of a 8259  
municipal school district appointed pursuant to division (B) of 8260  
section 3311.71 of the Revised Code shall continue to serve after 8261  
the end of the terms to which they were appointed until their 8262  
successors are qualified and assume office in accordance with 8263  
section 3313.09 of the Revised Code. 8264

**Sec. 3316.08.** During a school district's fiscal emergency 8265  
period, the auditor of state shall determine annually, or at any 8266  
other time upon request of the financial planning and supervision 8267  
commission, whether the school district will incur an operating 8268  
deficit. If the auditor of state determines that a school district 8269  
will incur an operating deficit, the auditor of state shall 8270  
certify that determination to the superintendent of public 8271  
instruction, the financial planning and supervision commission, 8272  
and the board of education of the school district. Upon receiving 8273  
the auditor of state's certification, the commission shall adopt a 8274  
resolution requesting that the board of education work with the 8275  
county auditor or tax commissioner to estimate the amount and rate 8276  
of a tax levy that is needed under section 5705.194, 5709.199, or 8277  
5705.21 or Chapter 5748. of the Revised Code to produce a positive 8278  
fund balance not later than the fifth year of the five-year 8279  
forecast submitted under section 5705.391 of the Revised Code. 8280

The board of education shall recommend to the commission 8281  
whether the board supports or opposes a tax levy under section 8282  
5705.194, 5709.199, or 5705.21 or Chapter 5748. of the Revised 8283  
Code and shall provide supporting documentation to the commission 8284  
of its recommendation. 8285

After considering the board of education's recommendation and 8286  
supporting documentation, the commission shall adopt a resolution 8287



to either submit a ballot question proposing a tax levy or not to submit such a question.

Except as otherwise provided in this division, the tax shall be levied in the manner prescribed for a tax levied under section 5705.194, 5709.199, or 5705.21 or under Chapter 5748. of the Revised Code. If the commission decides that a tax should be levied, the tax shall be levied for the purpose of paying current operating expenses of the school district. The rate of a tax levied under section 5705.194, 5709.199, or 5705.21 of the Revised Code shall be determined by the county auditor, and the rate of a tax levied under section 5748.02 or 5748.08 of the Revised Code shall be determined by the tax commissioner, upon the request of the commission. The commission, in consultation with the board of education, shall determine the election at which the question of the tax shall appear on the ballot, and the commission shall submit a copy of its resolution to the board of elections not later than ~~seventy-five~~ eighty-five days prior to the day of that election. The board of elections conducting the election shall certify the results of the election to the board of education and to the financial planning and supervision commission.

**Sec. 3318.06.** (A) After receipt of the conditional approval of the Ohio school facilities commission, the school district board by a majority of all of its members shall, if it desires to proceed with the project, declare all of the following by resolution:

(1) That by issuing bonds in an amount equal to the school district's portion of the basic project cost the district is unable to provide adequate classroom facilities without assistance from the state;

(2) Unless the school district board has resolved to transfer money in accordance with section 3318.051 of the Revised Code or

to apply the proceeds of a property tax or the proceeds of an 8319  
income tax, or a combination of proceeds from such taxes, as 8320  
authorized under section 3318.052 of the Revised Code, that to 8321  
qualify for such state assistance it is necessary to do either of 8322  
the following: 8323

(a) Levy a tax outside the ten-mill limitation the proceeds 8324  
of which shall be used to pay the cost of maintaining the 8325  
classroom facilities included in the project; 8326

(b) Earmark for maintenance of classroom facilities from the 8327  
proceeds of an existing permanent improvement tax levied under 8328  
section 5705.21 of the Revised Code, if such tax can be used for 8329  
maintenance, an amount equivalent to the amount of the additional 8330  
tax otherwise required under this section and sections 3318.05 and 8331  
3318.08 of the Revised Code. 8332

(3) That the question of any tax levy specified in a 8333  
resolution described in division (A)(2)(a) of this section, if 8334  
required, shall be submitted to the electors of the school 8335  
district at the next general or primary election, if there be a 8336  
general or primary election not less than ~~seventy-five~~ eighty-five 8337  
and not more than ~~ninety-five~~ one hundred five days after the day 8338  
of the adoption of such resolution or, if not, at a special 8339  
election to be held at a time specified in the resolution which 8340  
shall be not less than ~~seventy-five~~ eighty-five days after the day 8341  
of the adoption of the resolution and which shall be in accordance 8342  
with the requirements of section 3501.01 of the Revised Code. 8343

Such resolution shall also state that the question of issuing 8344  
bonds of the board shall be combined in a single proposal with the 8345  
question of such tax levy. More than one election under this 8346  
section may be held in any one calendar year. Such resolution 8347  
shall specify both of the following: 8348

(a) That the rate which it is necessary to levy shall be at 8349

the rate of not less than one-half mill for each one dollar of 8350  
valuation, and that such tax shall be levied for a period of 8351  
twenty-three years; 8352

(b) That the proceeds of the tax shall be used to pay the 8353  
cost of maintaining the classroom facilities included in the 8354  
project. 8355

(B) A copy of a resolution adopted under division (A) of this 8356  
section shall after its passage and not less than ~~seventy-five~~ 8357  
eighty-five days prior to the date set therein for the election be 8358  
certified to the county board of elections. 8359

The resolution of the school district board, in addition to 8360  
meeting other applicable requirements of section 133.18 of the 8361  
Revised Code, shall state that the amount of bonds to be issued 8362  
will be an amount equal to the school district's portion of the 8363  
basic project cost, and state the maximum maturity of the bonds 8364  
which may be any number of years not exceeding the term calculated 8365  
under section 133.20 of the Revised Code as determined by the 8366  
board. In estimating the amount of bonds to be issued, the board 8367  
shall take into consideration the amount of moneys then in the 8368  
bond retirement fund and the amount of moneys to be collected for 8369  
and disbursed from the bond retirement fund during the remainder 8370  
of the year in which the resolution of necessity is adopted. 8371

If the bonds are to be issued in more than one series, the 8372  
resolution may state, in addition to the information required to 8373  
be stated under division (B)(3) of section 133.18 of the Revised 8374  
Code, the number of series, which shall not exceed five, the 8375  
principal amount of each series, and the approximate date each 8376  
series will be issued, and may provide that no series, or any 8377  
portion thereof, may be issued before such date. Upon such a 8378  
resolution being certified to the county auditor as required by 8379  
division (C) of section 133.18 of the Revised Code, the county 8380  
auditor, in calculating, advising, and confirming the estimated 8381

average annual property tax levy under that division, shall also 8382  
calculate, advise, and confirm by certification the estimated 8383  
average property tax levy for each series of bonds to be issued. 8384

Notice of the election shall include the fact that the tax 8385  
levy shall be at the rate of not less than one-half mill for each 8386  
one dollar of valuation for a period of twenty-three years, and 8387  
that the proceeds of the tax shall be used to pay the cost of 8388  
maintaining the classroom facilities included in the project. 8389

If the bonds are to be issued in more than one series, the 8390  
board of education, when filing copies of the resolution with the 8391  
board of elections as required by division (D) of section 133.18 8392  
of the Revised Code, may direct the board of elections to include 8393  
in the notice of election the principal amount and approximate 8394  
date of each series, the maximum number of years over which the 8395  
principal of each series may be paid, the estimated additional 8396  
average property tax levy for each series, and the first calendar 8397  
year in which the tax is expected to be due for each series, in 8398  
addition to the information required to be stated in the notice 8399  
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised 8400  
Code. 8401

(C)(1) Except as otherwise provided in division (C)(2) of 8402  
this section, the form of the ballot to be used at such election 8403  
shall be: 8404

"A majority affirmative vote is necessary for passage. 8405

Shall bonds be issued by the ..... (here insert name 8406  
of school district) school district to pay the local share of 8407  
school construction under the State of Ohio Classroom Facilities 8408  
Assistance Program in the principal amount of ..... (here 8409  
insert principal amount of the bond issue), to be repaid annually 8410  
over a maximum period of ..... (here insert the maximum 8411  
number of years over which the principal of the bonds may be paid) 8412

years, and an annual levy of property taxes be made outside the 8413  
ten-mill limitation, estimated by the county auditor to average 8414  
over the repayment period of the bond issue ..... (here 8415  
insert the number of mills estimated) mills for each one dollar of 8416  
tax valuation, which amounts to ..... (rate expressed in 8417  
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 8418  
for each one hundred dollars of tax valuation to pay the annual 8419  
debt charges on the bonds and to pay debt charges on any notes 8420  
issued in anticipation of the bonds?" 8421

and, unless the additional levy 8422  
of taxes is not required pursuant 8423  
to division (C) of section 8424  
3318.05 of the Revised Code, 8425

"Shall an additional levy of taxes be made for a period of 8426  
twenty-three years to benefit the ..... (here insert name 8427  
of school district) school district, the proceeds of which shall 8428  
be used to pay the cost of maintaining the classroom facilities 8429  
included in the project at the rate of ..... (here insert the 8430  
number of mills, which shall not be less than one-half mill) mills 8431  
for each one dollar of valuation? 8432

	FOR THE BOND ISSUE AND TAX LEVY	
	AGAINST THE BOND ISSUE AND TAX LEVY	"

8433  
8434  
8435  
8436  
(2) If authority is sought to issue bonds in more than one 8437  
series and the board of education so elects, the form of the 8438  
ballot shall be as prescribed in section 3318.062 of the Revised 8439  
Code. If the board of education elects the form of the ballot 8440  
prescribed in that section, it shall so state in the resolution 8441  
adopted under this section. 8442

(D) If it is necessary for the school district to acquire a 8443

site for the classroom facilities to be acquired pursuant to 8444  
sections 3318.01 to 3318.20 of the Revised Code, the district 8445  
board may propose either to issue bonds of the board or to levy a 8446  
tax to pay for the acquisition of such site, and may combine the 8447  
question of doing so with the questions specified in division (B) 8448  
of this section. Bonds issued under this division for the purpose 8449  
of acquiring a site are a general obligation of the school 8450  
district and are Chapter 133. securities. 8451

The form of that portion of the ballot to include the 8452  
question of either issuing bonds or levying a tax for site 8453  
acquisition purposes shall be one of the following: 8454

(1) "Shall bonds be issued by the ..... (here insert 8455  
name of the school district) school district to pay costs of 8456  
acquiring a site for classroom facilities under the State of Ohio 8457  
Classroom Facilities Assistance Program in the principal amount of 8458  
..... (here insert principal amount of the bond issue), to be 8459  
repaid annually over a maximum period of ..... (here insert 8460  
maximum number of years over which the principal of the bonds may 8461  
be paid) years, and an annual levy of property taxes be made 8462  
outside the ten-mill limitation, estimated by the county auditor 8463  
to average over the repayment period of the bond issue ..... 8464  
(here insert number of mills) mills for each one dollar of tax 8465  
valuation, which amount to ..... (here insert rate expressed 8466  
in cents or dollars and cents, such as "thirty-six cents" or 8467  
"\$0.36") for each one hundred dollars of valuation to pay the 8468  
annual debt charges on the bonds and to pay debt charges on any 8469  
notes issued in anticipation of the bonds?" 8470

(2) "Shall an additional levy of taxes outside the ten-mill 8471  
limitation be made for the benefit of the ..... (here insert 8472  
name of the school district) school district for the purpose of 8473  
acquiring a site for classroom facilities in the sum of ..... 8474  
(here insert annual amount the levy is to produce) estimated by 8475

the county auditor to average ..... (here insert number of 8476  
mills) mills for each one hundred dollars of valuation, for a 8477  
period of ..... (here insert number of years the millage is to 8478  
be imposed) years?" 8479

Where it is necessary to combine the question of issuing 8480  
bonds of the school district and levying a tax as described in 8481  
division (B) of this section with the question of issuing bonds of 8482  
the school district for acquisition of a site, the question 8483  
specified in that division to be voted on shall be "For the Bond 8484  
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 8485  
Levy." 8486

Where it is necessary to combine the question of issuing 8487  
bonds of the school district and levying a tax as described in 8488  
division (B) of this section with the question of levying a tax 8489  
for the acquisition of a site, the question specified in that 8490  
division to be voted on shall be "For the Bond Issue and the Tax 8491  
Levies" and "Against the Bond Issue and the Tax Levies." 8492

Where the school district board chooses to combine the 8493  
question in division (B) of this section with any of the 8494  
additional questions described in divisions (A) to (D) of section 8495  
3318.056 of the Revised Code, the question specified in division 8496  
(B) of this section to be voted on shall be "For the Bond Issues 8497  
and the Tax Levies" and "Against the Bond Issues and the Tax 8498  
Levies." 8499

If a majority of those voting upon a proposition hereunder 8500  
which includes the question of issuing bonds vote in favor 8501  
thereof, and if the agreement provided for by section 3318.08 of 8502  
the Revised Code has been entered into, the school district board 8503  
may proceed under Chapter 133. of the Revised Code, with the 8504  
issuance of bonds or bond anticipation notes in accordance with 8505  
the terms of the agreement. 8506

**Sec. 3318.061.** This section applies only to school districts 8507  
eligible to receive additional assistance under division (B)(2) of 8508  
section 3318.04 of the Revised Code. 8509

The board of education of a school district in which a tax 8510  
described by division (B) of section 3318.05 and levied under 8511  
section 3318.06 of the Revised Code is in effect, may adopt a 8512  
resolution by vote of a majority of its members to extend the term 8513  
of that tax beyond the expiration of that tax as originally 8514  
approved under that section. The school district board may include 8515  
in the resolution a proposal to extend the term of that tax at the 8516  
rate of not less than one-half mill for each dollar of valuation 8517  
for a period of twenty-three years from the year in which the 8518  
school district board and the Ohio school facilities commission 8519  
enter into an agreement under division (B)(2) of section 3318.04 8520  
of the Revised Code or in the following year, as specified in the 8521  
resolution. Such a resolution may be adopted at any time before 8522  
such an agreement is entered into and before the tax levied 8523  
pursuant to section 3318.06 of the Revised Code expires. If the 8524  
resolution is combined with a resolution to issue bonds to pay the 8525  
school district's portion of the basic project cost, it shall 8526  
conform with the requirements of divisions (A)(1), (2), and (3) of 8527  
section 3318.06 of the Revised Code, except that the resolution 8528  
also shall state that the tax levy proposed in the resolution is 8529  
an extension of an existing tax levied under that section. A 8530  
resolution proposing an extension adopted under this section does 8531  
not take effect until it is approved by a majority of electors 8532  
voting in favor of the resolution at a general, primary, or 8533  
special election as provided in this section. 8534

A tax levy extended under this section is subject to the same 8535  
terms and limitations to which the original tax levied under 8536  
section 3318.06 of the Revised Code is subject under that section, 8537  
except the term of the extension shall be as specified in this 8538



section. 8539

The school district board shall certify a copy of the 8540  
resolution adopted under this section to the proper county board 8541  
of elections not later than ~~seventy-five~~ eighty-five days before 8542  
the date set in the resolution as the date of the election at 8543  
which the question will be submitted to electors. The notice of 8544  
the election shall conform with the requirements of division 8545  
(A)(3) of section 3318.06 of the Revised Code, except that the 8546  
notice also shall state that the maintenance tax levy is an 8547  
extension of an existing tax levy. 8548

The form of the ballot shall be as follows: 8549

"Shall the existing tax levied to pay the cost of maintaining 8550  
classroom facilities constructed with the proceeds of the 8551  
previously issued bonds at the rate of ..... (here insert the 8552  
number of mills, which shall not be less than one-half mill) mills 8553  
per dollar of tax valuation, be extended until ..... (here 8554  
insert the year that is twenty-three years after the year in which 8555  
the district and commission will enter into an agreement under 8556  
division (B)(2) of section 3318.04 of the Revised Code or the 8557  
following year)? 8558

	FOR EXTENDING THE EXISTING TAX LEVY	
	AGAINST EXTENDING THE EXISTING TAX LEVY	"

8559

8560

8561

8562

Section 3318.07 of the Revised Code applies to ballot 8563

questions under this section. 8564

**Sec. 3318.361.** A school district board opting to qualify for 8565  
state assistance pursuant to section 3318.36 of the Revised Code 8566  
through levying the tax specified in division (D)(2)(a) or (D)(4) 8567  
of that section shall declare by resolution that the question of a 8568

tax levy specified in division (D)(2)(a) or (4), as applicable, of 8569  
section 3318.36 of the Revised Code shall be submitted to the 8570  
electors of the school district at the next general or primary 8571  
election, if there be a general or primary election not less than 8572  
~~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 8573  
not, at a special election to be held at a time specified in the 8574  
resolution which shall be not less than ~~seventy-five~~ eighty-five 8575  
days after the day of the adoption of the resolution and which 8576  
shall be in accordance with the requirements of section 3501.01 of 8577  
the Revised Code. Such resolution shall specify both of the 8578  
following: 8579  
8580

(A) That the rate which it is necessary to levy shall be at 8581  
the rate of not less than one-half mill for each one dollar of 8582  
valuation, and that such tax shall be levied for a period of 8583  
twenty-three years; 8584

(B) That the proceeds of the tax shall be used to pay the 8585  
cost of maintaining the classroom facilities included in the 8586  
project. 8587

A copy of such resolution shall after its passage and not 8588  
less than ~~seventy-five~~ eighty-five days prior to the date set 8589  
therein for the election be certified to the county board of 8590  
elections. 8591

Notice of the election shall include the fact that the tax 8592  
levy shall be at the rate of not less than one-half mill for each 8593  
one dollar of valuation for a period of twenty-three years, and 8594  
that the proceeds of the tax shall be used to pay the cost of 8595  
maintaining the classroom facilities included in the project. 8596

The form of the ballot to be used at such election shall be: 8597

"Shall a levy of taxes be made for a period of twenty-three 8598  
years to benefit the ..... (here insert name of school 8599

district) school district, the proceeds of which shall be used to 8600  
pay the cost of maintaining the classroom facilities included in 8601  
the project at the rate of ..... (here insert the number of 8602  
mills, which shall not be less than one-half mill) mills for each 8603  
one dollar of valuation? 8604

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

8605  
8606  
8607  
8608  
**Sec. 3354.12.** (A) Upon the request by resolution approved by 8609  
the board of trustees of a community college district, and upon 8610  
certification to the board of elections not less than ~~seventy-five~~ 8611  
eighty-five days prior to the election, the boards of elections of 8612  
the county or counties comprising such district shall place upon 8613  
the ballot in their respective counties the question of levying a 8614  
tax on all the taxable property in the community college district 8615  
outside the ten-mill limitation, for a specified period of years 8616  
or for a continuing period of time, to provide funds for any one 8617  
or more of the following purposes: the acquisition of sites, the 8618  
erection, furnishing, and equipment of buildings, the acquisition, 8619  
construction, or improvement of any property which the board of 8620  
trustees of a community college district is authorized to acquire, 8621  
construct, or improve and which has an estimated life of 8622  
usefulness of five years or more as certified by the fiscal 8623  
officer, and the payment of operating costs. Not more than two 8624  
special elections shall be held in any one calendar year. Levies 8625  
for a continuing period of time adopted under this section may be 8626  
reduced in accordance with section 5705.261 of the Revised Code. 8627

If such proposal is to be or include the renewal of an 8628  
existing levy at the expiration thereof, the ballot for such 8629  
election shall state whether it is a renewal of a tax; a renewal 8630

of a stated number of mills and an increase of a stated number of 8631  
mills, or a renewal of a part of an existing levy with a reduction 8632  
of a stated number of mills; the year of the tax duplicate on 8633  
which such renewal will first be made; and if earlier, the year of 8634  
the tax duplicate on which such additional levy will first be 8635  
made, which may include the tax duplicate for the current year 8636  
unless the election is to be held after the first Tuesday after 8637  
the first Monday in November of the current tax year. The ballot 8638  
shall also state the period of years for such levy or that it is 8639  
for a continuing period of time. If a levy for a continuing period 8640  
of time provides for but is not limited to current expenses, the 8641  
resolution of the board of trustees providing for the election on 8642  
such levy shall apportion the annual rate of the levy between 8643  
current expenses and the other purpose or purposes. Such 8644  
apportionment need not be the same for each year of the levy, but 8645  
the respective portions of the rate actually levied each year for 8646  
current expenses and the other purpose or purposes shall be 8647  
limited by such apportionment. The portion of the rate apportioned 8648  
to the other purpose or purposes shall be reduced as provided in 8649  
division (B) of this section. 8650

If a majority of the electors in such district voting on such 8651  
question approve thereof, the county auditor or auditors of the 8652  
county or counties comprising such district shall annually, for 8653  
the applicable years, place such levy on the tax duplicate in such 8654  
district, in an amount determined by the board of trustees, but 8655  
not to exceed the amount set forth in the proposition approved by 8656  
the electors. 8657

The boards of trustees of a community college district shall 8658  
establish a special fund for all revenue derived from any tax 8659  
levied pursuant to this section. 8660

The boards of elections of the county or counties comprising 8661  
the district shall cause to be published in a newspaper of general 8662

circulation in each such county an advertisement of the proposed 8663  
tax levy question once a week for two consecutive weeks prior to 8664  
the election at which the question is to appear on the ballot, 8665  
and, if a board of elections operates and maintains a web site, 8666  
that board also shall post a similar advertisement on its web site 8667  
for thirty days prior to that election. 8668

After the approval of such levy by vote, the board of 8669  
trustees of a community college district may anticipate a fraction 8670  
of the proceeds of such levy and from time to time issue 8671  
anticipation notes having such maturity or maturities that the 8672  
aggregate principal amount of all such notes maturing in any 8673  
calendar year shall not exceed seventy-five per cent of the 8674  
anticipated proceeds from such levy for such year, and that no 8675  
note shall mature later than the thirty-first day of December of 8676  
the tenth calendar year following the calendar year in which such 8677  
note is issued. Each issue of notes shall be sold as provided in 8678  
Chapter 133. of the Revised Code. 8679

The amount of bonds or anticipatory notes authorized pursuant 8680  
to Chapter 3354. of the Revised Code, may include sums to repay 8681  
moneys previously borrowed, advanced, or granted and expended for 8682  
the purposes of such bond or anticipatory note issues, whether 8683  
such moneys were advanced from the available funds of the 8684  
community college district or by other persons, and the community 8685  
college district may restore and repay to such funds or persons 8686  
from the proceeds of such issues the moneys so borrowed, advanced 8687  
or granted. 8688

All operating costs of such community college may be paid out 8689  
of any gift or grant from the state, pursuant to division (K) of 8690  
section 3354.09 of the Revised Code; out of student fees and 8691  
tuition collected pursuant to division (G) of section 3354.09 of 8692  
the Revised Code; or out of unencumbered funds from any other 8693  
source of the community college income not prohibited by law. 8694

(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 8726  
an authority of this nature by a municipality, county, or group of 8727  
counties shall cause this authority to create university branch 8728  
districts, to be unavailable to the other units of local 8729  
government in the affected county or counties. 8730

(E) In any municipal corporation or county or group of two or 8731  
more contiguous counties, having a total population of not less 8732  
than fifty thousand as determined by the most recent federal 8733  
decennial census, where no university branch district has been 8734  
created either by action of the legislative authority of the 8735  
municipal corporation or by action of the board or boards of 8736  
county commissioners, the electors in such municipal corporation 8737  
or county or counties may petition for the creation of a 8738  
university branch district. Such petition shall be presented to 8739  
the board of elections of the county or of the most populous 8740  
county in the proposed university branch district and shall be 8741  
signed by qualified voters of the territory within the proposed 8742  
university branch district, not less in number than five per cent 8743  
of the vote cast in the most recent gubernatorial election. A 8744  
petition calling for the creation of a university branch district 8745  
shall set forth the proposed name of such district, the necessity 8746  
for the district, and a description of the territory to be 8747  
included in the proposed district. 8748

In a petition submitted by qualified voters, pursuant to this 8749  
section, which proposes the creation of a university branch 8750  
district comprised of two or more counties, the number of valid 8751  
signatures from each county shall be not less in number than five 8752  
per cent of the vote cast in the most recent gubernatorial 8753  
election. 8754

Upon receiving a petition calling for creation of a 8755  
university branch district, pursuant to this section, the board of 8756  
elections of the county of the most populous county in such 8757

district shall certify the validity of the signatures and the fact 8758  
of such petition to the election boards of the other counties, if 8759  
any, to be included in such district, and shall certify to such 8760  
other boards that, pursuant to this section, the proposal to 8761  
create such district shall be placed on the ballot at the next 8762  
primary or general election occurring more than ~~seventy-five~~ 8763  
eighty-five days after the filing of such petition. If a majority 8764  
of the electors voting on the proposition in each county of the 8765  
proposed district vote in favor thereof, such district shall be 8766  
established. 8767

No county shall be included in the territory of more than one 8768  
university branch district. 8769

**Sec. 3355.09.** Upon receipt of a request from the university 8770  
branch district managing authority, the boards of elections of the 8771  
county or counties comprising such district shall place upon the 8772  
ballot in the district at the next primary or general election 8773  
occurring not less than ~~seventy-five~~ eighty-five days after 8774  
submission of such request by such managing authority, the 8775  
question of levying a tax outside the ten-mill limitation, for a 8776  
specified period of years, to provide funds for any of the 8777  
following purposes: 8778

(A) Purchasing a site or enlargement thereof; 8779

(B) The erection and equipment of buildings; 8780

(C) Enlarging, improving, or rebuilding buildings; 8781

(D) The acquisition, construction, or improvement of any 8782  
property which the university branch district managing authority 8783  
is authorized to acquire, construct, or improve and which has been 8784  
certified by the fiscal officer to have an estimated useful life 8785  
of five or more years. 8786

If a majority of the electors in such district voting on such 8787



question approve, the county auditor of the county or counties 8788  
comprising such district shall annually place such levy on the tax 8789  
duplicate in such district, in the amount set forth in the 8790  
proposition approved by the electors. 8791

The managing authority of the university branch district 8792  
shall establish a special fund pursuant to section 3355.07 of the 8793  
Revised Code for all revenue derived from any tax levied pursuant 8794  
to provisions of this section. 8795

The boards of election of the county or counties comprising 8796  
the district shall cause to be published in a newspaper of general 8797  
circulation in each such county an advertisement of the proposed 8798  
tax levy question once a week for two consecutive weeks prior to 8799  
the election at which the question is to appear on the ballot, 8800  
and, if a board of elections operates and maintains a web site, 8801  
that board also shall post a similar advertisement on its web site 8802  
for thirty days prior to the election. 8803

After the approval of such levy by vote, the managing 8804  
authority of the university branch district may anticipate a 8805  
fraction of the proceeds of such levy and from time to time, 8806  
during the life of such levy, issue anticipation notes in an 8807  
amount not to exceed seventy-five per cent of the estimated 8808  
proceeds of such levy to be collected in each year over a period 8809  
of five years after the date of the issuance of such notes, less 8810  
an amount equal to the proceeds of such levy previously obligated 8811  
for such year by the issuance of anticipation notes, provided, 8812  
that the total amount maturing in any one year shall not exceed 8813  
seventy-five per cent of the anticipated proceeds of such levy for 8814  
that year. 8815

Each issue of notes shall be sold as provided in Chapter 133. 8816  
of the Revised Code and shall mature serially in substantially 8817  
equal amounts, during each remaining year of the levy, not to 8818  
exceed five, after their issuance. 8819

**Sec. 3357.02.** A technical college district may be created 8820  
with the approval of the Ohio board of regents pursuant to 8821  
standards established by it. Such standards shall take into 8822  
consideration such factors as the population of the proposed 8823  
district, the present and potential pupil enrollment, present and 8824  
potential higher education facilities in the district, and such 8825  
other factors as may pertain to the educational needs of the 8826  
district. The Ohio board of regents may undertake a study or 8827  
contract for a study to be made relative to its establishment or 8828  
application of such standards. 8829

The attorney general shall be the attorney for each technical 8830  
college district and shall provide legal advice in all matters 8831  
relating to its powers and duties. 8832

A proposal to create a technical college district may be 8833  
presented to the Ohio board of regents in any of the following 8834  
ways: 8835

(A) The board of education of a city school district may by 8836  
resolution approved by a majority of its members propose the 8837  
creation of a technical college district consisting of the whole 8838  
territory of such district. 8839

(B) The boards of two or more contiguous city, exempted 8840  
village, or local school districts or educational service centers 8841  
may by resolutions approved by a majority of the members of each 8842  
participating board propose the creation of a technical college 8843  
district consisting of the whole territories of all the 8844  
participating school districts and educational service centers. 8845

(C) The governing board of any educational service center may 8846  
by resolution approved by a majority of its members propose the 8847  
creation of a technical college district consisting of the whole 8848  
territory of such educational service center. 8849

(D) The governing boards of any two or more contiguous 8850  
educational service centers may by resolutions approved by a 8851  
majority of the members of each participating board, propose the 8852  
creation of a technical college district consisting of the whole 8853  
territories of such educational service centers. 8854

(E) Qualified electors residing in a city school district, in 8855  
a county, in two or more contiguous school districts, or in two or 8856  
more contiguous counties may execute a petition proposing the 8857  
creation of a technical college district comprised of the 8858  
territory of the city school district, educational service center, 8859  
two or more contiguous school districts or educational service 8860  
centers, or two or more contiguous counties, respectively. Such 8861  
petition shall be presented to the board of elections of the most 8862  
populous county in which the technical college district is 8863  
situated and shall bear the signatures of at least two per cent of 8864  
the total number of resident electors who voted in the most recent 8865  
election for governor in the territory of such proposed district. 8866  
Such petition shall set forth the necessity for the district, a 8867  
demonstration that it will be conducive to the public convenience 8868  
and welfare, and a description of the territory to be included in 8869  
the proposed district. 8870

Upon receiving a petition duly executed pursuant to division 8871  
(E) of this section, the board of elections of the most populous 8872  
county shall certify the fact of such petition to the boards of 8873  
elections of the other counties, if any, in which any of the 8874  
territory of the proposed district is situated. The proposal to 8875  
create a technical college district shall be placed on the ballot 8876  
by the board of elections and submitted to vote in each affected 8877  
city school district, county, or group of contiguous school 8878  
districts or counties, at the next primary or general election 8879  
occurring more than ~~seventy-five~~ eighty-five days after the filing 8880  
of such petition. If there is no primary or general election 8881

occurring within ~~ninety~~ one hundred days after the filing of such 8882  
petition, the board of elections of the most populous county shall 8883  
fix the date of a special election to be held in each affected 8884  
city school district, county, or group of contiguous school 8885  
districts or counties, such date to be not less than ~~seventy-five~~ 8886  
eighty-five days after the filing of the petition. If a majority 8887  
of electors voting on the proposition in the proposed technical 8888  
college district vote in favor thereof, the board of elections of 8889  
the most populous county in which the proposed district is 8890  
situated shall certify such fact to the Ohio board of regents. 8891

**Sec. 3357.11.** For the purposes of purchasing a site or 8892  
enlargement thereof, and for the erection and equipment of 8893  
buildings, or for the purpose of enlarging, improving, or 8894  
rebuilding existing facilities, the board of trustees of a 8895  
technical college district shall determine the amount of bonds to 8896  
be issued and such other matters as pertain thereto, and may when 8897  
authorized by the vote of the electors of the district, issue and 8898  
sell such bonds as provided in Chapter 133. of the Revised Code. 8899  
Such board of trustees shall have the same authority and be 8900  
subject to the same procedure as provided in such chapter in the 8901  
case where the board of education proposes a bond issue for the 8902  
purposes noted in this section. 8903

At any time the board of trustees of a technical college 8904  
district by a vote of two-thirds of all its members may declare by 8905  
resolution the necessity of a tax outside the ten-mill limitation 8906  
for a period of years not to exceed ten years, to provide funds 8907  
for one or more of the following purposes: for operation and 8908  
maintenance, for purchasing a site or enlargement thereof, for the 8909  
erection and construction or equipment of buildings, or for the 8910  
purpose of enlarging or improving or rebuilding thereon. A copy of 8911  
such resolution shall be certified to the board of elections of 8912  
the county or counties in which such technical college district is 8913

situated, for the purpose of placing the proposal on the ballot at 8914  
an election to be held at a date designated by such board of 8915  
trustees, which date shall be consistent with the requirements of 8916  
section 3501.01 of the Revised Code, but shall not be earlier than 8917  
~~seventy-five~~ eighty-five days after the adoption and certification 8918  
of such resolution. If a majority of the electors in such district 8919  
voting on such question vote in favor of such levy, the resolution 8920  
shall go into immediate effect. The trustees shall certify their 8921  
action to the auditors of the county or counties in which such 8922  
technical college district is situated, who shall annually 8923  
thereafter place such levy on the tax duplicate in such district 8924  
in the amount set forth in the proposition approved by the voters. 8925

After the approval of such levy by vote the board of trustees 8926  
of a technical college district may anticipate a fraction of the 8927  
proceeds of such levy and from time to time, during the life of 8928  
such levy, issue anticipation notes in an amount not to exceed 8929  
seventy-five per cent of the estimated proceeds of such levy to be 8930  
collected in each year over a period of five years after the date 8931  
of the issuance of such notes, less an amount equal to the 8932  
proceeds of such levy previously obligated for each year by the 8933  
issuance of anticipation notes, provided, that the total amount 8934  
maturing in any one year shall not exceed seventy-five per cent of 8935  
the anticipated proceeds of such levy for that year. 8936

Each issue of notes shall be sold as provided in Chapter 133. 8937  
of the Revised Code and shall mature serially in substantially 8938  
equal amounts, during each remaining year of the levy, not to 8939  
exceed five, after their issuance. 8940

All necessary expenses for the operation of such technical 8941  
college may be paid from any gifts, from grants of the state or 8942  
federal government, from student fees and tuition collected 8943  
pursuant to division (G) of section 3357.09 of the Revised Code, 8944  
or from unencumbered funds from any other source of the technical 8945

college income, not prohibited by law. 8946

**Sec. 3375.19.** In each county there may be created a county 8947  
library district composed of all the local, exempted village, and 8948  
city school districts in the county which are not within the 8949  
territorial boundaries of an existing township, school district, 8950  
municipal, county district, or county free public library, by one 8951  
of the following methods: 8952

(A) The board of county commissioners may initiate the 8953  
creation of such a county library district by adopting a 8954  
resolution providing for the submission of the question of 8955  
creating a county library district to the electors of such 8956  
proposed district. Such resolution shall define the territory to 8957  
be included in such district by listing the school districts which 8958  
will compose the proposed county library district. 8959

(B) The board of county commissioners shall, upon receipt of 8960  
a petition signed by no less than ten per cent, or five hundred, 8961  
whichever is the lesser, of the qualified electors of the proposed 8962  
county library district voting at the last general election, adopt 8963  
a resolution providing for the submission of the question of 8964  
creating a county library district to the electors of the proposed 8965  
district. Such resolution shall define the territory to be 8966  
included in such district by listing the school districts which 8967  
will compose the proposed county library district. 8968

Upon adoption of such a resolution authorized in either 8969  
division (A) or (B) of this section the board of county 8970  
commissioners shall cause a certified copy of it to be filed with 8971  
the board of elections of the county prior to the ~~fifteenth day of~~ 8972  
~~September~~ eighty-fifth day before the day of the election at which 8973  
the question will appear on the ballot. The board of elections 8974  
shall submit the question of the creation of such county library 8975  
district to the electors of the territory comprising such proposed 8976

district at the succeeding November election. 8977

If a majority of the electors, voting on the question of 8978  
creating such proposed district, vote in the affirmative such 8979  
district shall be created. 8980

**Sec. 3375.201.** The taxing authority of a subdivision 8981  
maintaining a free public library which is providing approved 8982  
library service and whose board of library trustees therefore is 8983  
qualified under section 3375.20 of the Revised Code to request the 8984  
formation of a county library district shall, upon receipt of a 8985  
petition signed by not less than ten per cent, or five hundred, 8986  
whichever is the lesser, of the qualified electors of the 8987  
subdivision voting at the last general election, adopt a 8988  
resolution providing for the submission of the question, "Shall 8989  
the free public library of the subdivision become a county 8990  
district library?". The taxing authority shall cause a certified 8991  
copy of it to be filed with the board of elections of the county 8992  
prior to the ~~fifteenth day of September~~ eighty-fifth day before 8993  
the day of the election at which the question will appear on the 8994  
ballot. The board of elections shall submit the question of the 8995  
creation of such county district library to the electors of the 8996  
subdivision maintaining said free public library at the succeeding 8997  
November election. 8998

If a majority of the electors, voting on the question of 8999  
creating such county district library, vote in the affirmative, 9000  
the board of trustees of the library and the taxing authority of 9001  
the subdivision shall establish a county library district in the 9002  
manner prescribed in section 3375.20 of the Revised Code, by 9003  
adopting and approving the resolution so authorized. 9004

**Sec. 3375.211.** The taxing authority of any subdivision 9005  
maintaining a free public library for the inhabitants thereof and 9006

whose board of library trustees is qualified under section 3375.21 9007  
of the Revised Code to request inclusion of the subdivision in a 9008  
county library district shall, upon receipt of a petition signed 9009  
by qualified electors equal in number to at least ten per cent of 9010  
the qualified electors of the subdivision voting at the last 9011  
general election, adopt a resolution providing for the submission 9012  
of the question of the inclusion of the subdivision in such county 9013  
library district to the electors of the subdivision. 9014

The taxing authority shall cause a certified copy of the 9015  
resolution to be filed with the board of elections of the county 9016  
prior to the ~~fifteenth day of September~~ eighty-fifth day before 9017  
the day of the election at which the question will appear on the 9018  
ballot. The board of elections shall submit the question of the 9019  
inclusion of the subdivision in such county library district to 9020  
the electors of the subdivision at the succeeding November 9021  
election. 9022

If a majority of the electors, voting on the question of 9023  
including the subdivision in such county library district, vote in 9024  
the affirmative, the taxing authority of the subdivision and the 9025  
board of trustees of the free public library shall include the 9026  
subdivision in the county library district in the manner 9027  
prescribed in section 3375.20 of the Revised Code by adopting and 9028  
approving the resolutions so authorized. 9029

Unless more than thirty per cent of the votes cast on the 9030  
question of including the subdivision in the county library 9031  
district are in the affirmative, the same issue shall not be 9032  
submitted to the electors of the subdivision for three years 9033  
following an election in which the question was defeated. 9034

**Sec. 3375.212.** The board of public library trustees of a 9035  
county library district, appointed under section 3375.22 of the 9036  
Revised Code, may consolidate with another subdivision in the 9037



county maintaining a free public library. Such consolidation may 9038  
be accomplished by one of the following procedures: 9039

(A) The board of public library trustees of the county 9040  
library district may submit a resolution to the board of library 9041  
trustees of such subdivision requesting such consolidation. The 9042  
library trustees of the subdivision within thirty days of receipt 9043  
of the resolution shall approve or reject such resolution; and, if 9044  
approved shall forward the resolution together with a 9045  
certification of its action to the taxing authority of said 9046  
subdivision. Said taxing authority within thirty days of receipt 9047  
of such resolution and certification shall approve or reject it 9048  
and so notify the board of library trustees of the county district 9049  
library and the board of county commissioners. 9050

(B) Upon receipt of such resolution, under division (A) of 9051  
this section the board of library trustees of the subdivision may 9052  
request the taxing authority of the subdivision to adopt a 9053  
resolution providing for the submission of the question of 9054  
consolidation to the electors of the subdivision. 9055

The taxing authority in turn shall adopt such a resolution 9056  
and shall cause a certified copy of the resolution to be filed 9057  
with the board of elections of the county prior to the ~~fifteenth~~ 9058  
~~day of September~~ eighty-fifth day before the day of the election 9059  
at which the question will appear on the ballot. The board of 9060  
elections shall submit the question to the electors of the 9061  
subdivision at the succeeding November election. 9062

(C) The board of county commissioners and the taxing 9063  
authority of the subdivision, upon receipt of petitions signed by 9064  
not less than ten per cent, or five hundred, whichever is the 9065  
lesser, of the qualified electors in the county library district 9066  
and not less than ten per cent, or five hundred, whichever is the 9067  
lesser, of the qualified electors of the subdivision, voting at 9068  
the last general election, shall adopt resolutions providing for 9069

the submission of the question of consolidation to the electors of 9070  
the county library district and of the subdivision. 9071

Each taxing authority in turn shall cause a certified copy of 9072  
its resolution to be filed with the board of elections of the 9073  
county prior to the ~~fifteenth day of September~~ eighty-fifth day 9074  
before the day of the election at which the question will appear 9075  
on the ballot. The board of elections shall submit the question of 9076  
the consolidation of the county library district and the 9077  
subdivision to the electors of the county library district and of 9078  
the subdivision at the succeeding November election. 9079

If under division (A) of this section the board of library 9080  
trustees and the taxing authority of said subdivision approve the 9081  
request for consolidation, or if under division (B) of this 9082  
section a majority of the electors of the subdivision vote in 9083  
favor of the consolidation, or if under division (C) of this 9084  
section a majority of the electors of the county library district 9085  
and a majority of the electors of the subdivision vote in favor of 9086  
the consolidation, such consolidation shall take place. The taxing 9087  
authority of the subdivision or the board of elections, whichever 9088  
the case may be, shall notify the county commissioners and the 9089  
respective library boards. 9090

The board of library trustees of the county library district, 9091  
the board of library trustees of the subdivision and their 9092  
respective taxing authorities shall take appropriate action during 9093  
the succeeding December, transferring all title and interest in 9094  
all property, both real and personal, held in the names of said 9095  
library boards to the board of trustees of the consolidated county 9096  
library district, effective the second Monday of the succeeding 9097  
January. 9098

The board of library trustees of the county library district 9099  
and the board of library trustees of the subdivision shall meet 9100  
jointly on the second Monday of the succeeding January. 9101

Acting as a board of the whole, the two boards shall become 9102  
the interim board of library trustees of the consolidated county 9103  
library district whose terms shall expire the second Monday of the 9104  
second January succeeding the election at which the consolidation 9105  
was approved. The board shall organize itself under section 9106  
3375.32 of the Revised Code and shall have the same powers, 9107  
rights, and limitations in law as does a board of library trustees 9108  
appointed under section 3375.22 of the Revised Code. In the event 9109  
of a vacancy on the interim board the appointment shall be made by 9110  
the same taxing authority which appointed the trustee whose place 9111  
had become vacant and shall be only for the period in which the 9112  
interim board is in existence. 9113

At least thirty days prior to the second Monday of the second 9114  
January succeeding the election at which the consolidation was 9115  
approved, the board shall request the county commissioners and the 9116  
judges of the court of common pleas to appoint a regular board of 9117  
library trustees of seven members under the provisions of section 9118  
3375.22 of the Revised Code. The terms of said trustees shall 9119  
commence on the second Monday of the January last referred to 9120  
above. The control and management of such consolidated county 9121  
library district shall continue to be under section 3375.22 of the 9122  
Revised Code. 9123

For the purposes of this section, whenever a county library 9124  
district is consolidated with a subdivision other than a school 9125  
district, the area comprising the school district in which the 9126  
main library of said subdivision is located shall become a part of 9127  
the county library district. 9128

**Sec. 3501.01.** As used in the sections of the Revised Code 9129  
relating to elections and political communications: 9130

(A) "General election" means the election held on the first 9131  
Tuesday after the first Monday in each November. 9132

(B) "Regular municipal election" means the election held on 9133  
the first Tuesday after the first Monday in November in each 9134  
odd-numbered year. 9135

(C) "Regular state election" means the election held on the 9136  
first Tuesday after the first Monday in November in each 9137  
even-numbered year. 9138

(D) "Special election" means any election other than those 9139  
elections defined in other divisions of this section. A special 9140  
election may be held only on the first Tuesday after the first 9141  
Monday in February, May, August, or November, or on the day 9142  
authorized by a particular municipal or county charter for the 9143  
holding of a primary election, except that in any year in which a 9144  
presidential primary election is held, no special election shall 9145  
be held in February or May, except as authorized by a municipal or 9146  
county charter, but may be held on the first Tuesday after the 9147  
first Monday in March. 9148

(E)(1) "Primary" or "primary election" means an election held 9149  
for the purpose of nominating persons as candidates of political 9150  
parties for election to offices, and for the purpose of electing 9151  
persons as members of the controlling committees of political 9152  
parties and as delegates and alternates to the conventions of 9153  
political parties. Primary elections shall be held on the first 9154  
Tuesday after the first Monday in May of each year except in years 9155  
in which a presidential primary election is held. 9156

(2) "Presidential primary election" means a primary election 9157  
as defined by division (E)(1) of this section at which an election 9158  
is held for the purpose of choosing delegates and alternates to 9159  
the national conventions of the major political parties pursuant 9160  
to section 3513.12 of the Revised Code. Unless otherwise 9161  
specified, presidential primary elections are included in 9162  
references to primary elections. In years in which a presidential 9163  
primary election is held, all primary elections shall be held on 9164

the first Tuesday after the first Monday in March except as 9165  
otherwise authorized by a municipal or county charter. 9166

(F) "Political party" means any group of voters meeting the 9167  
requirements set forth in section 3517.01 of the Revised Code for 9168  
the formation and existence of a political party. 9169

(1) "Major political party" means any political party 9170  
organized under the laws of this state whose candidate for any of 9171  
the offices of governor, secretary of state, auditor of state, 9172  
treasurer of state, attorney general, or United States senator or 9173  
nominees for presidential electors received no less than twenty 9174  
per cent of the total vote cast for ~~such office~~ any of those 9175  
offices at either of the two most recent regular state election 9176  
elections. 9177

(2) ~~"Intermediate political party" means any political party~~ 9178  
~~organized under the laws of this state whose candidate for~~ 9179  
~~governor or nominees for presidential electors received less than~~ 9180  
~~twenty per cent but not less than ten per cent of the total vote~~ 9181  
~~cast for such office at the most recent regular state election.~~ 9182

(3) "Minor political party" means any political party 9183  
organized under the laws of this state whose candidate for any of 9184  
the offices of governor, secretary of state, auditor of state, 9185  
treasurer of state, attorney general, or United States senator or 9186  
nominees for presidential electors received less than ~~ten~~ twenty 9187  
per cent but not less than ~~five~~ one per cent of the total vote 9188  
cast for ~~such office~~ any of those offices at either of the two 9189  
most recent regular state ~~election~~ elections or which has filed 9190  
with the secretary of state, subsequent to any ~~election~~ two 9191  
successive regular state elections in which it received less than 9192  
~~five~~ one per cent of ~~such~~ the vote for any of those offices, a 9193  
petition signed by qualified electors equal in number to at least 9194  
one-quarter of one per cent of the total vote cast for ~~such~~ the 9195  
office of governor in the last preceding regular state election, 9196

except that a newly formed political party shall be known as a 9197  
minor political party until the time of the first regular state 9198  
election ~~for governor or president which~~ that occurs not less than 9199  
twelve months subsequent to the formation of such party, after 9200  
which election the status of such party as either a major or minor 9201  
political party shall be determined by the vote ~~for the office~~ 9202  
percentage received by the party's candidate for any of the 9203  
offices of governor or president, secretary of state, auditor of 9204  
state, treasurer of state, attorney general, or United States 9205  
senator, or nominees for presidential electors. 9206

(G) "Dominant party in a precinct" or "dominant political 9207  
party in a precinct" means that political party whose candidate 9208  
for election to the office of governor at the most recent regular 9209  
state election at which a governor was elected received more votes 9210  
than any other person received for election to that office in such 9211  
precinct at such election. 9212

(H) "Candidate" means any qualified person certified in 9213  
accordance with the provisions of the Revised Code for placement 9214  
on the official ballot of a primary, general, or special election 9215  
to be held in this state, or any qualified person who claims to be 9216  
a write-in candidate, or who knowingly assents to being 9217  
represented as a write-in candidate by another at either a 9218  
primary, general, or special election to be held in this state. 9219

(I) "Independent candidate" means any candidate who claims 9220  
not to be affiliated with a political party, and whose name has 9221  
been certified on the office-type ballot at a general or special 9222  
election through the filing of a statement of candidacy and 9223  
nominating petition, as prescribed in section 3513.257 of the 9224  
Revised Code. 9225

(J) "Nonpartisan candidate" means any candidate whose name is 9226  
required, pursuant to section 3505.04 of the Revised Code, to be 9227  
listed on the nonpartisan ballot, including all candidates for 9228

judicial office, for member of any board of education, for 9229  
municipal or township offices in which primary elections are not 9230  
held for nominating candidates by political parties, and for 9231  
offices of municipal corporations having charters that provide for 9232  
separate ballots for elections for these offices. 9233

(K) "Party candidate" means any candidate who claims to be a 9234  
member of a political party, whose name has been certified on the 9235  
office-type ballot at a general or special election through the 9236  
filing of a declaration of candidacy and petition of candidate, 9237  
and who has won the primary election of the candidate's party for 9238  
the public office the candidate seeks, is nominated pursuant to 9239  
section 3513.02 of the Revised Code, or is selected by party 9240  
committee in accordance with section 3513.31 of the Revised Code. 9241

(L) "Officer of a political party" includes, but is not 9242  
limited to, any member, elected or appointed, of a controlling 9243  
committee, whether representing the territory of the state, a 9244  
district therein, a county, township, a city, a ward, a precinct, 9245  
or other territory, of a major, ~~intermediate~~, or minor political 9246  
party. 9247

(M) "Question or issue" means any question or issue certified 9248  
in accordance with the Revised Code for placement on an official 9249  
ballot at a general or special election to be held in this state. 9250

(N) "Elector" or "qualified elector" means a person having 9251  
the qualifications provided by law to be entitled to vote. 9252

(O) "Voter" means an elector who votes at an election. 9253

(P) "Voting residence" means that place of residence of an 9254  
elector which shall determine the precinct in which the elector 9255  
may vote. 9256

(Q) "Precinct" means a district within a county established 9257  
by the board of elections of such county within which all 9258  
qualified electors having a voting residence therein may vote at 9259

the same polling place.	9260
(R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.	9261 9262 9263
(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.	9264 9265 9266
(T) "Political subdivision" means a county, township, city, village, or school district.	9267 9268
(U) "Election officer" or "election official" means any of the following:	9269 9270
(1) Secretary of state;	9271
(2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;	9272 9273 9274 9275
(3) Director of a board of elections;	9276
(4) Deputy director of a board of elections;	9277
(5) Member of a board of elections;	9278
(6) Employees of a board of elections;	9279
(7) Precinct polling place judges;	9280
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	9281 9282
(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is	9283 9284 9285 9286 9287 9288



complete, the precinct in which the applicant is to vote. 9289

(W) "Confirmation notice" means a notice sent by a board of 9290  
elections, on a form prescribed by the secretary of state, to a 9291  
registered elector to confirm the registered elector's current 9292  
address. 9293

(X) "Designated agency" means an office or agency in the 9294  
state that provides public assistance or that provides 9295  
state-funded programs primarily engaged in providing services to 9296  
persons with disabilities and that is required by the National 9297  
Voter Registration Act of 1993 to implement a program designed and 9298  
administered by the secretary of state for registering voters, or 9299  
any other public or government office or agency that implements a 9300  
program designed and administered by the secretary of state for 9301  
registering voters, including the department of job and family 9302  
services, the program administered under section 3701.132 of the 9303  
Revised Code by the department of health, the department of mental 9304  
health, the department of developmental disabilities, the 9305  
rehabilitation services commission, and any other agency the 9306  
secretary of state designates. "Designated agency" does not 9307  
include public high schools and vocational schools, public 9308  
libraries, or the office of a county treasurer. 9309

(Y) "National Voter Registration Act of 1993" means the 9310  
"National Voter Registration Act of 1993," 107 Stat. 77, 42 9311  
U.S.C.A. 1973gg. 9312

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 9313  
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 9314

~~(AA) "Photo identification" means a document that meets each 9315  
of the following requirements: 9316~~

~~(1) It shows the name of the individual to whom it was 9317  
issued, which shall conform to the name in the poll list or 9318  
signature pollbook. 9319~~

~~(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

<u>voter registration records;</u>	9349
<u>(b) The elector has placed the elector's name on the</u>	9350
<u>affirmation, which name substantially conforms to the elector's</u>	9351
<u>name in the elector's voter registration records;</u>	9352
<u>(c) The elector has placed the elector's date of birth on the</u>	9353
<u>affirmation, which day of birth substantially conforms to the</u>	9354
<u>elector's date of birth in the elector's voter registration</u>	9355
<u>records; and</u>	9356
<u>(d) The elector has placed on the affirmation at least one of</u>	9357
<u>the following:</u>	9358
<u>(i) The last four digits of the elector's social security</u>	9359
<u>number;</u>	9360
<u>(ii) The elector's Ohio driver's license number or the</u>	9361
<u>identification number of the elector's Ohio identification card.</u>	9362
<u>(BB) "First-time mail-in registrant" means an individual who</u>	9363
<u>submitted a voter registration application by mail, who has not</u>	9364
<u>previously voted in a federal election in this state, and who did</u>	9365
<u>not include any of the following with the voter registration</u>	9366
<u>application:</u>	9367
<u>(1) The applicant's driver's license number;</u>	9368
<u>(2) At least the last four digits of the applicant's social</u>	9369
<u>security number;</u>	9370
<u>(3) A copy of a current and valid photo identification that</u>	9371
<u>shows the name and address of the applicant; or</u>	9372
<u>(4) A copy of a current utility bill, bank statement,</u>	9373
<u>government check, paycheck, or other government document that</u>	9374
<u>shows the name and address of the applicant.</u>	9375
<u>(CC) "First-time mail-in registrant identification" means a</u>	9376
<u>current and valid photo identification or a copy of a current</u>	9377
<u>utility bill, bank statement, government check, paycheck, or other</u>	9378

government document that shows the name and address of the 9379  
elector. 9380

Sec. 3501.012. Notwithstanding any provision of the Revised 9381  
Code to the contrary, the secretary of state or a board of 9382  
elections shall not refuse to accept and process an otherwise 9383  
valid voter registration application, absent voter's ballot 9384  
application, uniformed services and overseas absent voter's ballot 9385  
application, returned absent voter's ballot, returned uniformed 9386  
services and overseas absent voter's ballot, or federal write-in 9387  
absentee ballot due to any requirements regarding notarization, 9388  
paper type, paper weight and size, envelope type, or envelope 9389  
weight and size. 9390

**Sec. 3501.02.** General elections in the state and its 9391  
political subdivisions shall be held as follows: 9392

(A) For the election of electors of president and 9393  
vice-president of the United States, in the year of 1932 and every 9394  
four years thereafter; 9395

(B) For the election of a member of the senate of the United 9396  
States, in the years 1932 and 1934, and every six years after each 9397  
of such years; except as otherwise provided for filling vacancies; 9398

(C) For the election of representatives in the congress of 9399  
the United States and of elective state and county officers 9400  
including elected members of the state board of education, in the 9401  
even-numbered years; except as otherwise provided for filling 9402  
vacancies; 9403

(D) For municipal and township officers, members of boards of 9404  
education, judges and clerks of municipal courts, in the 9405  
odd-numbered years; 9406

(E) Proposed constitutional amendments or proposed measures 9407  
submitted by the general assembly or by initiative or referendum 9408

petitions to the voters of the state at large may be submitted ~~to~~ 9409  
at the general election in any year occurring at least ~~sixty one~~ 9410  
hundred twenty-five days, in case of a referendum, and ~~ninety one~~ 9411  
hundred twenty-five days, in the case of an initiated measure, 9412  
subsequent to the filing of the petitions therefor. Proposed 9413  
constitutional amendments submitted by the general assembly to the 9414  
voters of the state at large may be submitted at a special 9415  
election occurring on the day ~~in any year specified by division~~ 9416  
~~(E) of section 3501.01 of the Revised Code for the holding of a~~ 9417  
primary election, when a special election on that date is 9418  
designated by the general assembly in the resolution adopting the 9419  
proposed constitutional amendment. 9420

No special election shall be held on a day other than the day 9421  
of a general election, unless a law or charter provides otherwise, 9422  
regarding the submission of a question or issue to the voters of a 9423  
county, township, city, village, or school district. 9424  
9425

(F) ~~Any~~ Notwithstanding any provision of the Revised Code to 9426  
the contrary, any question or issue, except a candidacy, to be 9427  
voted upon at an election shall be certified, for placement upon 9428  
the ballot, to the board of elections not later than four p.m. of 9429  
the ~~seventy-fifth~~ eighty-fifth day before the day of the election. 9430  
9431

**Sec. 3501.03.** (A) At least ten days before the time for 9432  
holding an election the board of elections shall give public 9433  
notice by a proclamation, posted in a conspicuous place in the 9434  
courthouse and city hall, or by one insertion in a newspaper 9435  
published in the county, but if no newspaper is published in such 9436  
county, then in a newspaper of general circulation therein. 9437

(B) In the case of an election by mail held under Chapter 9438  
3507. of the Revised Code, the board shall give the notice 9439

required by division (A) of this section at least ten days before 9440  
the date on which the board mails the absent voter's ballots 9441  
pursuant to section 3507.02 of the Revised Code. The notice shall 9442  
indicate that a person who is a qualified elector may vote at the 9443  
office of the board if the person moves from one precinct to 9444  
another or changes the person's name on or prior to the day before 9445  
the election and has not filed with the board a notice of change 9446  
of residence or change of name, respectively. 9447

(C) The board shall have authority to publicize information 9448  
relative to registration or elections. 9449

**Sec. 3501.05.** The secretary of state shall do all of the 9450  
following: 9451

(A) Appoint all members of boards of elections; 9452

(B) Issue instructions by directives and advisories in 9453  
accordance with section 3501.053 of the Revised Code to members of 9454  
the boards as to the proper methods of conducting elections; 9455

(C) Prepare rules and instructions for the conduct of 9456  
elections; 9457

(D) ~~Publish and furnish~~ Provide to the boards ~~from time to~~ 9458  
~~time a sufficient number of indexed copies of an electronic link~~ 9459  
to all election laws then in force; 9460

(E) Edit and issue all pamphlets concerning proposed laws or 9461  
amendments required by law to be submitted to the voters; 9462

(F) Prescribe the form of registration cards, blanks, and 9463  
records; 9464

(G) Determine and prescribe the forms of ballots and the 9465  
forms of all blanks, cards of instructions, pollbooks, tally 9466  
sheets, certificates of election, and forms and blanks required by 9467  
law for use by candidates, committees, and boards; 9468

(H) Prepare the ballot title or statement to be placed on the 9469  
ballot for any proposed law or amendment to the constitution to be 9470  
submitted to the voters of the state; 9471

(I) Except as otherwise provided in section 3519.08 of the 9472  
Revised Code, certify to the several boards the forms of ballots 9473  
and names of candidates for state offices, and the form and 9474  
wording of state referendum questions and issues, as they shall 9475  
appear on the ballot; 9476

(J) Except as otherwise provided in division (I)(2)(b) of 9477  
section 3501.38 of the Revised Code, give final approval to ballot 9478  
language for any local question or issue approved and transmitted 9479  
by boards of elections under section 3501.11 of the Revised Code; 9480

(K) Receive all initiative and referendum petitions on state 9481  
questions and issues and determine and certify to the sufficiency 9482  
of those petitions; 9483

(L) Require such reports from the several boards as are 9484  
provided by law, or as the secretary of state considers necessary; 9485

(M) Compel the observance by election officers in the several 9486  
counties of the requirements of the election laws; 9487

(N)(1) Except as otherwise provided in division (N)(2) of 9488  
this section, investigate the administration of election laws, 9489  
frauds, and irregularities in elections in any county, and report 9490  
violations of election laws to the attorney general or prosecuting 9491  
attorney, or both, for prosecution; 9492

(2) On and after August 24, 1995, report a failure to comply 9493  
with or a violation of a provision in sections 3517.08 to 3517.13, 9494  
3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the 9495  
Revised Code, whenever the secretary of state has or should have 9496  
knowledge of a failure to comply with or a violation of a 9497  
provision in one of those sections, by filing a complaint with the 9498  
Ohio elections commission under section 3517.153 of the Revised 9499

Code; 9500

(O) Make an annual report to the governor containing the 9501  
results of elections, the cost of elections in the various 9502  
counties, a tabulation of the votes in the several political 9503  
subdivisions, and other information and recommendations relative 9504  
to elections the secretary of state considers desirable; 9505

(P) Prescribe and distribute to boards of elections a list of 9506  
instructions indicating all legal steps necessary to petition 9507  
successfully for local option elections under sections 4301.32 to 9508  
4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 9509

(Q) Adopt rules pursuant to Chapter 119. of the Revised Code 9510  
for the removal by boards of elections of ineligible voters from 9511  
the statewide voter registration database and, if applicable, from 9512  
the poll list or signature pollbook used in each precinct, which 9513  
rules shall provide for all of the following: 9514

(1) A process for the removal of voters who have changed 9515  
residence, which shall be uniform, nondiscriminatory, and in 9516  
compliance with the Voting Rights Act of 1965 and the National 9517  
Voter Registration Act of 1993, including a program that uses the 9518  
national change of address service provided by the United States 9519  
postal system through its licensees; 9520

(2) A process for the removal of ineligible voters under 9521  
section 3503.21 of the Revised Code; 9522

(3) A uniform system for marking or removing the name of a 9523  
voter who is ineligible to vote from the statewide voter 9524  
registration database and, if applicable, from the poll list or 9525  
signature pollbook used in each precinct and noting the reason for 9526  
that mark or removal. 9527

(R) Prescribe a general program for registering voters or 9528  
updating voter registration information, such as name and 9529  
residence changes, by boards of elections, designated agencies, 9530



offices of deputy registrars of motor vehicles, public high 9531  
schools and vocational schools, public libraries, and offices of 9532  
county treasurers consistent with the requirements of ~~section~~ 9533  
sections 3503.09 to 3503.11 of the Revised Code; 9534

(S) Prescribe a program of distribution of voter registration 9535  
forms through boards of elections, designated agencies, offices of 9536  
the registrar and deputy registrars of motor vehicles, public high 9537  
schools and vocational schools, public libraries, and offices of 9538  
county treasurers; 9539

(T) To the extent feasible, provide copies, at no cost and 9540  
upon request, of the voter registration form in post offices in 9541  
this state; 9542

(U) Adopt rules pursuant to section 111.15 of the Revised 9543  
Code for the purpose of implementing the program for registering 9544  
voters through boards of elections, designated agencies, and the 9545  
offices of the registrar and deputy registrars of motor vehicles 9546  
consistent with this chapter and the requirements of sections 9547  
3503.09 to 3503.11 of the Revised Code; 9548

(V) Establish the full-time position of Americans with 9549  
Disabilities Act coordinator within the office of the secretary of 9550  
state to do all of the following: 9551

(1) Assist the secretary of state with ensuring that there is 9552  
equal access to polling places for persons with disabilities; 9553

(2) Assist the secretary of state with ensuring that each 9554  
voter may cast the voter's ballot in a manner that provides the 9555  
same opportunity for access and participation, including privacy 9556  
and independence, as for other voters; 9557

(3) Advise the secretary of state in the development of 9558  
standards for the certification of voting machines, marking 9559  
devices, and automatic tabulating equipment. 9560

(W) Establish and maintain a computerized statewide database 9561  
of all legally registered voters under section 3503.15 of the 9562  
Revised Code that complies with the requirements of the "Help 9563  
America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666, 9564  
and provide training in the operation of that system; 9565

(X) Ensure that all directives, advisories, other 9566  
instructions, or decisions issued or made during or as a result of 9567  
any conference or teleconference call with a board of elections to 9568  
discuss the proper methods and procedures for conducting 9569  
elections, to answer questions regarding elections, or to discuss 9570  
the interpretation of directives, advisories, or other 9571  
instructions issued by the secretary of state are posted on a web 9572  
site of the office of the secretary of state as soon as is 9573  
practicable after the completion of the conference or 9574  
teleconference call, but not later than the close of business on 9575  
the same day as the conference or teleconference call takes 9576  
place; 9577

(Y) Publish a report on a web site of the office of the 9578  
secretary of state not later than one month after the completion 9579  
of the canvass of the election returns for each primary and 9580  
general election, identifying, by county, the number of absent 9581  
voter's ballots cast and the number of those ballots that were 9582  
counted, and the number of provisional ballots cast and the number 9583  
of those ballots that were counted, for that election. The 9584  
secretary of state shall maintain the information on the web site 9585  
in an archive format for each subsequent election. 9586

(Z) Conduct voter education outlining voter identification, 9587  
absent voters ballot, provisional ballot, and other voting 9588  
requirements; 9589

(AA) Establish a procedure by which a registered elector may 9590  
make available to a board of elections a more recent signature to 9591  
be used in the poll list or signature pollbook produced by the 9592

board of elections of the county in which the elector resides; 9593  
9594

(BB) Disseminate information, which may include all or part 9595  
of the official explanations and arguments, by means of direct 9596  
mail or other written publication, broadcast, or other means or 9597  
combination of means, as directed by the Ohio ballot board under 9598  
division (F) of section 3505.062 of the Revised Code, in order to 9599  
inform the voters as fully as possible concerning each proposed 9600  
constitutional amendment, proposed law, or referendum; 9601

(CC) Perform other duties required by law. 9602

Whenever a primary election is held under section 3513.32 of 9603  
the Revised Code or a special election is held under section 9604  
3521.03 of the Revised Code to fill a vacancy in the office of 9605  
representative to congress, the secretary of state shall establish 9606  
a deadline, notwithstanding any other deadline required under the 9607  
Revised Code, by which any or all of the following shall occur: 9608  
the filing of a declaration of candidacy and petitions or a 9609  
statement of candidacy and nominating petition together with the 9610  
applicable filing fee; the filing of protests against the 9611  
candidacy of any person filing a declaration of candidacy or 9612  
nominating petition; the filing of a declaration of intent to be a 9613  
write-in candidate; the filing of campaign finance reports; the 9614  
preparation of, and the making of corrections or challenges to, 9615  
precinct voter registration lists; the receipt of applications for 9616  
absent voter's ballots or armed service absent voter's ballots; 9617  
the supplying of election materials to precincts by boards of 9618  
elections; the holding of hearings by boards of elections to 9619  
consider challenges to the right of a person to appear on a voter 9620  
registration list; and the scheduling of programs to instruct or 9621  
reinstruct election officers. 9622

In the performance of the secretary of state's duties as the 9623  
chief election officer, the secretary of state may administer 9624

oaths, issue subpoenas, summon witnesses, compel the production of 9625  
books, papers, records, and other evidence, and fix the time and 9626  
place for hearing any matters relating to the administration and 9627  
enforcement of the election laws. 9628

In any controversy involving or arising out of the adoption 9629  
of registration or the appropriation of funds for registration, 9630  
the secretary of state may, through the attorney general, bring an 9631  
action in the name of the state in the court of common pleas of 9632  
the county where the cause of action arose or in an adjoining 9633  
county, to adjudicate the question. 9634

In any action involving the laws in Title XXXV of the Revised 9635  
Code wherein the interpretation of those laws is in issue in such 9636  
a manner that the result of the action will affect the lawful 9637  
duties of the secretary of state or of any board of elections, the 9638  
secretary of state may, on the secretary of state's motion, be 9639  
made a party. 9640

The secretary of state may apply to any court that is hearing 9641  
a case in which the secretary of state is a party, for a change of 9642  
venue as a substantive right, and the change of venue shall be 9643  
allowed, and the case removed to the court of common pleas of an 9644  
adjoining county named in the application or, if there are cases 9645  
pending in more than one jurisdiction that involve the same or 9646  
similar issues, the court of common pleas of Franklin county. 9647

Public high schools and vocational schools, public libraries, 9648  
and the office of a county treasurer shall implement voter 9649  
registration programs as directed by the secretary of state 9650  
pursuant to this section. 9651

**Sec. 3501.07.** At a meeting held not more than sixty nor less 9652  
than fifteen days before the expiration date of the term of office 9653  
of a member of the board of elections, or within fifteen days 9654  
after a vacancy occurs in the board, the county executive 9655

committee of the major political party entitled to the appointment 9656  
may make and file a recommendation with the secretary of state for 9657  
the appointment of a qualified elector. The secretary of state 9658  
shall appoint such elector, unless ~~he~~ the secretary of state has 9659  
reason to believe that the elector would not be a competent member 9660  
of such board. In such cases the secretary of state shall so state 9661  
in writing to the ~~chairman~~ chairperson of such county executive 9662  
committee, with the reasons therefor, and such committee may 9663  
either recommend another elector or may apply for a writ of 9664  
mandamus to the supreme court to compel the secretary of state to 9665  
appoint the elector so recommended. In such action the burden of 9666  
proof to show the qualifications of the person so recommended 9667  
shall be on the committee making the recommendation. If no such 9668  
recommendation is made or if a writ of mandamus has not been 9669  
granted, the secretary of state shall make the appointment, and 9670  
that decision shall be final. If a recommendation is made, the 9671  
secretary shall appoint that elector unless the secretary of state 9672  
has reason to believe that the elector would not be a competent 9673  
member of the board. In that case, the secretary of state shall so 9674  
state in writing to the chairperson of the county executive 9675  
committee and shall make the appointment. That decision shall be 9676  
final. 9677

If a vacancy on the board of elections is to be filled by a 9678  
minor ~~or an intermediate~~ political party, authorized officials of 9679  
that party may within fifteen days after the vacancy occurs 9680  
~~recommend a qualified person to the secretary of state for~~ 9681  
~~appointment to such vacancy~~ make and file with the secretary of 9682  
state a recommendation for the appointment of a qualified elector. 9683  
The secretary of state shall appoint that elector unless the 9684  
secretary of state has reason to believe that the elector would 9685  
not be a competent member of the board. In that case, the 9686  
secretary of state shall so state in writing to the authorized 9687  
party officials, with the reasons therefor, and the party 9688

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, 9720  
request that the board of county commissioners submit to the 9721  
electors of the county, in accordance with section 133.18 of the 9722  
Revised Code, the question of issuing bonds for the acquisition of 9723  
real estate and the construction on it of a suitable building with 9724  
necessary furniture and equipment for the proper administration of 9725  
the duties of the board of elections. The resolution declaring the 9726  
necessity for issuing such bonds shall relate only to the 9727  
acquisition of real estate and to the construction, furnishing, 9728  
and equipping of a building as provided in this division. 9729

(B) The board of elections in each county shall keep its 9730  
offices, or one or more of its branch registration offices, open 9731  
for the performance of its duties until nine p.m. on the last day 9732  
of registration before a general or primary election. At all other 9733  
times during each week, the board shall keep its offices and rooms 9734  
open for a period of time that the board considers necessary for 9735  
the performance of its duties. 9736

(C) The board of elections may maintain permanent or 9737  
temporary branch offices at any place within the county, ~~provided~~ 9738  
~~that, if the board of elections permits electors to vote at a~~ 9739  
~~branch office, electors shall not be permitted to vote at any~~ 9740  
~~other branch office or any other office of the board of elections.~~ 9741  
The board shall not employ more than four such locations for the 9742  
purpose of allowing voters to cast absent voter's ballots in 9743  
person at an election. 9744

The board may employ such locations for all or part of the 9745  
period established under section 3509.01 of the Revised Code 9746  
during which voters may cast absent voter's ballots in person at 9747  
an election. The board shall determine the time period during 9748  
which those locations shall be employed at the time the board 9749  
votes to establish those locations. 9750

A majority vote of the board is required to establish more 9751

than one location at which voters may cast absent voter's ballots 9752  
in person at an election. That vote shall take place not later 9753  
than sixty days prior to the day of any election other than a 9754  
special election. In the case of a tie vote or disagreement in the 9755  
board, the board shall submit the matter to the secretary of state 9756  
in accordance with division (X) of section 3501.11 of the Revised 9757  
Code. 9758

Prior to establishing more than one location at which voters 9759  
may cast absent voter's ballots in person at an election, the 9760  
board of elections shall send a notice to the board of county 9761  
commissioners expressing its intent to establish more than one 9762  
such location. The notice shall include information on the number 9763  
of additional locations that the board of elections plans to 9764  
establish, the name and location of each of the proposed sites, 9765  
the duration for which such locations will be used, and an 9766  
estimate of the cost to operate each of the additional locations. 9767

The board of elections shall file with the secretary of state 9768  
and the board of county commissioners the final determination of 9769  
the board of elections regarding the establishment of those voting 9770  
locations. 9771

(D) The secretary of state shall adopt rules under Chapter 9772  
119. of the Revised Code regarding the siting of additional 9773  
locations for the purpose of allowing voters to cast absent 9774  
voter's ballots in person at an election. The rules shall ensure 9775  
the equitable distribution of such locations, including 9776  
distribution with respect to a county's unique geography, 9777  
population distribution, minority voter access, and ease of voter 9778  
access to the locations. The rules shall ensure, to the extent 9779  
practical, that the distribution will not unduly favor any 9780  
political party. 9781

**Sec. 3501.11.** Each board of elections shall exercise by a 9782



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 9813  
voting machines, marking devices, automatic tabulating equipment, 9814  
stalls, and other required supplies. In fulfilling this duty, each 9815  
board of a county that uses voting machines, marking devices, or 9816  
automatic tabulating equipment shall ~~conduct a full vote of the~~ 9817  
~~board during a public session of the board on~~ provide for the 9818  
allocation and distribution of voting machines, marking devices, 9819  
and automatic tabulating equipment ~~for each precinct in the county~~ 9820  
in accordance with section 3506.12 of the Revised Code. 9821

(J) Investigate irregularities, nonperformance of duties, or 9822  
violations of Title XXXV of the Revised Code by election officers 9823  
and other persons; administer oaths, issue subpoenas, summon 9824  
witnesses, and compel the production of books, papers, records, 9825  
and other evidence in connection with any such investigation; and 9826  
report the facts to the prosecuting attorney or the secretary of 9827  
state; 9828

(K) Review, examine, and certify the sufficiency and validity 9829  
of petitions and nomination papers, and, after certification, 9830  
return to the secretary of state all petitions and nomination 9831  
papers that the secretary of state forwarded to the board; 9832

(L) Receive the returns of elections, canvass the returns, 9833  
make abstracts of them, and transmit those abstracts to the proper 9834  
authorities; 9835

(M) Issue certificates of election on forms to be prescribed 9836  
by the secretary of state; 9837

(N) Make an annual report to the secretary of state, on the 9838  
form prescribed by the secretary of state, containing a statement 9839  
of the number of voters registered, elections held, votes cast, 9840  
appropriations received, expenditures made, and other data 9841  
required by the secretary of state; 9842

(O) Prepare and submit to the proper appropriating officer a 9843

budget estimating the cost of elections for the ensuing fiscal year;	9844 9845
(P) Perform other duties as prescribed by law or the rules, directives, or advisories of the secretary of state;	9846 9847
(Q) Investigate and determine the residence qualifications of electors;	9848 9849
(R) Administer oaths in matters pertaining to the administration of the election laws;	9850 9851
(S) Prepare and submit to the secretary of state, whenever the secretary of state requires, a report containing the names and residence addresses of all incumbent county, municipal, township, and board of education officials serving in their respective counties;	9852 9853 9854 9855 9856
(T) Establish and maintain a voter registration database of all qualified electors in the county who offer to register;	9857 9858
(U) Maintain voter registration records, make reports concerning voter registration as required by the secretary of state, and remove ineligible electors from voter registration lists in accordance with law and directives of the secretary of state;	9859 9860 9861 9862 9863
(V) Give approval to ballot language for any local question or issue and transmit the language to the secretary of state for the secretary of state's final approval;	9864 9865 9866
(W) Prepare and cause the following notice to be displayed in a prominent location in every polling place:	9867 9868
"NOTICE	9869
Ohio law prohibits any person from voting or attempting to vote more than once at the same election.	9870 9871
Violators are guilty of a felony of the fourth degree and shall be imprisoned and additionally may be fined in accordance	9872 9873

with law." 9874

(X) In all cases of a tie vote or a disagreement in the 9875  
board, if no decision can be arrived at, the director or 9876  
chairperson shall submit the matter in controversy, not later than 9877  
fourteen days after the tie vote or the disagreement, to the 9878  
secretary of state, who shall summarily decide the question, and 9879  
the secretary of state's decision shall be final-; 9880

(Y) Assist each designated agency, deputy registrar of motor 9881  
vehicles, public high school and vocational school, public 9882  
library, and office of a county treasurer in the implementation of 9883  
a program for registering voters at all voter registration 9884  
locations as prescribed by the secretary of state. Under this 9885  
program, each board of elections shall direct to the appropriate 9886  
board of elections any voter registration applications for persons 9887  
residing outside the county where the board is located within five 9888  
days after receiving the applications. 9889

(Z) On any day on which an elector may vote in person at the 9890  
office of the board or at another site designated by the board, 9891  
consider the board or other designated site a polling place for 9892  
that day. All requirements or prohibitions of law that apply to a 9893  
polling place shall apply to the office of the board or other 9894  
designated site on that day. 9895

**Sec. 3501.17.** (A) The expenses of the board of elections 9896  
shall be paid from the county treasury, in pursuance of 9897  
appropriations by the board of county commissioners, in the same 9898  
manner as other county expenses are paid. If the board of county 9899  
commissioners fails to appropriate an amount sufficient to provide 9900  
for the necessary and proper expenses of the board of elections 9901  
pertaining to the conduct of elections, the board of elections may 9902  
apply to the court of common pleas within the county, which shall 9903  
fix the amount necessary to be appropriated and the amount shall 9904

be appropriated. Payments shall be made upon vouchers of the board 9905  
of elections certified to by its chairperson or acting chairperson 9906  
and the director or deputy director, upon warrants of the county 9907  
auditor. 9908

The board of elections shall not incur any obligation 9909  
involving the expenditure of money unless there are moneys 9910  
sufficient in the funds appropriated therefor to meet the 9911  
obligation. If the board of elections requests a transfer of funds 9912  
from one of its appropriation items to another, the board of 9913  
county commissioners shall adopt a resolution providing for the 9914  
transfer except as otherwise provided in section 5705.40 of the 9915  
Revised Code. The expenses of the board of elections shall be 9916  
apportioned among the county and the various subdivisions as 9917  
provided in this section, and the amount chargeable to each 9918  
subdivision shall be paid as provided in division (L) of this 9919  
section or withheld by the auditor from the moneys payable thereto 9920  
at the time of the next tax settlement. At the time of submitting 9921  
budget estimates in each year, the board of elections shall submit 9922  
to the taxing authority of each subdivision, upon the request of 9923  
the subdivision, an estimate of the amount to be paid or withheld 9924  
from the subdivision during the current or next fiscal year. 9925

(B) Except as otherwise provided in ~~division~~ divisions (C) 9927  
and (F) of this section, the compensation of the members of the 9928  
board of elections and of the director, deputy director, and 9929  
regular employees in the board's offices, other than compensation 9930  
for overtime worked; the expenditures for the rental, furnishing, 9931  
and equipping of the office of the board and for the necessary 9932  
office supplies for the use of the board; the expenditures for the 9933  
acquisition, repair, care, and custody of the polling places, 9934  
booths, guardrails, and other equipment for polling places; the 9935  
cost of tally sheets, maps, flags, ballot boxes, and all other 9936

permanent records and equipment; the cost of all elections held in 9937  
and for the state and county; and all other expenses of the board 9938  
which are not chargeable to a political subdivision in accordance 9939  
with this section shall be paid in the same manner as other county 9940  
expenses are paid. 9941

(C) The compensation for overtime worked by the director, 9942  
deputy director, and regular employees in the office of a board of 9943  
elections to prepare for and conduct the primary or election; the 9944  
compensation of judges of elections and intermittent employees in 9945  
the board's offices; the cost of renting, moving, heating, and 9946  
lighting polling places and of placing and removing ballot boxes 9947  
and other fixtures and equipment thereof, including voting 9948  
machines, marking devices, and automatic tabulating equipment; the 9949  
cost of printing and delivering ballots, cards of instructions, 9950  
registration lists required under section 3503.23 of the Revised 9951  
Code, and other election supplies, including the supplies required 9952  
to comply with division (H) of section 3506.01 of the Revised 9953  
Code; the cost of contractors engaged by the board to prepare, 9954  
program, test, and operate voting machines, marking devices, and 9955  
automatic tabulating equipment; and all other expenses of 9956  
conducting primaries and elections in the odd-numbered years shall 9957  
be charged to the subdivisions in and for which such primaries or 9958  
elections are held. The charge for each primary or general 9959  
election in odd-numbered years for each subdivision shall be 9960  
determined in the following manner: first, the total cost of all 9961  
chargeable items used in conducting such elections shall be 9962  
ascertained; second, the total charge shall be divided by the 9963  
number of precincts participating in such election, in order to 9964  
fix the cost per precinct; third, the cost per precinct shall be 9965  
prorated by the board of elections to the subdivisions conducting 9966  
elections ~~for the nomination or election of offices~~ in such 9967  
precinct; fourth, the total cost for each subdivision shall be 9968  
determined by adding the charges prorated to it in each precinct 9969

within the subdivision. 9970

(D) The entire cost of preparing for and conducting special 9971  
elections held on a day other than the day of a primary or general 9972  
election, both in odd-numbered or in even-numbered years, shall be 9973  
charged to the subdivision. Where a special election is held on 9974  
the same day as a primary or general election in an even-numbered 9975  
year, the subdivision submitting the special election shall be 9976  
charged only for the cost of ballots and advertising. Where a 9977  
special election is held on the same day as a primary or general 9978  
election in an odd-numbered year, the subdivision submitting the 9979  
special election shall be charged for the cost of ballots and 9980  
advertising for such special election, in addition to the charges 9981  
prorated to such subdivision for ~~the election or nomination of~~ 9982  
~~candidates in~~ each precinct within the subdivision, as set forth 9983  
in the preceding paragraph. 9984

(E) Where a special election is held on the day specified by 9985  
division (E) of section 3501.01 of the Revised Code for the 9986  
holding of a primary election, for the purpose of submitting to 9987  
the voters of the state constitutional amendments proposed by the 9988  
general assembly, and a subdivision conducts a special election on 9989  
the same day, the entire cost of preparing for and conducting the 9990  
special election shall be divided proportionally between the state 9991  
and the subdivision based upon a ratio determined by the number of 9992  
issues placed on the ballot by each, except as otherwise provided 9993  
in division (G) of this section. Such proportional division of 9994  
cost shall be made only to the extent funds are available for such 9995  
purpose from amounts appropriated by the general assembly to the 9996  
secretary of state. If a primary election is also being conducted 9997  
in the subdivision, the costs shall be apportioned as otherwise 9998  
provided in this section. 9999

(F) When a precinct is open during a general, primary, or 10000  
special election solely for the purpose of submitting to the 10001

voters a statewide ballot issue, the state shall bear the entire 10002  
cost of the election in that precinct and shall reimburse the 10003  
county for all expenses incurred in opening the precinct. 10004

(G)(1) The state shall bear the entire cost of advertising in 10005  
newspapers statewide ballot issues, explanations of those issues, 10006  
and arguments for or against those issues, as required by Section 10007  
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 10008  
and any other section of law. Appropriations made to the 10009  
controlling board shall be used to reimburse the secretary of 10010  
state for all expenses the secretary of state incurs for such 10011  
advertising under division (G) of section 3505.062 of the Revised 10012  
Code. 10013

(2) There is hereby created in the state treasury the 10014  
statewide ballot advertising fund. The fund shall receive 10015  
transfers approved by the controlling board, and shall be used by 10016  
the secretary of state to pay the costs of advertising state 10017  
ballot issues as required under division (G)(1) of this section. 10018  
Any such transfers may be requested from and approved by the 10019  
controlling board prior to placing the advertising, in order to 10020  
facilitate timely provision of the required advertising. 10021

(H) The cost of renting, heating, and lighting registration 10022  
places; the cost of the necessary books, forms, and supplies for 10023  
the conduct of registration; and the cost of printing and posting 10024  
precinct registration lists shall be charged to the subdivision in 10025  
which such registration is held. 10026

(I) ~~At the request of a majority of the members of the board~~ 10027  
~~of elections, the~~ The secretary of state shall adopt rules under 10028  
Chapter 119. of the Revised Code to establish a depreciation 10029  
schedule and an associated flat depreciation fee to be charged for 10030  
all special elections held in this state. Before adopting such 10031  
rules, the secretary of state shall consult with representatives 10032  
from educational organizations, boards of elections, boards of 10033



county commissioners, county auditors, and any other person the 10034  
secretary determines appropriate. A board of elections shall 10035  
charge the state or a political subdivision placing an issue on 10036  
the ballot at a special election the flat depreciation fee for 10037  
that year established by rule of the secretary of state by 10038  
including that flat depreciation fee in the costs of the election 10039  
charged to the state or political subdivision under division (D), 10040  
(E), or (F) of this section. 10041

(J)(1) The board of county commissioners may, by resolution, 10042  
shall establish an a single elections revenue fund. Except as 10043  
otherwise provided in this division, the purpose of the fund shall 10044  
be to accumulate revenue withheld by or paid to the county under 10045  
this section for the payment of any expense related to the duties 10046  
of the board of elections specified in section 3501.11 of the 10047  
Revised Code, upon approval of a majority of the members of the 10048  
board of elections. The fund shall not accumulate any revenue 10049  
withheld by or paid to the county under this section for the 10050  
compensation of the members of the board of elections or of the 10051  
director, deputy director, or other regular employees in the 10052  
board's offices, other than compensation for overtime worked. 10053

~~Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the~~ 10054  
~~Revised Code, the~~ The board of county commissioners may, by 10055  
resolution, ~~transfer~~ appropriate money to the elections revenue 10056  
fund from any other fund of the ~~political subdivision~~ county from 10057  
which such ~~payments~~ appropriation lawfully may be made. ~~Following~~ 10058  
~~an affirmative vote of a majority of the members of the board of~~ 10059  
~~elections, the board of county commissioners may, by resolution,~~ 10060  
~~rescind an elections revenue fund established under this division.~~ 10061  
~~If an elections revenue fund is rescinded, money that has~~ 10062  
~~accumulated in the fund shall be transferred to the county general~~ 10063  
~~fund.~~ 10064

~~(J)(2) The board of county commissioners may, by resolution,~~ 10065

establish an elections capital improvement fund. The board of 10066  
county commissioners may, by resolution, appropriate money to the 10067  
fund from any other fund of the county from which such 10068  
appropriations lawfully may be made. Except as otherwise provided 10069  
in this division, the purpose of the fund shall be to accumulate 10070  
revenue withheld by or paid to the county under this section for 10071  
payment of a flat depreciation fee, which funds shall be 10072  
accumulated for the purchase of new equipment necessary to prepare 10073  
for or administer an election, upon approval of a majority of the 10074  
members of the board of elections and subsequent appropriation by 10075  
the board of county commissioners. If the board of county 10076  
commissioners establishes an elections capital improvement fund, 10077  
the board of county commissioners may transfer from the elections 10078  
revenue fund to the elections capital improvement fund any amount 10079  
deposited into the elections revenue fund as a result of the state 10080  
or a political subdivision paying a flat depreciation fee in 10081  
accordance with division (I) of this section. 10082

Following an affirmative vote of a majority of the members of 10083  
the board of elections, the board of county commissioners may, by 10084  
resolution, rescind an elections capital improvement fund 10085  
established under this division. If an elections capital 10086  
improvement fund is rescinded, money that has accumulated in the 10087  
fund shall be transferred to the county general fund. 10088

(3) At the end of each fiscal year, the board of county 10089  
commissioners shall do one of the following with any remaining 10090  
unencumbered moneys in the elections revenue fund: 10091

(a) Transfer those moneys to the county general revenue fund; 10092  
or 10093

(b) Transfer those moneys to the elections capital 10094  
improvement fund, if one has been established under division 10095  
(J)(2) of this section. 10096

(4) Transfers made pursuant to division (J) of this section 10097  
are not subject to section 5705.14, 5705.15, or 5705.16 of the 10098  
Revised Code. 10099

(K)(1) Not less than fifteen business days before the 10100  
deadline for submitting a question or issue for placement on the 10101  
ballot at a special election, the board of elections shall prepare 10102  
and file with the board of county commissioners and the office of 10103  
the secretary of state the estimated cost, based on the factors 10104  
enumerated in this section, for preparing for and conducting an 10105  
election on one question or issue, one nomination for office, or 10106  
one election to office in each precinct in the county at that 10107  
special election and shall divide that cost by the number of 10108  
registered voters in the county. 10109

(2) The board of elections shall provide to a political 10110  
subdivision seeking to submit a question or issue, a nomination 10111  
for office, or an election to office for placement on the ballot 10112  
at a special election with the estimated cost for preparing for 10113  
and conducting that election, which shall be calculated by 10114  
multiplying the number of registered voters in the political 10115  
subdivision with the cost calculated under division (K)(1) of this 10116  
section. A political subdivision submitting a question or issue, a 10117  
nomination for office, or an election to office for placement on 10118  
the ballot at that special election shall pay to the county 10119  
elections revenue fund sixty-five per cent of the estimated cost 10120  
of the election not less than ten business days after the deadline 10121  
for submitting a question or issue for placement on the ballot for 10122  
that special election. 10123

(3) Not later than sixty days after the date of a special 10124  
election, the board of elections shall provide to each political 10125  
subdivision the true and accurate cost for the question or issue, 10126  
nomination for office, or election to office that the subdivision 10127  
submitted to the voters on the special election ballots. If the 10128

board of elections determines that a subdivision paid less for the 10129  
cost of preparing and conducting a special election under division 10130  
(K)(2) of this section than the actual cost calculated under this 10131  
division, the subdivision shall remit to the county elections 10132  
revenue fund the difference between the payment made under 10133  
division (K)(2) of this section and the final cost calculated 10134  
under this division within thirty days after being notified of the 10135  
final cost. If the board of elections determines that a 10136  
subdivision paid more for the cost of preparing and conducting a 10137  
special election under division (K)(2) of this section than the 10138  
actual cost calculated under this division, the board of elections 10139  
promptly shall notify the board of county commissioners of that 10140  
difference. The board of county commissioners shall remit from the 10141  
county elections revenue fund to the political subdivision the 10142  
difference between the payment made under division (K)(2) of this 10143  
section and the final cost calculated under this division within 10144  
thirty days after receiving that notification. 10145

(L) As used in this section: 10146

(1) "Political subdivision" and "subdivision" mean any board 10147  
of county commissioners, board of township trustees, legislative 10148  
authority of a municipal corporation, board of education, or any 10149  
other board, commission, district, or authority that is empowered 10150  
to levy taxes or permitted to receive the proceeds of a tax levy, 10151  
regardless of whether the entity receives tax settlement moneys as 10152  
described in division (A) of this section; 10153

(2) "Statewide ballot issue" means any ballot issue, whether 10154  
proposed by the general assembly or by initiative or referendum, 10155  
that is submitted to the voters throughout the state. 10156

**Sec. 3501.18.** (A) The board of elections may divide a 10157  
political subdivision within its jurisdiction into precincts, 10158  
establish, define, divide, rearrange, and combine the several 10159

election precincts within its jurisdiction, ~~and~~ or change the 10160  
location of the polling place for each precinct when it is 10161  
necessary to maintain the requirements as to the number of voters 10162  
in a precinct and to provide for the convenience of the voters and 10163  
the proper conduct of elections. Any change in the number of 10164  
precincts or in precinct boundaries shall be made in accordance 10165  
with any rules the secretary of state may adopt under Chapter 119. 10166  
of the Revised Code and, if applicable, division (C) of this 10167  
section. No change in the number of precincts or in precinct 10168  
boundaries shall be made during the twenty-five days immediately 10169  
preceding a primary or general election or between the first day 10170  
of January and the day on which the members of county central 10171  
committees are elected in the years in which those committees are 10172  
elected. Except as otherwise provided in division (C) of this 10173  
section, each precinct shall contain a number of electors, not to 10174  
exceed one thousand four hundred, that the board of elections 10175  
determines to be a reasonable number after taking into 10176  
consideration the type and amount of available equipment, prior 10177  
voter turnout, the size and location of each selected polling 10178  
place, available parking, availability of an adequate number of 10179  
poll workers, and handicap accessibility and other accessibility 10180  
to the polling place. 10181

If the board changes the boundaries of a precinct after the 10182  
filing of a local option election petition pursuant to sections 10183  
4301.32 to 4301.41, 4303.29, or 4305.14 of the Revised Code that 10184  
calls for a local option election to be held in that precinct, the 10185  
local option election shall be held in the area that constituted 10186  
the precinct at the time the local option petition was filed, 10187  
regardless of the change in the boundaries. 10188

If the board changes the boundaries of a precinct in order to 10189  
meet the requirements of division (B)(1) of this section in a 10190  
manner that causes a member of a county central committee to no 10191

longer qualify as a representative of an election precinct in the 10192  
county, of a ward of a city in the county, or of a township in the 10193  
county, the member shall continue to represent the precinct, ward, 10194  
or township for the remainder of the member's term, regardless of 10195  
the change in boundaries. 10196

In an emergency, the board may provide more than one polling 10197  
place in a precinct. In order to provide for the convenience of 10198  
the voters, the board may locate polling places for voting or 10199  
registration outside the boundaries of precincts, provided that 10200  
the nearest public school or public building shall be used if the 10201  
board determines it to be available and suitable for use as a 10202  
polling place. Except in an emergency, no change in the number or 10203  
location of the polling places in a precinct shall be made during 10204  
the twenty-five days immediately preceding a primary or general 10205  
election. 10206

Electors who have failed to respond within thirty days to any 10207  
confirmation notice shall not be counted in determining the size 10208  
of any precinct under this section. 10209

(B)(1) Except as otherwise provided in division (B)(2) of 10210  
this section, a board of elections shall ~~determine~~ set all 10211  
precinct boundaries using geographical units used by the United 10212  
States department of commerce, bureau of the census, in reporting 10213  
the decennial census of Ohio. 10214

(2) The board of elections may apply to the secretary of 10215  
state for a waiver from the requirement of division (B)(1) of this 10216  
section ~~when~~ if it is not feasible to comply with that requirement 10217  
because of unusual physical boundaries or residential development 10218  
practices that would cause unusual hardship for voters. The board 10219  
shall identify the affected precincts and census units, explain 10220  
the reason for the waiver request, and include a map illustrating 10221  
where the census units will be split because of the requested 10222  
waiver. If the secretary of state approves the waiver and so 10223

notifies the board of elections in writing, the board may change a 10224  
precinct boundary as necessary under this section, notwithstanding 10225  
the requirement in division (B)(1) of this section. 10226

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(C) The board of elections may apply to the secretary of 10228  
state for a waiver from the requirement of division (A) of this 10229  
section regarding the number of electors in a precinct when the 10230  
use of geographical units used by the United States department of 10231  
commerce, bureau of the census, will cause a precinct to contain 10232  
more than one thousand four hundred electors. The board shall 10233  
identify the affected precincts and census units, explain the 10234  
reason for the waiver request, and include a map illustrating 10235  
where census units will be split because of the requested waiver. 10236  
If the secretary of state approves the waiver and so notifies the 10237  
board of elections in writing, the board may change a precinct 10238  
boundary as necessary to meet the requirements of division (B)(1) 10239  
of this section. 10240

**Sec. 3501.21.** When the board of elections ~~considers it~~ 10241  
~~necessary to change, divide, or combine~~ changes, divides, or 10242  
combines any precinct or ~~to relocate~~ relocates a polling place in 10243  
accordance with section 3501.18 of the Revised Code, it shall 10244  
notify, prior to the next election, each of the registrants in the 10245  
precinct of the change by mail. ~~On and after August 1, 2000, when~~ 10246  
Within five days after the board approves changes to the 10247  
boundaries of any precinct or relocation of a polling place, it 10248  
shall notify the secretary of state of the change ~~not later than~~ 10249  
~~forty five days after making the change.~~ 10250

**Sec. 3501.22.** (A) On or before the fifteenth day of September 10251  
in each year, the board of elections by a majority vote shall, 10252  
after careful examination and investigation as to their 10253  
qualifications, appoint for each election precinct four residents 10254

of the county in which the precinct is located, as judges. Except 10255  
as otherwise provided in division (C) of this section, all judges 10256  
of election shall be qualified electors. The judges shall 10257  
constitute the election officers of the precinct. Not more than 10258  
one-half of the total number of judges shall be members of the 10259  
same political party. The term of such precinct officers shall be 10260  
for one year. The board may, at any time, designate any number of 10261  
election officers, not more than one-half of whom shall be members 10262  
of the same political party, to perform their duties at any 10263  
precinct in any election. The board may appoint additional 10264  
~~officials, equally divided between the two major political~~ 10265  
~~parties, judges~~ when necessary to expedite voting, but such 10266  
appointments shall not, when taken together with regular judges, 10267  
allow more than one-half of the total number of judges to be 10268  
members of the same political party. 10269

Vacancies for unexpired terms shall be filled by the board. 10270  
When new precincts have been created, the board shall appoint 10271  
judges for those precincts for the unexpired term. Any judge may 10272  
be summarily removed from office at any time by the board for 10273  
neglect of duty, malfeasance, or misconduct in office or for any 10274  
other good and sufficient reason. 10275

Precinct election officials shall perform all of the duties 10276  
provided by law for receiving the ballots and supplies, opening 10277  
and closing the polls, and overseeing the casting of ballots 10278  
during the time the polls are open, and any other duties required 10279  
by section 3501.26 of the Revised Code. 10280

A board of elections may designate two precinct election 10281  
officials as counting officials to count and tally the votes cast 10282  
and certify the results of the election at each precinct, and 10283  
perform other duties as provided by law. To expedite the counting 10284  
of votes at each precinct, the board may appoint additional 10285  
officials, not more than one-half of whom shall be members of the 10286



same political party. 10287

The board shall designate one of the precinct election 10288  
officials who is a member of the dominant political party to serve 10289  
as a presiding judge, whose duty it is to deliver the returns of 10290  
the election and all supplies to the office of the board. For 10291  
these services, the presiding judge shall receive additional 10292  
compensation in an amount, consistent with section 3501.28 of the 10293  
Revised Code, determined by the board of elections. 10294

The board shall issue to each precinct election official a 10295  
certificate of appointment, which the official shall present to 10296  
the presiding judge at the time the polls are opened. 10297

(B) If the board of elections determines that not enough 10298  
qualified electors in a precinct are available to serve as 10299  
precinct officers, it may appoint persons to serve as precinct 10300  
officers at a primary, special, or general election who are at 10301  
least seventeen years of age and are registered to vote in 10302  
accordance with section 3503.07 of the Revised Code. 10303

(C)(1) A board of elections, in conjunction with the board of 10304  
education of a city, local, or exempted village school district, 10305  
the governing authority of a community school established under 10306  
Chapter 3314. of the Revised Code, or the chief administrator of a 10307  
nonpublic school may establish a program permitting certain high 10308  
school students to apply and, if appointed by the board of 10309  
elections, to serve as precinct officers at a primary, special, or 10310  
general election. 10311

In addition to the requirements established by division 10312  
(C)(2) of this section, a board of education, governing authority, 10313  
or chief administrator that establishes a program under this 10314  
division in conjunction with a board of elections may establish 10315  
additional criteria that students shall meet to be eligible to 10316  
participate in that program. 10317

(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

10348

precinct due to the failure of split-shift precinct officers to 10349  
arrive for their scheduled shifts. 10350

(2) Each portion of a split shift shall consist of not less 10351  
than one-third nor more than two-thirds of the hours of work 10352  
required for a precinct officer's full shift and such hours shall 10353  
be worked consecutively. A precinct officer completing a split 10354  
shift shall be paid a percentage, based on the number of hours 10355  
worked in relation to a precinct officer's full shift, of the 10356  
per-day compensation provided for in section 3501.28 of the 10357  
Revised Code. 10358

**Sec. 3501.38.** All declarations of candidacy, nominating 10359  
petitions, or other petitions presented to or filed with the 10360  
secretary of state or a board of elections or with any other 10361  
public office for the purpose of becoming a candidate for any 10362  
nomination or office or for the holding of an election on any 10363  
issue shall, in addition to meeting the other specific 10364  
requirements prescribed in the sections of the Revised Code 10365  
relating to them, be governed by the following rules: 10366

(A) Only electors qualified to vote a regular ballot on the 10367  
candidacy or issue which is the subject of the petition shall sign 10368  
a petition. Each signer shall be a registered elector pursuant to 10369  
section 3503.11 of the Revised Code. The facts of qualification 10370  
shall be determined as of the date when the petition is filed. 10371

(B) Signatures shall be affixed in ink. Each signer may also 10373  
print the signer's name, so as to clearly identify the signer's 10374  
signature. 10375

(C) Each signer shall place on the petition after the 10376  
signer's name the date of signing and the location of the signer's 10377  
voting residence, including the street and number if in a 10378  
municipal corporation or the rural route number, post office 10379

address, or township if outside a municipal corporation. The 10380  
voting address given on the petition shall be the address 10381  
appearing in the registration records at the board of elections. 10382

(D) Except as otherwise provided in section 3501.382 of the 10383  
Revised Code, no person shall write any name other than the 10384  
person's own on any petition. Except as otherwise provided in 10385  
section 3501.382 of the Revised Code, no person may authorize 10386  
another to sign for the person. If a petition contains the 10387  
signature of an elector two or more times, only the first 10388  
signature shall be counted. 10389

(E)~~(1)~~ On each petition paper, the circulator shall indicate 10390  
the number of signatures contained on it, and shall sign a 10391  
statement made under penalty of election falsification that the 10392  
circulator witnessed the affixing of every signature, that all 10393  
signers were to the best of the circulator's knowledge and belief 10394  
qualified to sign, and that every signature is to the best of the 10395  
circulator's knowledge and belief the signature of the person 10396  
whose signature it purports to be or of an attorney in fact acting 10397  
pursuant to section 3501.382 of the Revised Code. On the 10398  
circulator's statement for a ~~declaration of candidacy or~~ 10399  
~~nominating petition for a person seeking to become a statewide~~ 10400  
~~candidate or for a statewide initiative or a statewide referendum~~ 10401  
petition paper, the circulator shall identify the circulator's 10402  
name, the address of the circulator's permanent residence, and the 10403  
name and address of the person employing the circulator to 10404  
circulate the petition, if any. 10405

~~(2) As used in division (E) of this section, "statewide~~ 10406  
~~candidate" means the joint candidates for the offices of governor~~ 10407  
~~and lieutenant governor or a candidate for the office of secretary~~ 10408  
~~of state, auditor of state, treasurer of state, or attorney~~ 10409  
~~general.~~ 10410

(F) Except as otherwise provided in section 3501.382 of the 10411

Revised Code, if a circulator knowingly permits an unqualified 10412  
person to sign a petition paper or permits a person to write a 10413  
name other than the person's own on a petition paper, that 10414  
petition paper is invalid; otherwise, the signature of a person 10415  
not qualified to sign shall be rejected but shall not invalidate 10416  
the other valid signatures on the paper. 10417

(G) The circulator of a petition may, before filing it in a 10418  
public office, strike from it any signature the circulator does 10419  
not wish to present as a part of the petition. 10420

(H) Any signer of a petition or an attorney in fact acting 10421  
pursuant to section 3501.382 of the Revised Code on behalf of a 10422  
signer may remove the signer's signature from that petition at any 10423  
time before the petition is filed in a public office by striking 10424  
the signer's name from the petition; no signature may be removed 10425  
after the petition is filed in any public office. 10426

(I)(1) No alterations, corrections, or additions may be made 10427  
to a petition after it is filed in a public office. 10428

(2)(a) No declaration of candidacy, nominating petition, or 10429  
other petition for the purpose of becoming a candidate may be 10430  
withdrawn after it is filed in a public office. Nothing in this 10431  
division prohibits a person from withdrawing as a candidate as 10432  
otherwise provided by law. 10433

(b) No petition presented to or filed with the secretary of 10434  
state, a board of elections, or any other public office for the 10435  
purpose of the holding of an election on any question or issue may 10436  
be resubmitted after it is withdrawn from a public office. Nothing 10437  
in this division prevents a question or issue petition from being 10438  
withdrawn by the filing of a written notice of the withdrawal by a 10439  
majority of the members of the petitioning committee with the same 10440  
public office with which the petition was filed prior to the 10441  
sixtieth day before the election at which the question or issue is 10442

scheduled to appear on the ballot. 10443

(J) All declarations of candidacy, nominating petitions, or 10444  
other petitions under this section shall be accompanied by the 10445  
following statement in boldface capital letters: WHOEVER COMMITS 10446  
ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE. 10447

(K) All separate petition papers shall be filed at the same 10448  
time, as one instrument. 10449

(L) If a board of elections distributes for use a petition 10450  
form for a declaration of candidacy, nominating petition, or any 10451  
type of question or issue petition that does not satisfy the 10452  
requirements of law as of the date of that distribution, the board 10453  
shall not invalidate the petition on the basis that the petition 10454  
form does not satisfy the requirements of law, if the petition 10455  
otherwise is valid. Division (L) of this section applies only if 10456  
the candidate received the petition from the board within ninety 10457  
days of when the petition is required to be filed. 10458

**Sec. 3501.39.** (A) The secretary of state or a board of 10459  
elections shall accept any petition described in section 3501.38 10460  
of the Revised Code unless one of the following occurs: 10461

(1) A written protest against the petition or candidacy, 10462  
naming specific objections, is filed, a hearing is held, and a 10463  
determination is made by the election officials with whom the 10464  
protest is filed that the petition is invalid, in accordance with 10465  
any section of the Revised Code providing a protest procedure. 10466

(2) A written protest against the petition or candidacy, 10467  
naming specific objections, is filed, a hearing is held, and a 10468  
determination is made by the election officials with whom the 10469  
protest is filed that the petition violates any requirement 10470  
established by law. 10471

(3) The candidate's candidacy or the petition violates the 10472

requirements of this chapter, Chapter 3513. of the Revised Code, 10473  
or any other requirements established by law. 10474

(B) Except as otherwise provided in division (C) of this 10475  
section or section 3513.052 of the Revised Code, a board of 10476  
elections shall not invalidate any declaration of candidacy or 10477  
nominating petition under division (A)(3) of this section after 10478  
the ~~fiftieth~~ sixtieth day prior to the election at which the 10479  
candidate seeks nomination to office, if the candidate filed a 10480  
declaration of candidacy, or election to office, if the candidate 10481  
filed a nominating petition. 10482

(C)(1) If a petition is filed for the nomination or election 10483  
of a candidate in a charter municipal corporation with a filing 10484  
deadline that occurs after the ~~seventy-fifth~~ eighty-fifth day 10485  
before the day of the election, a board of elections may 10486  
invalidate the petition within fifteen days after the date of that 10487  
filing deadline. 10488

(2) If a petition for the nomination or election of a 10489  
candidate is invalidated under division (C)(1) of this section, 10490  
that person's name shall not appear on the ballots for any office 10491  
for which the person's petition has been invalidated. If the 10492  
ballots have already been prepared, the board of elections shall 10493  
remove the name of that person from the ballots to the extent 10494  
practicable in the time remaining before the election. If the name 10495  
is not removed from the ballots before the day of the election, 10496  
the votes for that person are void and shall not be counted. 10497

Sec. 3501.40. (A) The secretary of state shall adopt rules 10498  
specifying the manner in which elections shall be conducted in 10499  
this state in the event of an emergency. 10500

(B)(1) Not later than December 31, 2011, each board of 10501  
elections shall establish and submit to the secretary of state an 10502  
emergency preparedness plan for the conduct of elections in the 10503

applicable county. A board of elections shall review its plan and 10504  
submit an updated plan to the secretary of state at the 10505  
commencement of each new term of office of the secretary of state. 10506

(2) The secretary of state shall establish, by rule, the form 10507  
and content of emergency preparedness plans required to be 10508  
submitted by a board of elections under division (B)(1) of this 10509  
section. 10510

(C) As used in this section, "emergency" means any period 10511  
during which the governor has declared or proclaimed that an 10512  
emergency exists. 10513

**Sec. 3503.01.** (A) Every citizen of the United States who is 10514  
of the age of eighteen years or over ~~and,~~ who ~~has~~ will have been a 10515  
resident of the state for thirty days immediately preceding the 10516  
day of an election at ~~which the citizen offers to vote,~~ who is a 10517  
resident of the county ~~and precinct~~ in which the citizen offers to 10518  
vote, and ~~has~~ who will have been registered to vote for thirty 10519  
days by the day of an election, has the qualifications of an 10520  
elector and may vote at all elections in the precinct in which the 10521  
citizen resides. 10522

(B) When only a portion of a precinct is included within the 10523  
boundaries of an election district, the board of elections may 10524  
assign the electors residing in such portion of a precinct to the 10525  
nearest precinct or portion of a precinct within the boundaries of 10526  
such election district for the purpose of voting at any special 10527  
election held in such district. In any election in which only a 10528  
part of the electors in a precinct is qualified to vote, the board 10529  
may assign voters in such part to an adjoining precinct. Such 10530  
assignment may be made to an adjoining precinct in another county 10531  
with the consent and approval of the board of elections of such 10532  
other county if the number of voters assigned to vote in a 10533  
precinct in another county is two hundred or less. 10534



The board shall notify all such electors so assigned, at 10535  
least ten days prior to the holding of any such election, of the 10536  
location of the polling place where they are entitled to vote at 10537  
such election. 10538

As used in division (B) of this section, "election district" 10539  
means a school district, municipal corporation, township, or other 10540  
political subdivision that includes territory in more than one 10541  
precinct or any other district or authority that includes 10542  
territory in more than one precinct and that is authorized by law 10543  
to place an issue on the ballot at a special election. 10544

**Sec. 3503.04.** Persons who are inmates of a public or private 10545  
institution who are citizens of the United States and have resided 10546  
in this state thirty days immediately preceding the election, and 10547  
who are otherwise qualified as to age ~~and residence within the~~ 10548  
~~county shall have their lawful residence in the county, city,~~ 10549  
~~village and township in which said~~ be permitted to register to 10550  
vote at the address of that institution ~~is located~~ provided, that 10551  
the lawful residence of a qualified elector who is an inmate in 10552  
such an institution for a temporary treatment purpose only, shall 10553  
be the residence from which ~~he~~ the elector entered such 10554  
institution. 10555

For the purpose of this section, "a temporary purpose" means 10556  
remaining an inmate of a public or private institution for less 10557  
than ninety days. 10558

**Sec. 3503.06.** (A) No person shall be entitled to vote at any 10559  
election, ~~or to sign or circulate any declaration of candidacy or~~ 10560  
~~any nominating, or recall petition,~~ unless the person is 10561  
registered as an elector and will have resided in the county ~~and~~ 10562  
~~precinct~~ where the person is registered for at least thirty days 10563  
at the time of the next election. 10564

~~(B)(1) No person shall be entitled to sign any petition, unless the person is registered as an elector and resides in a precinct in which the candidacy or issue that is the subject of the petition will appear on the ballot.~~ 10565  
10566  
10567  
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~~(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.~~ 10569  
10570  
10571

~~(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:~~ 10572  
10573  
10574

~~(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.~~ 10575  
10576  
10577

~~(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.~~ 10578  
10579  
10580  
10581

~~(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.~~ 10582  
10583  
10584  
10585

~~(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.~~ 10586  
10587  
10588

~~(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.~~ 10589  
10590  
10591  
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~~(f) If a person removes from this state to engage in the services of the United States government, the person shall not be considered to have lost the person's residence in this state during the period of that service, and likewise should the person enter the employment of the state, the place where that person resided at the time of the person's removal shall be considered to be the person's place of residence.~~

~~(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.~~

~~(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.~~

**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 10626  
National Voter Registration Act of 1993 every four years 10627  
thereafter beginning on December 1, 2011. 10628

The head of the agency with supervisory authority over each 10629  
designated agency shall agree that the state agency and any agency 10630  
under its authority shall do all of the following, at a minimum, 10631  
in the memorandum of understanding that it enters into with the 10632  
secretary of state under this section: 10633

(1) Affirm its agreement to comply with the requirements of 10634  
the National Voter Registration Act of 1993; 10635

(2) Create and submit, within ninety days after the agency 10636  
and the secretary of state enter into the memorandum of 10637  
understanding, an agency plan for implementing the general program 10638  
for registering voters or updating voter registration information 10639  
prescribed by the secretary of state; transmit that plan and any 10640  
subsequent amendments to the secretary of state within five 10641  
business days after the plan is approved by the head of the 10642  
agency; post the plan on the agency's web site, if available, and 10643  
at the agency's office; and update the plan within ninety days 10644  
after entering into any future memorandum of understanding or 10645  
whenever the agency considers such an update to be necessary; 10646

(3) Implement the general program for registering voters or 10647  
updating voter registration information prescribed by the 10648  
secretary of state and agree that the secretary of state may 10649  
administer oaths, issue subpoenas, summon witnesses, compel the 10650  
production of books, papers, records, and other evidence, and fix 10651  
the time and place for hearing any matters relating to the 10652  
administration and enforcement of this chapter and the memorandum 10653  
of understanding; 10654

(4) Designate one person within that agency to serve as 10655  
coordinator for the voter registration program within the agency 10656

and its departments, divisions, and programs. The designated 10657  
person shall be trained under a program designed by the secretary 10658  
of state and shall be responsible for administering all aspects of 10659  
the voter registration program for that agency as prescribed by 10660  
the secretary of state. The designated person shall receive no 10661  
additional compensation for performing such duties. 10662

(5) Prominently place signs, prescribed by the secretary of 10663  
state, in all designated agency offices alerting clients that they 10664  
must be offered the opportunity to register to vote or to update 10665  
their voter registration; 10666

(6) Beginning within one hundred eighty days after the 10667  
effective date of the initial memorandum of understanding, report 10668  
quarterly to the secretary of state all of the following: 10669

(a) The number of new registrations received by the agency 10670  
during the previous quarter; 10671

(b) The number of updated registrations received by the 10672  
agency during the previous quarter; and 10673

(c) The total number of clients served by the agency during 10674  
the previous quarter. 10675

(7) Allow an individual to register a complaint to either the 10676  
designated agency or, if available, to a central complaint hotline 10677  
about an agency's failure to offer to clients the opportunity to 10678  
register to vote or update their voter registrations; 10679

(8) Agree that the secretary of state has the authority to 10680  
initiate a mandamus action before the supreme court if the agency 10681  
does not correct any deficiency in compliance with this chapter or 10682  
the memorandum of understanding within forty-five days after 10683  
receiving written notice of the deficiency from the secretary of 10684  
state; 10685

(9) Provide electronic registration updates to the secretary 10686

of state, if applicable, upon request. 10687

Not later than sixty days after the effective date of this 10688  
amendment, the secretary of state shall provide to each designated 10689  
agency such information as may be necessary for the agency to 10690  
comply with the provisions required to be included in the 10691  
memorandum of understanding entered into under this section, 10692  
including, but not limited to, prescribed forms and signs, 10693  
guidance for submitting required reports, and guidance for 10694  
processing complaints. 10695

(B) Every designated agency, public high school and 10696  
vocational school, public library, and office of a county 10697  
treasurer shall provide in each of its offices or locations voter 10698  
registration applications and assistance in the registration of 10699  
persons qualified to register to vote, in accordance with this 10700  
chapter. 10701

(C) Every designated agency shall distribute to its 10702  
applicants, prior to or in conjunction with distributing a voter 10703  
registration application, a form prescribed by the secretary of 10704  
state that includes all of the following: 10705

(1) The question, "~~Do you want~~ If you are not registered to 10706  
vote where you live now, would you like to apply to register to 10707  
vote or update your current voter registration here 10708  
today?"--followed by boxes for the applicant to indicate whether 10709  
the applicant would like to register or decline to register to 10710  
vote, and the statement, highlighted in bold print, "If you do not 10711  
check either box, you will be considered to have decided not to 10712  
register to vote at this time."; 10713

(2) If the agency provides public assistance, the statement, 10714  
"Applying to register or declining to register to vote will not 10715  
affect the amount of assistance that you will be provided by this 10716  
agency."; 10717

(3) The statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.;"

(4) The statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the prosecuting attorney of your county or with the secretary of state," with the address and telephone number for each such official's office.

(D) Each designated agency shall distribute a voter registration form prescribed by the secretary of state to each applicant with each application for service or assistance, and with each written application or form for recertification, renewal, or change of address.

(E) Each designated agency shall do all of the following:

(1) Have employees trained to administer the voter registration program in order to provide to each applicant who wishes to register to vote and who accepts assistance, the same degree of assistance with regard to completion of the voter registration application as is provided by the agency with regard to the completion of its own form;

(2) Accept completed voter registration applications, voter registration change of residence forms, and voter registration change of name forms, regardless of whether the application or form was distributed by the designated agency, for transmittal to the office of the board of elections in the county in which the agency is located. Each designated agency and the appropriate board of elections shall establish a method by which the voter

registration applications and other voter registration forms are 10749  
transmitted to that board of elections within five business days 10750  
after being accepted by the agency. 10751

(3) If the designated agency is one that is primarily engaged 10752  
in providing services to persons with disabilities under a 10753  
state-funded program, and that agency provides services to a 10754  
person with disabilities at a person's home, provide the services 10755  
described in divisions (E)(1) and (2) of this section at the 10756  
person's home; 10757

(4) Keep as confidential, except as required by the secretary 10758  
of state for record-keeping purposes, the identity of an agency 10759  
through which a person registered to vote or updated the person's 10760  
voter registration records, and information relating to a 10761  
declination to register to vote made in connection with a voter 10762  
registration application issued by a designated agency. 10763

(F) The secretary of state shall prepare and transmit written 10764  
instructions on the implementation of the voter registration 10765  
program within each designated agency, public high school and 10766  
vocational school, public library, and office of a county 10767  
treasurer. The instructions shall include directions as follows: 10768

(1) That each person designated to assist with voter 10769  
registration maintain strict neutrality with respect to a person's 10770  
political philosophies, a person's right to register or decline to 10771  
register, and any other matter that may influence a person's 10772  
decision to register or not register to vote; 10773

(2) That each person designated to assist with voter 10774  
registration not seek to influence a person's decision to register 10775  
or not register to vote, not display or demonstrate any political 10776  
preference or party allegiance, and not make any statement to a 10777  
person or take any action the purpose or effect of which is to 10778  
lead a person to believe that a decision to register or not 10779



register has any bearing on the availability of services or 10780  
benefits offered, on the grade in a particular class in school, or 10781  
on credit for a particular class in school; 10782

(3) Regarding when and how to assist a person in completing 10783  
the voter registration application, what to do with the completed 10784  
voter registration application or voter registration update form, 10785  
and when the application must be transmitted to the appropriate 10786  
board of elections; 10787

(4) Regarding what records must be kept by the agency and 10788  
where and when those records should be transmitted to satisfy 10789  
reporting requirements imposed on the secretary of state under the 10790  
National Voter Registration Act of 1993; 10791

(5) Regarding whom to contact to obtain answers to questions 10792  
about voter registration forms and procedures. 10793

(G) If the voter registration activity is part of an in-class 10794  
voter registration program in a public high school or vocational 10795  
school, whether prescribed by the secretary of state or 10796  
independent of the secretary of state, the board of education 10797  
shall do all of the following: 10798

(1) Establish a schedule of school days and hours during 10799  
these days when the person designated to assist with voter 10800  
registration shall provide voter registration assistance; 10801

(2) Designate a person to assist with voter registration from 10802  
the public high school's or vocational school's staff; 10803

(3) Make voter registration applications and materials 10804  
available, as outlined in the voter registration program 10805  
established by the secretary of state pursuant to section 3501.05 10806  
of the Revised Code; 10807

(4) Distribute the statement, "applying to register or 10808  
declining to register to vote will not affect or be a condition of 10809

your receiving a particular grade in or credit for a school course 10810  
or class, participating in a curricular or extracurricular 10811  
activity, receiving a benefit or privilege, or participating in a 10812  
program or activity otherwise available to pupils enrolled in this 10813  
school district's schools." ; 10814

(5) Establish a method by which the voter registration 10815  
application and other voter registration forms are transmitted to 10816  
the board of elections within five days after being accepted by 10817  
the public high school or vocational school. 10818

(H) Any person employed by the designated agency, public high 10819  
school or vocational school, public library, or office of a county 10820  
treasurer may be designated to assist with voter registration 10821  
pursuant to this section. The designated agency, public high 10822  
school or vocational school, public library, or office of a county 10823  
treasurer shall provide the designated person, and make available 10824  
such space as may be necessary, without charge to the county or 10825  
state. 10826

(I) The secretary of state shall prepare and ~~cause to be~~ 10827  
~~displayed~~ designated agencies shall display in a prominent 10828  
location in each designated agency a notice that identifies the 10829  
person designated to assist with voter registration, the nature of 10830  
that person's duties, and where and when that person is available 10831  
for assisting in the registration of voters. 10832

A designated agency may furnish additional supplies and 10833  
services to disseminate information to increase public awareness 10834  
of the existence of a person designated to assist with voter 10835  
registration in every designated agency. 10836

(J) This section does not limit any authority a board of 10837  
education, superintendent, or principal has to allow, sponsor, or 10838  
promote voluntary election registration programs within a high 10839  
school or vocational school, including programs in which pupils 10840

serve as persons designated to assist with voter registration, 10841  
provided that no pupil is required to participate. 10842

(K) Each public library and office of the county treasurer 10843  
shall establish a method by which voter registration forms are 10844  
transmitted to the board of elections within five days after being 10845  
accepted by the public library or office of the county treasurer. 10846

~~(L) The department of job and family services and its 10847  
departments, divisions, and programs shall limit administration of 10848  
the aspects of the voter registration program for the department 10849  
to the requirements prescribed by the secretary of state and the 10850  
requirements of this section and the National Voter Registration 10851  
Act of 1993. (1) The secretary of state may do any of the 10852  
following to effect compliance with this chapter: 10853~~

~~(a) Administer oaths, issue subpoenas, summon witnesses, 10854  
compel the production of books, papers, records, and other 10855  
evidence, and fix the time and place for hearing any matters 10856  
relating to the administration and enforcement of this chapter and 10857  
the memorandum of understanding required under this section; 10858~~

~~(b) Initiate a mandamus action before the supreme court if 10859  
the state office of a designated agency fails, by the applicable 10860  
deadline, to enter into the memorandum of understanding required 10861  
by this section; 10862~~

~~(c) Initiate a mandamus action against the state office of a 10863  
designated agency before the supreme court if a designated agency 10864  
does not correct any deficiency in compliance with this chapter or 10865  
the memorandum of understanding within forty-five days after 10866  
receiving written notice of the deficiency from the secretary of 10867  
state. 10868~~

~~(2) The head of a state agency with supervisory authority 10869  
over a designated agency may do any of the following to effect 10870  
compliance with this chapter: 10871~~

(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; 10872  
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(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 chapter or the memorandum of understanding within forty-five days after receiving written notice of the deficiency from the state office of the designated agency; 10875  
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(c) Initiate a mandamus action before the supreme court if the county office of that 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 state office of that designated agency. 10881  
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~~Sec. 3503.11. When any person applies for (A)(1) The secretary of state, in consultation with the Ohio bureau of motor vehicles, shall adopt rules that require any change of address form submitted to change a person's address for a driver's license, commercial driver's license, a state of Ohio identification card issued under section 4507.50 of the Revised Code, or motorcycle operator's license or endorsement, or for the renewal or duplicate of any license or endorsement under Chapter 4506. or 4507. of the Revised Code, the registrar of motor vehicles or deputy registrar shall offer the applicant the opportunity to register to vote or to update the applicant's voter registration to also serve as notification of change of address for voter registration purposes unless the person states on the form that the change of address is not for voter registration purposes or the person is not a registered voter. The registrar of motor vehicles or deputy registrar also shall make available to~~ 10887  
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all ~~other~~ customers voter registration applications and change of 10903  
residence and change of name, forms, ~~but is not required to offer~~ 10904  
~~assistance to these customers in completing a voter registration~~ 10905  
~~application or other form.~~ 10906

The registrar or deputy registrar shall send any completed 10907  
registration application or any completed change of residence or 10908  
change of name form to the board of elections of the county in 10909  
which the office of the registrar or deputy registrar is located, 10910  
within five business days after accepting the application or other 10911  
form. 10912

(2) The registrar shall collect from each deputy registrar 10913  
through the reports filed under division (J) of section 4503.03 of 10914  
the Revised Code and transmit to the secretary of state 10915  
information on the number of voter registration applications and 10916  
change of residence or change of name forms completed or declined, 10917  
and any additional information required by the secretary of state 10918  
to comply with the National Voter Registration Act of 1993. No 10919  
information relating to an applicant's decision to decline to 10920  
register or update the applicant's voter registration at the 10921  
office of the registrar or deputy registrar may be used for any 10922  
purpose other than voter registration record-keeping required by 10923  
the secretary of state, and all such information shall be kept 10924  
confidential. 10925

(3) The secretary of state shall prescribe voter registration 10926  
applications and change of residence and change of name forms for 10927  
use by the bureau of motor vehicles. The bureau of motor vehicles 10928  
shall supply all of its deputy registrars with a sufficient number 10929  
of voter registration applications and change of residence and 10930  
change of name forms. 10931

(B)(1) Not later than December 31, 2010, the secretary of 10932  
state shall establish a secure internet web site to permit 10933  
individuals who meet the qualifications of an elector and who 10934

possess a current and valid Ohio driver's license or 10935  
identification card issued by the Ohio bureau of motor vehicles to 10936  
do any of the following: 10937

(a) Submit a voter registration application to register; 10938

(b) Change the individual's name, address, or other 10939  
information in the individual's current voter registration record; 10940

(c) Determine the status of the individual's previously 10941  
submitted voter registration application and, if applicable, 10942  
correct an error or omission on that application. 10943

(2) The internet-based voter registration application 10944  
established under division (B) of this section shall include the 10945  
same information, warnings, and disclaimers as required for paper 10946  
voter registration applications. The application also shall 10947  
require an applicant to provide the number of the applicant's 10948  
current and valid Ohio driver's license or state identification 10949  
card. 10950

(3) When an individual submits an application under division 10951  
(B) of this section, the information submitted by the applicant 10952  
shall be compared with the information in the database of the 10953  
registrar of motor vehicles. 10954

(a) If the information submitted by the applicant 10955  
substantially matches the information in the database of the 10956  
registrar of motor vehicles, the application shall be provided to 10957  
and processed by the applicable board of elections as a 10958  
registration by mail, in accordance with section 3503.19 of the 10959  
Revised Code. The bureau also shall transmit to the board of 10960  
elections the digitized signature of the applicant on file with 10961  
the bureau. 10962

(b) If the information submitted by the applicant does not 10963  
substantially match the information in the database of the 10964  
registrar of motor vehicles, or if the bureau cannot otherwise 10965

verify that the individual possesses a current and valid Ohio driver's license or state identification card, the bureau shall notify the board of elections of that fact when the bureau provides the application to the board. The board shall notify the individual of the error and provide the individual with the opportunity to correct the application in accordance with division (C)(2) of section 3503.19 of the Revised Code. 10966  
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(4) Notwithstanding any provision of the Revised Code to the contrary, a digitized signature transmitted by the Ohio bureau of motor vehicles to a board of elections under division (B) of this section shall be considered an original signature on a voter registration application. 10973  
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(5) A person who registers to vote under division (B) of this section shall be considered to have registered by mail for the purpose of Title XXXV of the Revised Code and federal election law. 10978  
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(6) The secretary of state may adopt rules under Chapter 119. of the Revised Code to implement division (B) of this section. 10982  
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(7) The secretary of state shall establish a task force comprised of individuals designated by the Ohio bureau of motor vehicles to implement the requirements of division (B) of this section. The purpose of the task force shall be to develop a memorandum of understanding between the secretary of state and the bureau of motor vehicles. The memorandum of understanding shall identify the responsibilities of the secretary of state and the bureau to provide for the orderly implementation and maintenance of the voter registration process established by division (B) of this section. 10984  
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Expenses incurred by the task force are the responsibility of the secretary of state. The operation of the task force ceases upon the completion of the tasks necessary to provide for the 10994  
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implementation of division (B) of this section. The secretary of 10997  
state at any time may form a new task force to address the 10998  
maintenance of or changes to the implementation process for 10999  
division (B) of this section. 11000

**Sec. 3503.14.** (A) The secretary of state shall prescribe the 11001  
form and content of the registration, change of residence, and 11002  
change of name forms used in this state. The forms shall meet the 11003  
requirements of the National Voter Registration Act of 1993 and 11004  
shall include spaces for all of the following: 11005

(1) The voter's name; 11006

(2) The voter's address; 11007

(3) The current date; 11008

(4) The voter's ~~date of birth~~ birthdate; 11009

(5) The voter to provide one or more of the following: 11010

(a) The voter's Ohio driver's license number, if any; 11011

(b) The last four digits of the voter's social security 11012  
number, if any; 11013

(c) ~~A copy of a current and valid photo identification, a~~ 11014  
~~copy of a military identification, or a copy of a current utility~~ 11015  
~~bill, bank statement, government check, paycheck, or other~~ 11016  
~~government document, other than a notice of an election mailed by~~ 11017  
~~a board of elections under section 3501.19 of the Revised Code or~~ 11018  
~~a notice of voter registration mailed by a board of elections~~ 11019  
~~under section 3503.19 of the Revised Code, that shows the voter's~~ 11020  
~~name and address~~ The voter's identification. 11021

(6) The voter's signature. 11022

The registration form shall include a space on which the 11023  
person registering an applicant shall sign the person's name and 11024  
provide the person's address and a space on which the person 11025



registering an applicant shall name the employer who is employing 11026  
that person to register the applicant. 11027

The registration form shall include a space, which shall be 11028  
labeled as "Recommended," in which the person submitting the 11029  
application may record a contact phone number, an electronic mail 11030  
address, or both. 11031

Except for forms prescribed by the secretary of state under 11032  
section 3503.11 of the Revised Code, the secretary of state shall 11033  
permit boards of elections to produce forms that have subdivided 11034  
spaces for each individual alphanumeric character of the 11035  
information provided by the voter so as to accommodate the 11036  
electronic reading and conversion of the voter's information to 11037  
data and the subsequent electronic transfer of that data to the 11038  
statewide voter registration database established under section 11039  
3503.15 of the Revised Code. 11040

(B) None of the following persons who are registering an 11041  
applicant in the course of that official's or employee's normal 11042  
duties shall sign the person's name, provide the person's address, 11043  
or name the employer who is employing the person to register an 11044  
applicant on a form prepared under this section: 11045

- (1) An election official; 11046
- (2) A county treasurer; 11047
- (3) A deputy registrar of motor vehicles; 11048
- (4) An employee of a designated agency; 11049
- (5) An employee of a public high school; 11050
- (6) An employee of a public vocational school; 11051
- (7) An employee of a public library; 11052
- (8) An employee of the office of a county treasurer; 11053
- (9) An employee of the bureau of motor vehicles; 11054

(10) An employee of a deputy registrar of motor vehicles; 11055

(11) An employee of an election official. 11056

(C) Except as provided in section 3501.382 of the Revised 11057  
Code, any applicant who is unable to sign the applicant's own name 11058  
shall make an "X," if possible, which shall be certified by the 11059  
signing of the name of the applicant by the person filling out the 11060  
form, who shall add the person's own signature. If an applicant is 11061  
unable to make an "X," the applicant shall indicate in some manner 11062  
that the applicant desires to register to vote or to change the 11063  
applicant's name or residence. The person registering the 11064  
applicant shall sign the form and attest that the applicant 11065  
indicated that the applicant desired to register to vote or to 11066  
change the applicant's name or residence. 11067

(D) No registration, change of residence, or change of name 11068  
form shall be rejected solely on the basis that a person 11069  
registering an applicant failed to sign the person's name or 11070  
failed to name the employer who is employing that person to 11071  
register the applicant as required under division (A) of this 11072  
section. 11073

(E) As used in this section, "registering an applicant" 11074  
includes any effort, for compensation, to provide voter 11075  
registration forms or to assist persons in completing or returning 11076  
those forms. 11077

Sec. 3503.141. (A) A board of elections that receives a voter 11078  
registration application by mail shall determine whether the 11079  
applicant has previously voted at a federal election in Ohio and 11080  
whether the application includes any of the following information: 11081

(1) The applicant's Ohio driver's license number; 11082

(2) The last four digits of the applicant's social security 11083  
number; or 11084

(3) A copy of a first-time mail-in registrant identification. 11085

(B) The board of elections shall cause the voter's name in the county's voter registration records and in the poll list or signature pollbook for the applicable precinct to be marked to indicate that the voter shall be required to provide first-time mail-in registrant identification when the voter appears to vote, if both of the following apply: 11086  
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(1) The application does not contain any of the forms of identification specified in division (A) of this section. 11092  
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(2) The applicant has not previously voted at a federal election in Ohio. 11094  
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(C) At the first election at which a voter whose name has been marked under division (B) of this section appears to vote, the voter shall be required to provide first-time mail-in registrant identification. 11096  
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(1) If the voter does not have or does not provide first-time mail-in registrant identification at that election, the voter shall be permitted to cast a provisional ballot under section 3505.181 of the Revised Code. 11100  
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(2) If the voter provides first-time mail-in registrant identification at that election, the board shall remove the indication that first-time mail-in registrant identification is required from the county's voter registration records and the poll list or signature pollbook, and the voter shall be permitted to vote a regular ballot. 11104  
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Sec. 3503.142. The secretary of state shall coordinate with boards of elections to identify, collect, and distribute best practices for processing voter registrations, including, but not limited to, best practices for data entry and quality assurance. The secretary of state shall issue best practice instructions to 11110  
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boards of elections at least once every two years. 11115

**Sec. 3503.15.** (A) The secretary of state shall establish and 11116  
maintain a statewide voter registration database that shall be 11117  
continuously available to each board of elections and to other 11118  
agencies as authorized by law. 11119

(B) The statewide voter registration database established 11120  
under this section shall be the official list of registered voters 11121  
for all elections conducted in this state. 11122

(C) The statewide voter registration database established 11123  
under this section shall, at a minimum, include all of the 11124  
following: 11125

(1) An electronic network that connects all board of 11126  
elections offices with the office of the secretary of state and 11127  
with the offices of all other boards of elections; 11128

(2) A computer program that harmonizes the records contained 11129  
in the database with records maintained by each board of 11130  
elections; 11131

(3) An interactive computer program that allows access to the 11132  
records contained in the database by each board of elections and 11133  
by any persons authorized by the secretary of state to add, 11134  
delete, modify, or print database records, and to conduct updates 11135  
of the database; 11136

(4) A search program capable of verifying registered voters 11137  
and their registration information by name, driver's license 11138  
number, birth date, social security number, or current address; 11139

(5) Safeguards and components to ensure that the integrity, 11140  
security, and confidentiality of the voter registration 11141  
information is maintained. 11142

(D) The secretary of state shall adopt rules pursuant to 11143  
Chapter 119. of the Revised Code doing all of the following: 11144

(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;	11145 11146 11147 11148
(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;	11149 11150 11151 11152
(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;	11153 11154 11155
(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;	11156 11157 11158
(5) Establishing a process for annually auditing the information contained in the statewide voter registration database.	11159 11160 11161
(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.	11162 11163 11164 11165 11166 11167
(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.	11168 11169 11170 11171 11172
(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:	11173 11174 11175

(a) Except as otherwise provided in division (G)(1)(b) of this section, only the following information from the statewide voter registration database regarding a registered voter shall be made available on the web site:

(i) The voter's name;

(ii) The voter's address;

(iii) The voter's precinct number;

(iv) The voter's voting history.

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

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

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

(H)(1) The secretary of state and the registrar of motor

vehicles shall enter into an agreement to match information in the 11206  
statewide voter registration database with information in the 11207  
database of the registrar of motor vehicles to the extent required 11208  
to enable each such official to verify the accuracy of the 11209  
information provided on applications for voter registration, as 11210  
required under 42 U.S.C. 15483. 11211

(2) The secretary of state shall establish, by rule adopted 11212  
under Chapter 119. of the Revised Code, a process for notifying 11213  
boards of elections of any relevant nonmatch that the secretary of 11214  
state receives under division (H)(1) of this section. 11215

(3) The secretary of state shall establish, by rule adopted 11216  
under Chapter 119. of the Revised Code, procedures for boards of 11217  
elections to process relevant nonmatches. 11218

(4) Notwithstanding any provision of the Revised Code to the 11219  
contrary, a nonmatch shall not be the sole reason for any of the 11220  
following: 11221

(a) Failing to add a voter to the statewide voter 11222  
registration database; 11223

(b) Challenging or upholding a challenge to a person's voter 11224  
registration, a person's right to cast a regular or absent voter's 11225  
ballot, or a person's completed regular, provisional, or absent 11226  
voter's ballot; 11227

(c) Canceling a person's voter registration; 11228

(d) Requiring a person to vote a provisional ballot; or 11229

(e) Failing to provide a regular ballot or absent voter's 11230  
ballot to an otherwise eligible voter. 11231

(5) As used in division (H) of this section, "nonmatch" means 11232  
an individual's voter registration record in which any of the 11233  
following data fields are not substantially the same when the 11234  
secretary of state matches information in the statewide voter 11235

registration database with information in the database of the 11236  
registrar of motor vehicles to the extent required to enable each 11237  
such official to verify the accuracy of the information provided 11238  
on applications for voter registration, as required under 42 11239  
U.S.C. 15483: 11240

(a) Ohio driver's license number, if provided by the 11241  
individual; 11242

(b) Last four digits of social security number if the 11243  
individual did not provide an Ohio driver's license number and did 11244  
provide the last four digits of the individual's social security 11245  
number; 11246

(c) Birthdate; 11247

(d) Name (first name or derivative, and last name). 11248

**Sec. 3503.16.** (A) Whenever a registered elector changes the 11249  
place of residence of that registered elector from one precinct to 11250  
another within a county or from one county to another, or has a 11251  
change of name, that registered elector shall report the change by 11252  
delivering a change of residence or change of name form, whichever 11253  
is appropriate, as prescribed by the secretary of state under 11254  
section 3503.14 of the Revised Code to the state or local office 11255  
of a designated agency, a public high school or vocational school, 11256  
a public library, the office of the county treasurer, the office 11257  
of the secretary of state, any office of the registrar or deputy 11258  
registrar of motor vehicles, or any office of a board of elections 11259  
in person or by a third person. Any voter registration, change of 11260  
address, or change of name application, returned by mail, may be 11261  
sent only to the secretary of state or the office of a board of 11262  
elections. 11263

A registered elector also may update the registration of that 11264  
registered elector by filing a change of residence or change of 11265



name form on the day of a special, primary, or general election at 11266  
the polling place in the precinct in which that registered elector 11267  
resides or at the board of elections or at another site designated 11268  
by the board. 11269

(B)(1)~~(a)~~ Any registered elector who moves within a precinct 11270  
on or prior to the day of a general, primary, or special election 11271  
and has not filed a notice of change of residence with the board 11272  
of elections may vote in that election pursuant to division (G) of 11273  
this section or by going to that registered elector's assigned 11274  
polling place, completing and signing a notice of change of 11275  
residence, ~~showing identification in the form of a current and~~ 11276  
~~valid photo identification, a military identification, or a copy~~ 11277  
~~of a current utility bill, bank statement, government check,~~ 11278  
~~paycheck, or other government document, other than a notice of an~~ 11279  
~~election mailed by a board of elections under section 3501.19 of~~ 11280  
~~the Revised Code or a notice of voter registration mailed by a~~ 11281  
~~board of elections under section 3503.19 of the Revised Code, that~~ 11282  
~~shows the name and current address of the elector, and casting a~~ 11283  
ballot. If the elector provides either a driver's license or a 11284  
state identification card issued under section 4507.50 of the 11285  
Revised Code that does not contain the elector's current residence 11286  
address, the elector shall provide the last four digits of the 11287  
elector's driver's license number or state identification card 11288  
number, and the precinct election official shall mark the poll 11289  
list or signature pollbook to indicate that the elector has 11290  
provided a driver's license or state identification card number 11291  
with a former address and record the last four digits of the 11292  
elector's driver's license number or state identification card 11293  
number. 11294

~~(b) Any registered elector who changes the name of that~~ 11295  
~~registered elector and remains within a precinct on or prior to~~ 11296  
~~the day of a general, primary, or special election and has not~~ 11297

~~filed a notice of change of name with the board of elections may~~ 11298  
~~vote in that election by going to that registered elector's~~ 11299  
~~assigned polling place, completing and signing a notice of a~~ 11300  
~~change of name, and casting a provisional ballot under section~~ 11301  
~~3505.181 of the Revised Code.~~ 11302

(2) Any registered elector who moves from one precinct to 11303  
another within a county ~~or moves from one precinct to another and~~ 11304  
~~changes the name of that registered elector~~ on or prior to the day 11305  
of a general, primary, or special election and has not filed a 11306  
notice of change of residence ~~or change of name, whichever is~~ 11307  
~~appropriate,~~ with the board of elections may vote in that election 11308  
if that registered elector complies with division (G) of this 11309  
section or does all of the following: 11310

(a) Appears at anytime during regular business hours ~~on or~~ 11311  
~~after the twenty eighth day prior to the election in which that~~ 11312  
~~registered elector wishes to vote or, if the election is held on~~ 11313  
~~the day of a presidential primary election, the twenty fifth day~~ 11314  
~~prior to the election, through noon of the Saturday prior to the~~ 11315  
~~election at the office of the board of elections, appears at any~~ 11316  
~~time during regular business hours on the Monday prior to the~~ 11317  
close of voter registration for that election at the office of the 11318  
board of elections or at another location if pursuant to division 11319  
(C) of section 3501.10 of the Revised Code the board has 11320  
designated one or more other locations in the county at which 11321  
registered electors may vote, or appears on the day of the 11322  
election at either of the following locations: 11323

(i) The polling place in the precinct in which that 11324  
registered elector resides; 11325

(ii) The office of the board of elections or, if pursuant to 11326  
division (C) of section 3501.10 of the Revised Code the board has 11327  
designated ~~another location~~ one or more other locations in the 11328  
county at which registered electors may vote, at ~~that~~ such other 11329

location instead of the office of the board of elections. 11330

(b) Completes and signs, under penalty of election 11331  
falsification, a notice of change of residence ~~or change of name,~~ 11332  
~~whichever is appropriate,~~ and files it with election officials at 11333  
the polling place, at the office of the board of elections, or, if 11334  
pursuant to division (C) of section 3501.10 of the Revised Code 11335  
the board has designated ~~another location~~ one or more other 11336  
locations in the county at which registered electors may vote, at 11337  
~~that~~ such other location instead of the office of the board of 11338  
elections, whichever is appropriate; 11339

(c) ~~Votes~~ Casts a ~~provisional~~ ballot ~~under section 3505.181~~ 11340  
~~of the Revised Code~~ at the polling place, at the office of the 11341  
board of elections, or, if pursuant to division (C) of section 11342  
3501.10 of the Revised Code the board has designated ~~another~~ 11343  
~~location~~ one or more other locations in the county at which 11344  
registered electors may vote, at ~~that~~ such other location instead 11345  
of the office of the board of elections, whichever is appropriate, 11346  
using the address to which that registered elector has moved ~~or~~ 11347  
~~the name of that registered elector as changed, whichever is~~ 11348  
~~appropriate;~~ 11349

(d) Completes and signs, under penalty of election 11350  
falsification, a statement attesting that that registered elector 11351  
moved ~~or had a change of name, whichever is appropriate,~~ on or 11352  
prior to the day of the election, has voted a ~~provisional ballot~~ 11353  
at the polling place in the precinct in which that registered 11354  
elector resides, at the office of the board of elections, or, if 11355  
pursuant to division (C) of section 3501.10 of the Revised Code 11356  
the board has designated ~~another location~~ one or more other 11357  
locations in the county at which registered electors may vote, at 11358  
~~that~~ such other location instead of the office of the board of 11359  
elections, whichever is appropriate, and will not vote or attempt 11360  
to vote at any other location for that particular election. The 11361

statement required under division (B)(2)(d) of this section shall 11362  
be included on the notice of change of residence ~~or change of~~ 11363  
~~name, whichever is appropriate,~~ required under division (B)(2)(b) 11364  
of this section. 11365

(C) Any registered elector who moves from one county to 11366  
another county within the state on or prior to the day of a 11367  
general, primary, or special election and has not registered to 11368  
vote in the county to which that registered elector moved may vote 11369  
in that election if that registered elector complies with division 11370  
(G) of this section or does all of the following: 11371

(1) ~~Appears at any time during regular business hours on or~~ 11372  
~~after the twenty eighth day prior to the election in which that~~ 11373  
~~registered elector wishes to vote or, if the election is held on~~ 11374  
~~the day of a presidential primary election, the twenty fifth day~~ 11375  
~~prior to the election, through noon of the Saturday prior to the~~ 11376  
~~election at the office of the board of elections or, if pursuant~~ 11377  
~~to division (C) of section 3501.10 of the Revised Code the board~~ 11378  
~~has designated another location in the county at which registered~~ 11379  
~~electors may vote, at that other location instead of the office of~~ 11380  
~~the board of elections, appears during regular business hours on~~ 11381  
~~the Monday prior to the close of voter registration for that~~ 11382  
election at the office of the board of elections or, if pursuant 11383  
to division (C) of section 3501.10 of the Revised Code the board 11384  
has designated ~~another location~~ one or more other locations in the 11385  
county at which registered electors may vote, at ~~that~~ such other 11386  
location instead of the office of the board of elections, or 11387  
appears on the day of the election at the office of the board of 11388  
elections or, if pursuant to division (C) of section 3501.10 of 11389  
the Revised Code the board has designated ~~another location~~ one or 11390  
more other locations in the county at which registered electors 11391  
may vote, at ~~that~~ such other location instead of the office of the 11392  
board of elections; 11393

(2) Completes and signs, under penalty of election 11394  
falsification, a notice of change of residence and files it with 11395  
election officials at the board of elections or, if pursuant to 11396  
division (C) of section 3501.10 of the Revised Code the board has 11397  
designated ~~another location~~ one or more other locations in the 11398  
county at which registered electors may vote, at ~~that~~ such other 11399  
location instead of the office of the board of elections; 11400

(3) ~~Votes~~ Casts a provisional ballot under section 3505.181 11401  
of the Revised Code at the office of the board of elections or, if 11402  
pursuant to division (C) of section 3501.10 of the Revised Code 11403  
the board has designated ~~another location~~ one or more other 11404  
locations in the county at which registered electors may vote, at 11405  
~~that~~ such other location instead of the office of the board of 11406  
elections, using the address to which that registered elector has 11407  
moved; 11408

(4) Completes and signs, under penalty of election 11409  
falsification, a statement attesting that that registered elector 11410  
has moved from one county to another county within the state on or 11411  
prior to the day of the election, has voted at the office of the 11412  
board of elections or, if pursuant to division (C) of section 11413  
3501.10 of the Revised Code the board has designated ~~another~~ 11414  
~~location~~ one or more other locations in the county at which 11415  
registered electors may vote, at ~~that~~ such other location instead 11416  
of the office of the board of elections, and will not vote or 11417  
attempt to vote at any other location for that particular 11418  
election. The statement required under division (C)(4) of this 11419  
section shall be included on the notice of change of residence 11420  
required under division (C)(2) of this section. 11421

~~(D) A person who votes by absent voter's ballots pursuant to~~ 11422  
~~division (C) of this section shall not make written application~~ 11423  
~~for the ballots pursuant to Chapter 3509. of the Revised Code.~~ 11424  
~~Ballots cast pursuant to division (C) of this section shall be set~~ 11425

~~aside in a special envelope and counted during the official 11426  
canvass of votes in the manner provided for in sections 3505.32 11427  
and 3509.06 of the Revised Code insofar as that manner is 11428  
applicable. The board shall examine the pollbooks to verify that 11429  
no ballot was cast at the polls or by absent voter's ballots under 11430  
Chapter 3509. or 3511. of the Revised Code by an elector who has 11431  
voted by absent voter's ballots pursuant to division (G) of this 11432  
section. Any ballot determined to be insufficient for any of the 11433  
reasons stated above or stated in section 3509.07 of the Revised 11434  
Code shall not be counted. 11435~~

~~Subject to division (C) of section 3501.10 of the Revised 11436  
Code, a board of elections may lease or otherwise acquire a site 11437  
different from the office of the board at which registered 11438  
electors may vote pursuant to division (B) or (C) of this section. 11439  
(1) Any registered elector who changes the elector's name on or 11440  
prior to the day of a general, primary, or special election and 11441  
has not filed a notice of change of name with the board of 11442  
elections may vote in that election if that registered elector 11443  
complies with division (G) of this section or does all of the 11444  
following: 11445~~

~~(a) Appears at anytime during regular business hours after 11446  
the close of voter registration for that election at the office of 11447  
the board of elections or at another location if pursuant to 11448  
division (C) of section 3501.10 of the Revised Code the board has 11449  
designated one or more other locations in the county at which 11450  
registered electors may vote, or appears on the day of the 11451  
election at either of the following locations: 11452~~

~~(i) The polling place in the precinct in which that 11453  
registered elector resides; 11454~~

~~(ii) The office of the board of elections or, if pursuant to 11455  
division (C) of section 3501.10 of the Revised Code the board has 11456  
designated one or more other locations in the county at which 11457~~

registered electors may vote, at such other location instead of 11458  
the office of the board of elections. 11459

(b) Completes and signs, under penalty of election 11460  
falsification, a notice of change of name and files it with 11461  
election officials at the polling place, at the office of the 11462  
board of elections, or, if pursuant to division (C) of section 11463  
3501.10 of the Revised Code the board has designated one or more 11464  
other locations in the county at which registered electors may 11465  
vote, at such other location instead of the office of the board of 11466  
elections, whichever is appropriate; 11467

(c) Casts a ballot at the polling place, at the office of the 11468  
board of elections, or, if pursuant to division (C) of section 11469  
3501.10 of the Revised Code the board has designated one or more 11470  
other locations in the county at which registered electors may 11471  
vote, at such other location instead of the office of the board of 11472  
elections, whichever is appropriate, using the name of that 11473  
registered elector as changed; 11474

(d) Completes and signs, under penalty of election 11475  
falsification, a statement attesting that the registered elector 11476  
changed the elector's name prior to the day of the election, has 11477  
voted at the polling place in the precinct in which that 11478  
registered elector resides, 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 one or more other 11481  
locations in the county at which registered electors may vote, at 11482  
such other location instead of the office of the board of 11483  
elections, whichever is appropriate, and will not vote or attempt 11484  
to vote at any other location for that particular election. The 11485  
statement required under division (D)(1)(d) of this section shall 11486  
be included on the notice of change of name required under 11487  
division (D)(1)(b) of this section. 11488

(2) A registered elector who moves from one precinct to 11489

another within a county and changes the elector's name, on or 11490  
prior to the day of a general, primary, or special election and 11491  
has not filed a notice of change of residence and a notice of 11492  
change of name with the board of elections prior to the thirtieth 11493  
day before the day of the election may vote in that election if 11494  
the registered elector complies with division (G) of this section 11495  
or does both of the following: 11496

(a) Complies with the procedures specified in division (B)(2) 11497  
of this section for electors who move from one precinct to another 11498  
within a county before an election; and 11499

(b) Files the notice of change of name specified in division 11500  
(D)(1)(b) of this section in addition to any change of residence 11501  
required under division (B)(2) of this section. 11502

(3) A registered elector who moves from one county to another 11503  
county and changes the elector's name on or prior to the day of a 11504  
general, primary, or special election and has not filed a notice 11505  
of change of residence and a notice of change of name with the 11506  
board of elections prior to the thirtieth day before the day of 11507  
the election may vote in that election if the registered elector 11508  
complies with division (G) of this section or does both of the 11509  
following: 11510

(a) Complies with the procedures specified in division (C) of 11511  
this section for electors who move from one county to another 11512  
before an election; and 11513

(b) Files the notice of change of name specified in division 11514  
(D)(1)(b) of this section in addition to any notice of change of 11515  
residence required under division (C) of this section. 11516

(E) Upon receiving a change of residence or change of name 11517  
form, the board of elections shall ~~immediately~~ promptly send the 11518  
registrant an acknowledgment notice. If the change of residence or 11519  
change of name form is valid, the board shall update the voter's 11520



registration as appropriate. If that form is incomplete, the board 11521  
shall inform the registrant in the acknowledgment notice specified 11522  
in this division of the information necessary to complete or 11523  
update that registrant's registration. 11524

(F) Change of residence and change of name forms shall be 11525  
available at each polling place, and when these forms are 11526  
completed, noting changes of residence or name, as appropriate, 11527  
they shall be filed with election officials at the polling place. 11528  
Election officials shall return completed forms, together with the 11529  
pollbooks and tally sheets, to the board of elections. 11530

The board of elections shall provide change of residence and 11531  
change of name forms to the probate court and court of common 11532  
pleas. The court shall provide the forms to any person eighteen 11533  
years of age or older who has a change of name by order of the 11534  
court or who applies for a marriage license. The court shall 11535  
forward all completed forms to the board of elections within five 11536  
days after receiving them. 11537

(G) A registered elector who otherwise would qualify to vote 11538  
under division (B) ~~or~~, (C), or (D) of this section but is unable 11539  
to appear at the office of the board of elections or, if pursuant 11540  
to division (C) of section 3501.10 of the Revised Code the board 11541  
has designated ~~another location~~ one or more other locations in the 11542  
county at which registered electors may vote, at ~~that~~ such other 11543  
location, ~~on account of personal illness, physical disability, or~~ 11544  
~~infirmity,~~ may vote ~~on the day of the~~ in that election if that 11545  
registered elector does all of the following: 11546

(1) Makes a written application that includes all of the 11547  
information required under section 3509.03 of the Revised Code to 11548  
the appropriate board for an absent voter's ballot on or after the 11549  
~~twenty-seventh~~ twenty-eighth day prior to the election in which 11550  
the registered elector wishes to vote through noon of the Saturday 11551  
prior to that election and requests that the absent voter's ballot 11552

be sent to the address to which the registered elector has moved 11553  
if the registered elector has moved or moved and changed the 11554  
elector's name, or to the address of ~~that a~~ registered elector who 11555  
has not moved but has had a change of name; 11556

11557

(2) Declares that the registered elector has moved ~~or~~, had a 11558  
change of name, ~~whichever is appropriate~~ or both, and otherwise is 11559  
qualified to vote under the circumstances described in ~~division~~ 11560  
~~(B) or (C) of this section, whichever is appropriate,~~ but that the 11561  
registered elector is unable to appear at the board of elections 11562  
~~because of personal illness, physical disability, or infirmity;~~ 11563

11564

(3) Completes and returns along with the completed absent 11565  
voter's ballot a notice of change of residence indicating the 11566  
address to which the registered elector has moved, ~~or~~ a notice of 11567  
change of name, or both, whichever is appropriate; 11568

(4) Completes and signs, under penalty of election 11569  
falsification, a statement attesting that the registered elector 11570  
has moved ~~or~~, had a change of name, or both, on or prior to the 11571  
day before the election, has voted by absent voter's ballot 11572  
~~because of personal illness, physical disability, or infirmity~~ 11573  
~~that prevented the registered elector from appearing at the board~~ 11574  
~~of elections,~~ and will not vote or attempt to vote at any other 11575  
location or by absent voter's ballot mailed to any other location 11576  
or address for that particular election. 11577

**Sec. 3503.19.** (A) Persons qualified to register or to change 11578  
their registration because of a change of address or change of 11579  
name may register or change their registration in person at any 11580  
state or local office of a designated agency, at the office of the 11581  
registrar or any deputy registrar of motor vehicles, at a public 11582  
high school or vocational school, at a public library, at the 11583

office of a county treasurer, or at a branch office established by 11584  
the board of elections, or in person, through another person, or 11585  
by mail at the office of the secretary of state or at the office 11586  
of a board of elections. A registered elector may also change the 11587  
elector's registration on election day at any polling place where 11588  
the elector is eligible to vote, in the manner provided under 11589  
section 3503.16 of the Revised Code. 11590

Any state or local office of a designated agency, the office 11591  
of the registrar or any deputy registrar of motor vehicles, a 11592  
public high school or vocational school, a public library, or the 11593  
office of a county treasurer shall transmit any voter registration 11594  
application or change of registration form that it receives to the 11595  
board of elections of the county in which the state or local 11596  
office is located, within five business days after receiving the 11597  
voter registration application or change of registration form. 11598

An otherwise valid voter registration application that is 11599  
returned to the appropriate office other than by mail must be 11600  
received by a state or local office of a designated agency, the 11601  
office of the registrar or any deputy registrar of motor vehicles, 11602  
a public high school or vocational school, a public library, the 11603  
office of a county treasurer, the office of the secretary of 11604  
state, or the office of a board of elections no later than the 11605  
thirtieth day preceding a primary, special, or general election 11606  
for the person to qualify as an elector eligible to vote at that 11607  
election. An otherwise valid registration application received 11608  
after that day entitles the elector to vote at all subsequent 11609  
elections. 11610

Any state or local office of a designated agency, the office 11611  
of the registrar or any deputy registrar of motor vehicles, a 11612  
public high school or vocational school, a public library, or the 11613  
office of a county treasurer shall date stamp a registration 11614  
application or change of name or change of address form it 11615

receives using a date stamp that does not disclose the identity of 11616  
the state or local office that receives the registration. 11617

Voter registration applications, if otherwise valid, that are 11618  
returned by mail to the office of the secretary of state or to the 11619  
office of a board of elections must be postmarked no later than 11620  
the thirtieth day preceding a primary, special, or general 11621  
election in order for the person to qualify as an elector eligible 11622  
to vote at that election. If an otherwise valid voter registration 11623  
application that is returned by mail does not bear a postmark or a 11624  
legible postmark, the registration shall be valid for that 11625  
election if received by the office of the secretary of state or 11626  
the office of a board of elections no later than twenty-five days 11627  
preceding any special, primary, or general election. 11628

(B)(1) Any person may apply in person, by telephone, by mail, 11629  
or through another person for voter registration forms to the 11630  
office of the secretary of state or the office of a board of 11631  
elections or may apply for voter registration forms by electronic 11632  
means to the office of the secretary of state or, if the secretary 11633  
of state has established procedures pursuant to division (B) of 11634  
section 3503.191 of the Revised Code, to the board of elections. 11635

(2)(a) An applicant may return the applicant's completed 11637  
registration form in person ~~or by mail~~ to any state or local 11638  
office of a designated agency, to a public high school or 11639  
vocational school, to a public library, or to the office of a 11640  
county treasurer, or in person or by mail to the office of the 11641  
secretary of state, ~~or to~~ the office of a board of elections, or 11642  
electronically to the office of the secretary of state or, if the 11643  
secretary of state has established procedures pursuant to division 11644  
(B) of section 3503.191 of the Revised Code, to the board of 11645  
elections. 11646

(b) Subject to division (B)(2)(c) of this section, an 11647

applicant may return the applicant's completed registration form 11648  
through another person to any board of elections or the office of 11649  
the secretary of state. 11650

(c) A person who receives compensation for registering a 11651  
voter shall return any registration form entrusted to that person 11652  
by an applicant to any board of elections or to the office of the 11653  
secretary of state. 11654

(d) If a board of elections or the office of the secretary of 11655  
state receives a registration form under division (B)(2)(b) or (c) 11656  
of this section before the thirtieth day before an election, the 11657  
board or the office of the secretary of state, as applicable, 11658  
shall forward the registration to the board of elections of the 11659  
county in which the applicant is seeking to register to vote 11660  
within ten days after receiving the application. If a board of 11661  
elections or the office of the secretary of state receives a 11662  
registration form under division (B)(2)(b) or (c) of this section 11663  
on or after the thirtieth day before an election, the board or the 11664  
office of the secretary of state, as applicable, shall forward the 11665  
registration to the board of elections of the county in which the 11666  
applicant is seeking to register to vote within thirty days after 11667  
that election. 11668

(e) If the office of the secretary of state receives a voter 11669  
registration application electronically on or before the thirtieth 11670  
day before the day of an election, the office of the secretary of 11671  
state shall forward the application to the board of elections of 11672  
the county in which the applicant is seeking to register within 11673  
ten days after receiving the application. If the office of the 11674  
secretary of state receives a voter registration application 11675  
electronically after the thirtieth day before the day of an 11676  
election, the office of the secretary of state shall forward the 11677  
application to the board of elections of the county in which the 11678  
applicant is seeking to register within thirty days after that 11679

election. 11680

(f) A completed registration application that is received 11681  
electronically shall be processed in the same manner as a 11682  
registration form that is received in person or by mail. 11683

(C)(1) A board of elections that receives a voter 11684  
registration application and is satisfied as to the truth of the 11685  
statements made in the registration form shall register the 11686  
applicant not later than twenty business days after receiving the 11687  
application, unless that application is ~~received~~ submitted during 11688  
the thirty days immediately preceding the ~~day of an election~~ end 11689  
of the voter registration period for an election, in which case 11690  
the board of elections shall register the applicant not later than 11691  
ten business days after receiving the voter registration 11692  
application. The board shall promptly notify the applicant in 11693  
writing of each of the following: 11694

(a) The applicant's registration; 11695

(b) The precinct in which the applicant is to vote; 11696

(c) In bold type as follows: 11697

"Voters must bring identification to the polls in order to 11698  
verify identity. Identification may include either a current and 11699  
valid photo identification issued by the state or an agency or 11700  
political subdivision of the state, an institution of higher 11701  
education, or the United States government, or an affirmation of 11702  
the voter's identity. Identification for a first-time voter who 11703  
registered to vote by mail, did not include proper identification 11704  
with the registration application, and has not previously voted in 11705  
a federal election in Ohio may include a current and valid photo 11706  
identification, a military identification, or a copy of a current 11707  
utility bill, bank statement, government check, paycheck, or other 11708  
government document, ~~other than this notification or a~~ 11709  
~~notification of an election mailed by a board of elections,~~ that 11710

shows the voter's name and current address. Voters who do not have 11711  
or who do not provide one of these documents will still be able to 11712  
vote ~~by providing the last four digits of the voter's social~~ 11713  
~~security number and~~ by casting a provisional ballot. ~~Voters who do~~ 11714  
~~not have any of the above forms of identification, including a~~ 11715  
~~social security number, will still be able to vote by signing an~~ 11716  
~~affirmation swearing to the voter's identity under penalty of~~ 11717  
~~election falsification and by casting a provisional ballot."~~ 11718  
11719

The notification shall be by nonforwardable mail. If the mail 11720  
is returned to the board, it shall investigate and cause the 11721  
notification to be delivered to the correct address. 11722

(2) Except as otherwise provided in this division, if the 11723  
board finds that the applicant failed to provide all of the 11724  
required information, but provided enough information on the form 11725  
to enable the board to identify and contact the applicant, the 11726  
board shall immediately notify the applicant of the error and give 11727  
the applicant an opportunity to correct the form. If the 11728  
application was submitted after the end of the voter registration 11729  
period for an election, the board of elections may notify the 11730  
applicant of the error not later than twenty days after completion 11731  
of the official canvass for that election. 11732

The applicant may provide the required information by mail, 11733  
electronic mail, telephone, or facsimile transmission, through the 11734  
internet, or in person at the office of the board of elections. If 11735  
the application is missing a signature, the applicant may provide 11736  
a signed statement that the applicant submitted the application. A 11737  
signature provided on a signed statement under this division shall 11738  
be considered the applicant's signature on the application for the 11739  
purposes of processing an otherwise valid application for voter 11740  
registration. 11741

The secretary of state shall prescribe uniform standards for 11742

processing additional information by mail, electronic mail, 11743  
telephone, facsimile transmission, through the internet, or in 11744  
person at the office of the board of elections under this 11745  
division. 11746

If the applicant corrects the application not less than 11747  
fifteen days before the day of an election and is determined by 11748  
the board of elections to be eligible to vote, the applicant shall 11749  
be considered registered as of the date the application was 11750  
submitted, and the board shall permit such an otherwise eligible 11751  
elector to vote a regular ballot at that election. 11752

If the board of elections finds that an applicant failed to 11753  
correct the application at least fifteen days before the day of an 11754  
election, voted a provisional ballot at that election, and 11755  
provided on the provisional ballot affirmation information 11756  
sufficient to correct the voter registration application, the 11757  
applicant shall be considered registered as of the date the 11758  
application was submitted, and the board shall count the otherwise 11759  
valid provisional ballot. 11760

(3) If, after investigating as required under division (C)(1) 11761  
of this section, the board is unable to verify the voter's correct 11762  
address, it shall cause the voter's name in the official 11763  
registration list and in the poll list or signature pollbook to be 11764  
marked to indicate that the voter's notification was returned to 11765  
the board. 11766

At the first election at which a voter whose name has been so 11767  
marked appears to vote, the voter shall be required to provide 11768  
identification to the election officials ~~and to vote by~~ 11769  
~~provisional ballot under section 3505.181 of the Revised Code. If~~ 11770  
~~the provisional ballot is counted pursuant to division (B)(3) of~~ 11771  
~~section 3505.183 of the Revised Code~~ Based on the provided 11772  
identification, the board shall correct that voter's registration, 11773  
if needed, and shall remove the indication that the voter's 11774



notification was returned from that voter's name on the official 11775  
registration list and on the poll list or signature pollbook. If 11776  
~~the provisional ballot is not counted pursuant to division~~ 11777  
~~(B)(4)(a)(i), (v), or (vi) of section 3505.183 of the Revised~~ 11778  
~~Code, the voter's registration shall be canceled. The board shall~~ 11779  
~~notify the voter by United States mail of the cancellation.~~ 11780

11781

~~(3)(4)~~ If a notice of the disposition of an otherwise valid 11782  
registration application is sent by nonforwardable mail and is 11783  
returned undelivered, the person shall be registered as provided 11784  
in division (C)~~(2)~~(3) of this section and sent a confirmation 11785  
notice by forwardable mail. If the person fails to respond to the 11786  
confirmation notice, update the person's registration, or vote ~~by~~ 11787  
~~provisional ballot as provided in division (C)(2) of this section~~ 11788  
in any election during the period of two federal elections 11789  
subsequent to the mailing of the confirmation notice, the person's 11790  
registration shall be canceled. 11791

Sec. 3503.191. (A)(1) The secretary of state shall establish, 11792  
not later than August 30, 2010, procedures that allow any person 11793  
to request voter registration forms electronically from the office 11794  
of the secretary of state. 11795

(2) The procedures shall allow any person to express a 11796  
preference for the manner in which the person will receive the 11797  
requested voter registration forms, whether by mail, 11798  
electronically, or in person. The registration forms shall be 11799  
transmitted by the preferred method. If the requestor does not 11800  
express a preferred method, the registration forms shall be 11801  
delivered via standard mail. 11802

(3) The appropriate state or local election official shall 11803  
establish and maintain reasonable procedures necessary to protect 11804  
the security, confidentiality, and integrity of personal 11805

information collected, stored, or otherwise used in the electronic voter registration form request process established under this section. To the extent practicable, the procedures shall protect the security and integrity of the electronic voter registration form request process and protect the privacy of the identity and personal data of the person when such forms are requested, processed, and sent.

(4) In establishing procedures under this section, the secretary of state shall designate at least one means of electronic communication for use by persons to request voter registration forms, for use by the state to send voter registration forms to those who have requested electronic delivery, and for providing public election and voting information. Such designated means of electronic communication shall be identified on all information and instructional materials that accompany balloting materials.

(B) The secretary of state may establish procedures that allow any person to request voter registration forms electronically from a board of elections. The procedures must meet all the requirements of division (A) of this section.

**Sec. 3503.20.** (A) Not later than August 1, 2012, all Ohioans who meet the qualifications of an elector and do any of the following shall be automatically registered to vote, provided that each individual shall have the ability to opt out of voter registration:

(1) Graduates from a public, private, or community high school;

(2) Registers for or updates their services with any designated agency under the National Voter Registration Act or under rules promulgated by the secretary of state; or

(3) Applies for, renews, or updates a driver's license, state identification, or vehicle registration issued by the Ohio bureau of motor vehicles. 11836  
11837  
11838

(B) A person who registers to vote under this section shall be considered to have registered by mail for the purpose of Title XXXV of the Revised Code and federal election law. 11839  
11840  
11841

(C) The secretary of state shall adopt rules under Chapter 119. of the Revised Code to implement this section. 11842  
11843

(D) Notwithstanding any provision of the Revised Code to the contrary, a digitized signature on a voter registration application that is transmitted by an entity listed under division (A)(1), (2), or (3) of this section shall be considered an original signature on a voter registration application. 11844  
11845  
11846  
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(E) The secretary of state shall establish a task force comprised of individuals designated by the designated agencies, the Ohio department of education, and the Ohio bureau of motor vehicles to implement the requirements of division (A) of this section. The purpose of the task force shall be to develop a memorandum of understanding between the secretary of state and the participating entities. The memorandum of understanding shall identify the responsibilities of the secretary of state and the responsibilities of each participating entity to provide for the orderly implementation and maintenance of the voter registration process established by this section. 11849  
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Expenses incurred by the task force are the responsibility of the secretary of state. The operation of the task force ceases upon completion of the tasks necessary to provide for implementation of this section. The secretary of state at any time may form a new task force to address the maintenance of or changes to the implementation process for this section. 11860  
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Sec. 3503.21. (A) The registration of a registered elector 11866  
shall be canceled upon the occurrence of any of the following: 11867

(1) The filing by a registered elector of a written request 11868  
with a board of elections, ~~on a form prescribed by the secretary~~ 11869  
~~of state and~~ signed by the elector, that the registration be 11870  
canceled. The filing of such a request does not prohibit an 11871  
otherwise qualified elector from reregistering to vote at any 11872  
time. For the purpose of this division, a registered elector shall 11873  
be considered to have made such a request if the elector submits a 11874  
signed voter registration form at any place outside the elector's 11875  
current county of registration, and that form is provided to the 11876  
secretary of state or a board of elections. 11877

(2) The filing of a notice of the death of the registered 11878  
elector as provided in division (F) of this section or the filing 11879  
of an official notice of death of the registered elector with the 11880  
board of elections by the chief health officer of a jurisdiction 11881  
outside of Ohio; 11882

(3) The conviction of the registered elector of a felony 11883  
under the laws of this state, any other state, or the United 11884  
States as provided in section 2961.01 of the Revised Code; 11885

~~(3)~~(4) The adjudication of incompetency of the registered 11886  
elector for the purpose of voting as provided in section 5122.301 11887  
of the Revised Code; 11888

(5) The change of residence of the registered elector to a 11889  
location outside the county of registration in accordance with 11890  
division (B) of this section; 11891

(6) The failure of the registered elector, after having been 11892  
mailed a confirmation notice, to do either of the following: 11893

(a) Respond to such a notice and vote at least once during a 11894  
period of four consecutive years, which period shall include two 11895

general federal elections; 11896

(b) Update the elector's registration and vote at least once 11897  
during a period of four consecutive years, which period shall 11898  
include two general federal elections. 11899

(B)(1) The secretary of state shall prescribe procedures to 11900  
identify and cancel the registration in a prior county of 11901  
residence of any registrant who changes the registrant's voting 11902  
residence to a location outside the registrant's current county of 11903  
registration. Any procedures prescribed in this division shall be 11904  
uniform and nondiscriminatory, and shall comply with the Voting 11905  
Rights Act of 1965. The secretary of state may prescribe 11906  
procedures under this division that include the use of the 11907  
national change of address service provided by the United States 11908  
postal system through its licensees. Any program so prescribed 11909  
shall be completed not later than ninety days prior to the date of 11910  
any primary or general election for federal office. 11911

(2) The registration of any elector identified as having 11912  
changed the elector's voting residence to a location outside the 11913  
elector's current county of registration shall not be canceled 11914  
unless the registrant is sent a confirmation notice on a form 11915  
prescribed by the secretary of state and the registrant fails to 11916  
respond to the confirmation notice or otherwise update the 11917  
registration and fails to vote in any election during the period 11918  
of two federal elections subsequent to the mailing of the 11919  
confirmation notice. 11920

(C) The registration of a registered elector shall not be 11921  
canceled except as provided in this section, division (Q) of 11922  
section 3501.05 of the Revised Code, ~~division (C)(2) of section~~ 11923  
~~3503.19 of the Revised Code,~~ or division (C)(E) of section 3503.24 11924  
of the Revised Code. 11925

(D) Boards of elections shall send their voter registration 11926

information to the secretary of state as required under section 11927  
3503.15 of the Revised Code. In the first quarter of each 11928  
odd-numbered year, the secretary of state shall send the 11929  
information to the national change of address service described in 11930  
division (B) of this section and request that service to provide 11931  
the secretary of state with a list of any voters sent by the 11932  
secretary of state who have moved within the last thirty-six 11933  
months. The secretary of state shall transmit to each appropriate 11934  
board of elections whatever lists the secretary of state receives 11935  
from that service. The board shall send a notice to each person on 11936  
the list transmitted by the secretary of state requesting 11937  
confirmation of the person's change of address, together with a 11938  
postage prepaid, preaddressed return envelope containing a form on 11939  
which the voter may verify or correct the change of address 11940  
information. 11941

(E) The registration of a registered elector described in 11942  
division (A)(6) or (B)(2) of this section shall be canceled not 11943  
later than one hundred twenty days after the date of the second 11944  
general federal election in which the elector fails to vote or not 11945  
later than one hundred twenty days after the expiration of the 11946  
four-year period in which the elector fails to vote or respond to 11947  
a confirmation notice, whichever is later. 11948

(F)(1) The chief health officer of each political subdivision 11949  
and the state director of health shall file with the board of 11950  
elections, at least once each month, the names, dates of birth, 11951  
dates of death, and residence addresses of all Ohio residents, 11952  
over eighteen years of age, who have been reported as deceased 11953  
within such subdivision or within this state or another state, 11954  
respectively, within such month. 11955

(2) At least once each month the probate judge shall file 11956  
with the board of elections the names and residence addresses of 11957  
all persons over eighteen years of age who have been adjudicated 11958

incompetent for the purpose of voting, as provided in section 11959  
5122.301 of the Revised Code. 11960

(3) At least once each month the clerk of the court of common 11961  
pleas shall file with the board of elections the names and 11962  
residence addresses of all persons who, in the previous month, 11963  
have been convicted of crimes under the laws of this state and 11964  
thus scheduled for incarceration. The board of elections shall 11965  
compile from that filing a list of persons who have been convicted 11966  
and incarcerated for crimes under the laws of this state that 11967  
disenfranchise an elector under section 2961.01 of the Revised 11968  
Code. Reports of conviction and incarceration of crimes under the 11969  
laws of the United States that would disenfranchise an elector and 11970  
that are provided to the secretary of state by any United States 11971  
attorney shall be forwarded by the secretary of state to the 11972  
appropriate board of elections. 11973

(4) Upon receipt of any report described in division (F)(1), 11974  
(2), or (3) of this section, the board of elections shall promptly 11975  
cancel the registration of the elector and record the reason for 11976  
the cancellation. If the report contains a residence address of an 11977  
elector in a county other than the county in which the board of 11978  
elections is located, the director shall promptly send a copy of 11979  
the report to the appropriate board of elections, which shall 11980  
cancel the registration and record the reason for the 11981  
cancellation. 11982

**Sec. 3503.22.** (A) Sixty days prior to the day of a general 11983  
election and sixty days prior to the day of a primary election in 11984  
an even-numbered year, each board of elections shall send to the 11985  
secretary of state a list of all individuals in the county who 11986  
failed to respond to a confirmation notice or whose voter 11987  
registration was canceled in the previous twelve months. The list 11988  
shall include, at a minimum, the full name, address, including 11989

city, county, state, and zip code, and precinct for each 11990  
individual voter, along with the reason that the individual is 11991  
included on the list. 11992

(B) Not less than fifty days before the day of the election, 11993  
the secretary of state shall aggregate the information provided by 11994  
boards of elections under division (A) of this section and make 11995  
the aggregated information available for public inspection on the 11996  
secretary of state's web site. 11997

(C) The secretary of state may establish uniform categories 11998  
for lists prepared under division (A) of this section and uniform 11999  
standards for sending those lists to the secretary of state, which 12000  
boards of elections shall follow in compiling and sending those 12001  
lists. 12002

**Sec. 3503.24.** (A) Application for the correction of any 12003  
precinct registration list or a challenge of the right to vote of 12004  
any registered elector may be made by any qualified elector of the 12005  
county at the office of the board of elections not later than 12006  
twenty days prior to the election. The ~~applications~~ application or 12007  
~~challenges~~ challenge, with the reasons for the application or 12008  
challenge, shall be filed with the board on a form prescribed by 12009  
the secretary of state and shall be signed under penalty of 12010  
election falsification. 12011

(B) A challenge to an elector's right to vote shall be 12012  
considered by the board of elections only if the elector is being 12013  
challenged on any of the following grounds: 12014

(1) That the person is not a resident of the precinct in 12015  
which the person is registered to vote; 12016

(2) That the person is not a citizen of the United States; 12017

(3) That the person is not eighteen years of age or older; 12018



(4) That the person is not a qualified elector for that election; 12019  
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(5) That the person is not the elector that the person purports to be. 12021  
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Challenges shall be made only if the challenger knows or reasonably believes that the challenged elector is not qualified and entitled to vote. 12023  
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(C) On receiving an application or challenge filed under this section, the board of elections promptly shall review the board's records. If the board is able to determine that ~~an application or~~ a challenge should be ~~granted or~~ denied solely on the basis of the records maintained by the board, the board immediately shall vote to ~~grant or~~ deny that ~~application or~~ challenge. 12026  
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~~If the board is not able to determine whether an application or challenge should be granted or denied solely on the basis of the records maintained by the board~~ If the board is able to determine that an application for the correction of any precinct registration list should be granted solely on the basis of the records maintained by the board, the board immediately shall vote to grant that application. 12032  
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Otherwise, the director shall promptly set a time and date for a hearing before the board. ~~Except as otherwise provided in division (D) of this section, the~~ The hearing shall be held, and the application or challenge shall be decided, no later than ten days after the board receives the application or challenge. The director shall send written notice to any elector whose right to vote is challenged and to any person whose name is alleged to have been omitted from a registration list. The notice shall inform the person of ~~the time and date of the hearing, and of the person's right to appear and testify, call witnesses, and be represented by counsel.~~ The all of the following: 12039  
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(1) That an application for the correction of a precinct registration list or a challenge of the right to vote of the registered elector has been made; 12050  
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(2) The name of the person submitting the application or challenge, as applicable, which shall be accompanied by a copy of the application or challenge form submitted to the board; 12053  
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(3) The time, date, and place of the hearing; 12056

(4) That the elector has a right to appear and testify at the public hearing and present evidence relevant to the challenge or application; 12057  
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(5) That the elector has a right to call and subpoena witnesses to appear at the hearing; 12060  
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(6) That the elector has a right to be represented by counsel at the hearing and may cross-examine witnesses; 12062  
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(7) That, at the conclusion of the hearing, the cancellation of the voter's registration or correction of the precinct registration list requires a majority vote of the members of the board of elections. 12064  
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The notice shall be sent by first class mail no later than three seven days before the day of any scheduled hearing. The director shall also provide the person who filed the application or challenge with ~~such~~ the same written notice ~~of the date and time of the hearing.~~ 12068  
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At the request of either party or any member of the board, the board shall issue subpoenas to witnesses to appear and testify before the board at a hearing held under this section. All witnesses shall testify under oath. ~~The~~ 12073  
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(D) The board shall reach a decision on all applications and challenges immediately after hearing. A public vote of three members of the board shall be necessary to uphold a challenge on a 12077  
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person's right to vote or to correct a precinct registration list 12080  
under this section. In the case of a tie vote or disagreement in 12081  
the board, the board shall submit the matter and all related 12082  
materials to the secretary of state in accordance with division 12083  
(X) of section 3501.11 of the Revised Code. 12084

~~(C)~~(E) If the board decides that any such person is not 12085  
entitled to have the person's name on the registration list, the 12086  
person's name shall be removed from the list and the person's 12087  
registration forms canceled. If the board decides that the name of 12088  
any such person should appear on the registration list, it shall 12089  
be added to the list, and the person's registration forms placed 12090  
in the proper registration files. All such corrections and 12091  
additions shall be made on a copy of the precinct lists, which 12092  
shall constitute the poll lists, to be furnished to the respective 12093  
precincts with other election supplies on the day preceding the 12094  
election, to be used by the election officials in receiving the 12095  
signatures of voters and in checking against the registration 12096  
forms. 12097

~~(D)(1) If an application or challenge for which a hearing is~~ 12098  
~~required to be conducted under division (B) of this section is~~ 12099  
~~filed after the thirtieth day before the day of an election, the~~ 12100  
~~board of elections, in its discretion, may postpone that hearing~~ 12101  
~~and any notifications of that hearing until after the day of the~~ 12102  
~~election. Any hearing postponed under this division shall be~~ 12103  
~~conducted not later than ten days after the day of the election.~~ 12104

~~(2) The board of elections shall cause the name of any~~ 12105  
~~registered elector whose registration is challenged and whose~~ 12106  
~~challenge hearing is postponed under division (D)(1) of this~~ 12107  
~~section to be marked in the official registration list and in the~~ 12108  
~~poll list or signature pollbook for that elector's precinct to~~ 12109  
~~indicate that the elector's registration is subject to challenge.~~ 12110

~~(3) Any elector who is the subject of an application or~~ 12111

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

(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: 12142

"Voters must bring identification to the polls in order to 12143  
verify identity. Identification may include a current and valid 12144  
photo identification issued by the state or an Ohio agency or 12145  
political subdivision of the state, an institution of higher 12146  
education, or the United States government, or an affirmation of 12147  
the voter's identity. Identification for a first-time voter who 12148  
registered to vote by mail, did not include proper identification 12149  
with the registration application, and has not previously voted in 12150  
a federal election in Ohio may include a current and valid photo 12151  
identification, a military identification, or a copy of a current 12152  
utility bill, bank statement, government check, paycheck, or other 12153  
government document, ~~other than a notice of an election or a voter~~ 12154  
~~registration notification sent by a board of elections,~~ that shows 12155  
the voter's name and current address. Voters who do not have or 12156  
who do not provide one of these documents will still be able to 12157  
vote ~~by providing the last four digits of the voter's social~~ 12158  
~~security number and by casting a provisional ballot. Voters who do~~ 12159  
~~not have any of the above forms of identification, including a~~ 12160  
~~social security number, will still be able to vote by signing an~~ 12161  
~~affirmation swearing to the voter's identity under penalty of~~ 12162  
~~election falsification and by casting a provisional ballot."~~ 12163

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(B) Except as otherwise provided in division (D) of this 12165  
section, a board of elections, designated agency, public high 12166  
school, public vocational school, public library, office of a 12167  
county treasurer, or deputy registrar of motor vehicles shall 12168  
distribute a copy of the brochure developed under division (A) of 12169  
this section to any person who requests more than two voter 12170  
registration forms at one time. 12171

(C)(1) The secretary of state shall provide the information 12172  
required to be included in the brochure developed under division 12173

(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.

(2) If a board of elections operates and maintains a web site, the board 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 that web site.

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

- (1) An election official;
- (2) A county treasurer;
- (3) A deputy registrar of motor vehicles;
- (4) An employee of a designated agency;
- (5) An employee of a public high school;
- (6) An employee of a public vocational school;
- (7) An employee of a public library;
- (8) An employee of the office of a county treasurer;
- (9) An employee of the bureau of motor vehicles;
- (10) An employee of a deputy registrar of motor vehicles;
- (11) An employee of an election official.

(E) As used in this section, "registering voters" includes any effort, for compensation, to provide voter registration forms or to assist persons in completing or returning those forms.

**Sec. 3505.01. (A)(1)** Except as otherwise provided in section

3519.08 of the Revised Code, on the ~~sixtieth~~ seventieth day before 12202  
the day of the next general election, the secretary of state shall 12203  
certify to the board of elections of each county the forms of the 12204  
official ballots to be used at that general election, together 12205  
with the names of the candidates to be printed on those ballots 12206  
whose candidacy is to be submitted to the electors of the entire 12207  
state. ~~In the case of the presidential ballot for a general~~ 12208  
~~election, that certification shall be made on the fifty fifth day~~ 12209  
~~before the day of the general election.~~ On the ~~seventy fifth~~ 12210  
seventieth day before a special election to be held on the day 12211  
specified by division (E) of section 3501.01 of the Revised Code 12212  
for the holding of a primary election, designated by the general 12213  
assembly for the purpose of submitting to the voters of the state 12214  
constitutional amendments proposed by the general assembly, the 12215  
secretary of state shall certify to the board of elections of each 12216  
county the forms of the official ballots to be used at that 12217  
election. 12218

(2) The board of the most populous county in each district 12219  
comprised of more than one county but less than all of the 12220  
counties of the state, in which there are candidates whose 12221  
candidacies are to be submitted to the electors of that district, 12222  
shall, on the ~~sixtieth~~ seventieth day before the day of the next 12223  
general election, certify to the board of each county in the 12224  
district the names of those candidates to be printed on such 12225  
ballots. 12226

(3) The board of a county in which the major portion of a 12227  
subdivision, located in more than one county, is located shall, on 12228  
the ~~sixtieth~~ seventieth day before the day of the next general 12229  
election, certify to the board of each county in which other 12230  
portions of that subdivision are located the names of candidates 12231  
whose candidacies are to be submitted to the electors of that 12232  
subdivision, to be printed on such ballots. 12233

(B) If, subsequently to the ~~sixtieth~~ seventieth day before, 12234  
~~or in the case of a presidential ballot for a general election the~~ 12235  
~~fifty-fifth day before,~~ and prior to the tenth day before the day 12236  
of a general election, a certificate is filed with the secretary 12237  
of state to fill a vacancy caused by the death of a candidate, the 12238  
secretary of state shall forthwith make a supplemental 12239  
certification to the board of each county amending and correcting 12240  
the secretary of state's original certification provided for in 12241  
the first paragraph of this section. If, within that time, such a 12242  
certificate is filed with the board of the most populous county in 12243  
a district comprised of more than one county but less than all of 12244  
the counties of the state, or with the board of a county in which 12245  
the major portion of the population of a subdivision, located in 12246  
more than one county, is located, the board with which the 12247  
certificate is filed shall forthwith make a supplemental 12248  
certification to the board of each county in the district or to 12249  
the board of each county in which other portions of the 12250  
subdivision are located, amending and correcting its original 12251  
certification provided for in ~~the second and third paragraphs~~ 12252  
division (A)(2) or (3) of this section. If, at the time such 12253  
supplemental certification is received by a board, ballots 12254  
carrying the name of the deceased candidate have been printed, the 12255  
board shall cause strips of paper bearing the name of the 12256  
candidate certified to fill the vacancy to be printed and pasted 12257  
on those ballots so as to cover the name of the deceased 12258  
candidate, except that in voting places using marking devices, the 12259  
board shall cause strips of paper bearing the revised list of 12260  
candidates for the office, after certification of a candidate to 12261  
fill the vacancy, to be printed and pasted on the ballot cards so 12262  
as to cover the names of candidates shown prior to the new 12263  
certification, before such ballots are delivered to electors. 12264

**Sec. 3505.03.** On the office type ballot shall be printed the 12265



names of all candidates for election to offices, except judicial 12266  
offices, who were nominated at the most recent primary election as 12267  
candidates of a political party or who were nominated in 12268  
accordance with section 3513.02 of the Revised Code, and the names 12269  
of all candidates for election to offices who were nominated by 12270  
nominating petitions, except candidates for judicial offices, for 12271  
member of the state board of education, for member of a board of 12272  
education, for municipal offices, and for township offices. 12273

The face of the ballot below the stub shall be substantially 12274  
in the following form: 12275

~~"OFFICIAL OFFICE TYPE BALLOT~~ Official Office Type Ballot 12276

(A) To vote ~~for a candidate record,~~ mark your ~~vote in the~~ 12277  
~~manner provided~~ choice next to the candidate's name ~~of such~~ 12278  
~~candidate.~~ 12279

(B) If you ~~tear, soil, deface, or erroneously mark this~~ 12280  
~~ballot, return it to the precinct election officers or, if you~~ 12281  
~~cannot return it, notify the precinct election officers, and~~ 12282  
~~obtain another ballot~~ make a mistake or want to change your vote, 12283  
ask an election official for a new ballot. You may ask for a new 12284  
ballot up to two times." 12285

The order in which the offices shall be listed on the ballot 12286  
shall be prescribed by, and certified to each board of elections 12287  
by, the secretary of state; provided that for state, district, and 12288  
county offices the order from top to bottom shall be as follows: 12289  
governor and lieutenant governor, attorney general, auditor of 12290  
state, secretary of state, treasurer of state, United States 12291  
senator, representative to congress, state senator, state 12292  
representative, county commissioner, county auditor, prosecuting 12293  
attorney, clerk of the court of common pleas, sheriff, county 12294  
recorder, county treasurer, county engineer, and coroner. The 12295  
offices of governor and lieutenant governor shall be printed on 12296  
the ballot in a manner that requires a voter to cast one vote 12297

jointly for the candidates who have been nominated by the same 12298  
political party or petition. 12299

The names of all candidates for an office shall be arranged 12300  
in a group under the title of that office, and, except for 12301  
~~absentee~~ absent voter's ballots or when the number of candidates 12302  
for a particular office is the same as the number of candidates to 12303  
be elected for that office, shall be rotated from one precinct to 12304  
another. On ~~absentee~~ absent voter's ballots, the names of all 12305  
candidates for an office shall be arranged in a group under the 12306  
title of that office and shall be so alternated that each name 12307  
shall appear, insofar as may be reasonably possible, substantially 12308  
an equal number of times at the beginning, at the end, and in each 12309  
intermediate place, if any, of the group in which such name 12310  
belongs, unless the number of candidates for a particular office 12311  
is the same as the number of candidates to be elected for that 12312  
office. 12313

The method of printing the ballots to meet the rotation 12314  
requirement of this section shall be as follows: the least common 12315  
multiple of the number of names in each of the several groups of 12316  
candidates shall be used, and the number of changes made in the 12317  
printer's forms in printing the ballots shall correspond with that 12318  
multiple. The board of elections shall number all precincts in 12319  
regular serial sequence. In the first precinct, the names of the 12320  
candidates in each group shall be listed in alphabetical order. In 12321  
each succeeding precinct, the name in each group that is listed 12322  
first in the preceding precinct shall be listed last, and the name 12323  
of each candidate shall be moved up one place. In each precinct 12324  
using paper ballots, the printed ballots shall then be assembled 12325  
in tablets. ~~Under~~ 12326

The title of each office and the name of each candidate shall 12327  
be printed flush left and shall not be centered on the ballot or 12328  
in any column appearing on the ballot. The name of each candidate 12329

shall be printed using standard capitalization in accordance with 12330  
instructions provided by the secretary of state and shall not be 12331  
printed using all capital letters. 12332

Except as otherwise provided in any section of the Revised 12333  
Code, the names of candidates for nomination or election to the 12334  
same office shall not appear on different pages of a printed 12335  
ballot. To the extent practical, the names of candidates for 12336  
nomination or election to the same office shall not appear in 12337  
different columns on the same page. 12338

Except as otherwise provided in any section of the Revised 12339  
Code, the names of candidates for nomination or election to the 12340  
same office shall not appear on different ballot screens on direct 12341  
recording electronic voting machines. To the extent practical, the 12342  
names of candidates for the same office shall not appear in 12343  
different columns on the same screen. 12344

Under the name of each candidate nominated at a primary 12345  
election and ~~each candidate~~ nominated pursuant to section 3513.02 12346  
of the Revised Code, or certified by a party committee to fill a 12347  
vacancy under section 3513.31 of the Revised Code shall be 12348  
printed, in less prominent type face than that in which the 12349  
candidate's name is printed, the name of the political party by 12350  
which the candidate was nominated or certified. Under the name of 12351  
each candidate appearing on the ballot who filed a nominating 12352  
petition and requested a ballot designation as a nonparty 12353  
candidate under section 3513.257 of the Revised Code shall be 12354  
printed, in less prominent type face than that in which the 12355  
candidate's name is printed, the designation of "nonparty 12356  
candidate." Under the name of each candidate appearing on the 12357  
ballot who filed a nominating petition and requested a ballot 12358  
designation as an other-party candidate under section 3513.257 of 12359  
the Revised Code shall be printed, in less prominent type face 12360  
than that in which the candidate's name is printed, the 12361

designation of "other-party candidate." No designation shall 12362  
appear under the name of a candidate appearing on the ballot who 12363  
filed a nominating petition and requested that no ballot 12364  
designation appear under the candidate's name under section 12365  
3513.257 of the Revised Code, or who filed a nominating petition 12366  
and failed to request a ballot designation either as a nonparty 12367  
candidate or as an other-party candidate under that section. 12368

Except as provided in this section, no words, designations, 12369  
or emblems descriptive of a candidate or the candidate's political 12370  
affiliation, or indicative of the method by which the candidate 12371  
was nominated or certified, shall be printed under or after a 12372  
candidate's name that is printed on the ballot. 12373

**Sec. 3505.04.** On the nonpartisan ballot shall be printed the 12374  
names of all nonpartisan candidates for election to judicial 12375  
office, office of member of the state board of education, office 12376  
of member of a board of education, municipal or township offices 12377  
for municipal corporations and townships in which primary 12378  
elections are not held for nomination of candidates by political 12379  
parties, and municipal offices of municipal corporations having 12380  
charters which provide for separate ballots for elections for such 12381  
municipal offices. 12382

Such ballots shall have printed across the top, and below the 12383  
stubs, "Official Nonpartisan Ballot." 12384

The order in which the offices are listed on the ballot shall 12385  
be prescribed by, and certified to each board of elections by, the 12386  
secretary of state; provided that the office of member of the 12387  
state board of education shall be listed first on the ballot, then 12388  
state, district, and county judicial offices shall be listed on 12389  
the ballot in such order, followed by municipal and township 12390  
offices, and by offices of member of a board of education, in the 12391  
order stated. 12392

Within the rectangular space within which the title of each 12393  
judicial office is printed on the ballot and immediately below 12394  
such title shall be printed the date of the commencement of the 12395  
term of the office, if a full term, as follows: "Full term 12396  
commencing .....(Date).....," or the date of the end of the 12397  
term of the office, if an unexpired term, as follows: "Unexpired 12398  
term ending .....(Date)....." 12399

The secretary of state shall prescribe the information and 12400  
directions to the voter to be printed on the ballot within the 12401  
rectangular space in which the title of office of member of the 12402  
state board of education appears. 12403

Within the rectangular space within which the title of each 12404  
office for member of a board of education is printed on the ballot 12405  
shall be printed "For Member of Board of Education," and the 12406  
number to be elected, directions to the voter as to voting for 12407  
one, two, or more, and, if the office to be voted for is member of 12408  
a board of education of a city school district, words shall be 12409  
printed in said space on the ballot to indicate whether candidates 12410  
are to be elected from subdistricts or at large. 12411

The names of all nonpartisan candidates for an office shall 12412  
be arranged in a group under the title of that office, and shall 12413  
be rotated and printed on the ballot as provided in section 12414  
3505.03 of the Revised Code. 12415

The title of each office and the name of each candidate shall 12416  
be printed flush left and shall not be centered on the ballot or 12417  
in any column appearing on the ballot. The name of each candidate 12418  
shall be printed using standard capitalization in accordance with 12419  
instructions provided by the secretary of state and shall not be 12420  
printed using all capital letters. No name or designation of any 12421  
political party nor any words, designations, or emblems 12422  
descriptive of a candidate or ~~his~~ the candidate's political 12423  
affiliation, or indicative of the method by which such candidate 12424

was nominated or certified, shall be printed under or after any 12425  
nonpartisan candidate's name which is printed on the ballot. 12426

**Sec. 3505.06.** (A) On the questions and issues ballot shall be 12427  
printed all questions and issues to be submitted at any one 12428  
election together with the percentage of affirmative votes 12429  
necessary for passage as required by law. Such ballot shall have 12430  
printed across the top thereof, and below the stubs, "Official 12431  
Questions and Issues Ballot." 12432

(B)(1) Questions and issues shall be grouped together on the 12433  
ballot from top to bottom as provided in division (B)(1) of this 12434  
section, except as otherwise provided in division (B)(2) of this 12435  
section. State questions and issues shall always appear as the top 12436  
group of questions and issues. In calendar year 1997, the 12437  
following questions and issues shall be grouped together on the 12438  
ballot, in the following order from top to bottom, after the state 12439  
questions and issues: 12440

(a) County questions and issues; 12441

(b) Municipal questions and issues; 12442

(c) Township questions and issues; 12443

(d) School or other district questions and issues. 12444

In each succeeding calendar year after 1997, each group of 12445  
questions and issues described in division (B)(1)(a) to (d) of 12446  
this section shall be moved down one place on the ballot except 12447  
that the group that was last on the ballot during the immediately 12448  
preceding calendar year shall appear at the top of the ballot 12449  
after the state questions and issues. The rotation shall be 12450  
performed only once each calendar year, beginning with the first 12451  
election held during the calendar year. The rotation of groups of 12452  
questions and issues shall be performed during each calendar year 12453  
as required by division (B)(1) of this section, even if no 12454

questions and issues from any one or more such groups appear on 12455  
the ballot at any particular election held during that calendar 12456  
year. 12457

(2) Questions and issues shall be grouped together on the 12458  
ballot, from top to bottom, in the following order when it is not 12459  
practicable to group them together as required by division (B)(1) 12460  
of this section because of the type of voting machines used by the 12461  
board of elections: state questions and issues, county questions 12462  
and issues, municipal questions and issues, township questions and 12463  
issues, and school or other district questions and issues. The 12464  
particular order in which each of a group of state questions or 12465  
issues is placed on the ballot shall be determined by, and 12466  
certified to each board of elections by, the secretary of state. 12467

(3) Failure of the board of elections to rotate questions and 12468  
issues as required by division (B)(1) of this section does not 12469  
affect the validity of the election at which the failure occurred, 12470  
and is not grounds for contesting an election under section 12471  
3515.08 of the Revised Code. 12472

(C) The particular order in which each of a group of county, 12473  
municipal, township, or school district questions or issues is 12474  
placed on the ballot shall be determined by the board providing 12475  
the ballots. 12476

(D) The printed matter pertaining to each question or issue 12477  
on the ballot shall be enclosed at the top and bottom thereof by a 12478  
heavy horizontal line across the width of the ballot. Immediately 12479  
below such top line shall be printed a brief title descriptive of 12480  
the question or issue below it, such as "Proposed Constitutional 12481  
Amendment," "Proposed Bond Issue," "Proposed Annexation of 12482  
Territory," "Proposed Increase in Tax Rate," or such other brief 12483  
title as will be descriptive of the question or issue to which it 12484  
pertains, together with a brief statement of the percentage of 12485  
affirmative votes necessary for passage, such as "A sixty-five per 12486

cent affirmative vote is necessary for passage," "A majority vote  
is necessary for passage," or such other brief statement as will  
be descriptive of the percentage of affirmative votes required.

(E)(1) The questions and issues ballot need not contain the  
full text of the proposal to be voted upon. A condensed text that  
will properly describe the question, issue, or an amendment  
proposed by other than the general assembly shall be used as  
prepared and certified by the secretary of state for state-wide  
questions or issues or by the board for local questions or issues.  
If other than a full text is used, the full text of the proposed  
question, issue, or amendment together with the percentage of  
affirmative votes necessary for passage as required by law shall  
be posted in each polling place in some spot that is easily  
accessible to the voters.

(2)(a) Except as otherwise provided in division (E)(2)(b) of  
this section, ballot language for any state or local question,  
issue, or amendment shall not exceed three hundred words.

(b) Division (E)(2)(a) of this section shall not apply to any  
question, issue, or amendment if the Revised Code or a municipal  
or county charter specifies a ballot form or ballot language for  
that question, issue, or amendment, and the ballot form or ballot  
language specified in the Revised Code or a municipal or county  
charter exceeds three hundred words.

(F) Each question and issue appearing on the questions and  
issues ballot may be consecutively numbered. The question or issue  
determined to appear at the top of the ballot may be designated on  
the face thereof by the Arabic numeral "1" and all questions and  
issues placed below on the ballot shall be consecutively numbered.  
Such numeral shall be placed below the heavy top horizontal line  
enclosing such question or issue and to the left of the brief  
title thereof.



Sec. 3505.062. The Ohio ballot board shall do all of the 12518  
following: 12519

(A) Examine, within ten days after its receipt, each written 12520  
initiative petition received from the attorney general under 12521  
section 3519.01 of the Revised Code to determine whether it 12522  
contains only one proposed law or constitutional amendment so as 12523  
to enable the voters to vote on a proposal separately. If the 12524  
board so determines, it shall certify its approval to the attorney 12525  
general, who then shall file with the secretary of state in 12526  
accordance with division (A) of section 3519.01 of the Revised 12527  
Code a verified copy of the proposed law or constitutional 12528  
amendment together with its summary and the attorney general's 12529  
certification of it. 12530

If the board determines that the initiative petition contains 12531  
more than one proposed law or constitutional amendment, the board 12532  
shall divide the initiative petition into individual petitions 12533  
containing only one proposed law or constitutional amendment so as 12534  
to enable the voters to vote on each proposal separately and 12535  
certify its approval to the attorney general. If the board so 12536  
divides an initiative petition and so certifies its approval to 12537  
the attorney general, the petitioners shall resubmit to the 12538  
attorney general appropriate summaries for each of the individual 12539  
petitions arising from the board's division of the initiative 12540  
petition, and the attorney general then shall review the 12541  
resubmissions as provided in division (A) of section 3519.01 of 12542  
the Revised Code. 12543

(B) Prescribe the ballot language for constitutional 12544  
amendments proposed by the general assembly to be printed on the 12545  
questions and issues ballot, which language shall properly 12546  
identify the substance of the proposal to be voted upon but shall 12547  
not exceed three hundred words; 12548

(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;	12549 12550 12551
(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;	12552 12553 12554 12555
(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;	12556 12557 12558 12559 12560 12561 12562 12563
(F) Direct the means by which the secretary of state shall disseminate information concerning proposed constitutional amendments, proposed laws, and referenda to the voters;	12564 12565 12566
(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:	12567 12568 12569 12570
(1) A constitutional amendment or law proposed by initiative petition under Section 1g of Article II of the Ohio Constitution;	12571 12572
(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;	12573 12574 12575
(3) A constitutional amendment submitted to the electors by the general assembly under Section 1 of Article XVI of the Ohio Constitution.	12576 12577 12578

Sec. 3505.08. (A) Ballots shall be provided by the board of 12579  
elections for all general and special elections. The ballots shall 12580  
be printed with black ink on No. 2 white book paper fifty pounds 12581  
in weight per ream assuming such ream to consist of five hundred 12582  
sheets of such paper twenty-five by thirty-eight inches in size. 12583  
Each ballot shall have attached at the top two stubs, each of the 12584  
width of the ballot and not less than one-half inch in length, 12585  
except that, if the board of elections has an alternate method to 12586  
account for the ballots that the secretary of state has 12587  
authorized, each ballot may have only one stub that shall be the 12588  
width of the ballot and not less than one-half inch in length. In 12589  
the case of ballots with two stubs, the stubs shall be separated 12590  
from the ballot and from each other by perforated lines. The top 12591  
stub shall be known as Stub B and shall have printed on its face 12592  
"Stub B." The other stub shall be known as Stub A and shall have 12593  
printed on its face "Stub A." Each stub shall also have printed on 12594  
its face "Consecutive Number ....." 12595

Each ballot of each kind of ballot provided for use in each 12596  
precinct shall be numbered consecutively beginning with number 1 12597  
by printing such number upon both of the stubs attached to the 12598  
ballot. ~~On ballots bearing the names of candidates, each 12599  
candidate's name shall be printed in twelve point boldface upper 12600  
case type in an enclosed rectangular space, and an enclosed blank 12601  
rectangular space shall be provided at the left of the candidate's 12602  
name. The name of the political party of a candidate nominated at 12603  
a primary election or certified by a party committee shall be 12604  
printed in ten point lightface upper and lower case type and shall 12605  
be separated by a two point blank space. The name of each 12606  
candidate shall be indented one space within the enclosed 12607  
rectangular space, and the name of the political party shall be 12608  
indented two spaces within the enclosed rectangular space. 12609~~

~~The title of each office on the ballots shall be printed in 12610~~

~~twelve point boldface upper and lower case type in a separate 12611  
enclosed rectangular space. A four point rule shall separate the 12612  
name of a candidate or a group of candidates for the same office 12613  
from the title of the office next appearing below on the ballot; a 12614  
two point rule shall separate the title of the office from the 12615  
names of candidates; and a one point rule shall separate names of 12616  
candidates. Headings shall be printed in display Roman type. When 12617  
the names of several candidates are grouped together as candidates 12618  
for the same office, there shall be printed on the ballots 12619  
immediately below the title of the office and within the separate 12620  
rectangular space in which the title is printed "Vote for not more 12621  
than ....., " in six point boldface upper and lower case filling 12622  
the blank space with that number which will indicate the number of 12623  
persons who may be lawfully elected to the office. 12624~~

~~Columns on ballots shall be separated from each other by a 12625  
heavy vertical border or solid line at least one eighth of an inch 12626  
wide, and a similar vertical border or line shall enclose the left 12627  
and right side of ballots. Ballots shall be trimmed along the 12628  
sides close to such lines. 12629~~

The ballots provided for by this section shall be comprised 12630  
of four kinds of ballots designated as follows: office type 12631  
ballot; nonpartisan ballot; questions and issues ballot; and 12632  
presidential ballot. 12633

~~On the back of each office type ballot shall be printed 12634  
"Official Office Type Ballot;" on the back of each nonpartisan 12635  
ballot shall be printed "Official Nonpartisan Ballot;" on the back 12636  
of each questions and issues ballot shall be printed "Official 12637  
Questions and Issues Ballot;" and on the back of each presidential 12638  
ballot shall be printed "Official Presidential Ballot." On the 12639  
back of every ballot also shall be printed the date of the 12640  
election at which the ballot is used and the facsimile signatures 12641  
of the members of the board of the county in which the ballot is 12642~~

used. For the purpose of identifying the kind of ballot, ~~the back~~ 12643  
~~of~~ every ballot may be numbered in the order the board shall 12644  
determine. The numbers shall be printed in not less than 12645  
thirty-six point type above the words "Official Office Type 12646  
Ballot," "Official Nonpartisan Ballot," "Official Questions and 12647  
Issues Ballot," or "Official Presidential Ballot," as the case may 12648  
be. Ballot boxes bearing corresponding numbers shall be furnished 12649  
for each precinct in which the above-described numbered ballots 12650  
are used. 12651

On ~~the back of~~ every ballot used, there shall be a solid 12652  
black line printed opposite the blank rectangular space that is 12653  
used to mark the choice of the voter. This line shall be printed 12654  
wide enough so that the mark in the blank rectangular space will 12655  
not be visible from the back side of the ballot. 12656

Sample ballots may be printed by the board of elections for 12657  
all general elections. The ballots shall be printed on colored 12658  
paper, and "Sample Ballot" shall be plainly printed in boldface 12659  
type on the face of each ballot. ~~In counties of less than one~~ 12660  
~~hundred thousand population, the board may print not more than~~ 12661  
~~five hundred sample ballots; in all other counties, it may print~~ 12662  
~~not more than one thousand sample ballots.~~ The sample ballots 12663  
shall not be distributed by a political party or a candidate, nor 12664  
shall a political party or candidate cause their title or name to 12665  
be imprinted on sample ballots. 12666

(B) Notwithstanding division (A) of this section, in 12667  
approving the form of an official ballot, the secretary of state 12668  
may authorize the use of fonts, type face settings, and ballot 12669  
formats other than those prescribed in that division. 12670

**Sec. 3505.10.** (A) On the presidential ballot below the stubs 12671  
at the top of the face of the ballot shall be printed "Official 12672  
Presidential Ballot." ~~centered between the side edges of the~~ 12673

~~ballot.~~ Below "Official Presidential Ballot" shall be printed a 12674  
heavy line centered between the side edges of the ballot. Below 12675  
the line shall be printed "~~Instruction~~ instructions to Voters" 12676  
~~centered between the side edges of the ballot, and below those~~ 12677  
~~words shall be printed the following instructions voters, which~~ 12678  
shall be substantially as follows: 12679

~~"(1) To vote for the candidates for president and~~ 12680  
~~vice president whose names are printed below, record your vote in~~ 12681  
~~the manner provided next to the names of such candidates. That~~ 12682  
~~recording of the vote will be counted as a vote for each of the~~ 12683  
~~candidates for presidential elector whose names have been~~ 12684  
~~certified to the secretary of state and who are members of the~~ 12685  
~~same political party as the nominees for president and~~ 12686  
~~vice president. A recording of the vote for independent candidates~~ 12687  
~~for president and vice president shall be counted as a vote for~~ 12688  
~~the presidential electors filed by such candidates with the~~ 12689  
~~secretary of state.~~ 12690

~~(2) To vote for candidates for president and vice president~~ 12691  
~~in the blank space below, record your vote in the manner provided~~ 12692  
~~and write the names of your choice for president and~~ 12693  
~~vice president under the respective headings provided for those~~ 12694  
~~offices. Such write in will be counted as a vote for the~~ 12695  
~~candidates' presidential electors whose names have been properly~~ 12696  
~~certified to the secretary of state.~~ 12697

~~(3) If you tear, soil, deface, or erroneously mark this~~ 12698  
~~ballot, return it to the precinct election officers or, if you~~ 12699  
~~cannot return it, notify the precinct election officers, and~~ 12700  
~~obtain another ballot."~~ 12701

"To vote for President and Vice-president, mark your choice 12702  
next to the joint candidates' names." 12703

(B) Below those instructions to the voter shall be printed a 12704

single vertical column of enclosed rectangular spaces equal in 12705  
number to the number of presidential candidates plus one 12706  
additional space for write-in candidates. Each of those 12707  
rectangular spaces shall be enclosed by a heavy line along each of 12708  
its four sides, and such spaces shall be separated from each other 12709  
by one-half inch of open space. 12710

In each of those enclosed rectangular spaces, except the 12711  
space provided for write-in candidates, shall be printed the names 12712  
of the candidates for president and vice-president certified to 12713  
the secretary of state or nominated in one of the following 12714  
manners: 12715

(1) Nominated by the national convention of a political party 12716  
to which delegates and alternates were elected in this state at 12717  
the next preceding primary election. A political party certifying 12718  
candidates so nominated shall certify the names of those 12719  
candidates to the secretary of state on or before the ~~sixtieth~~ 12720  
eighty-fifth day before the day of the general election. 12721

(2) Nominated by nominating petition in accordance with 12722  
section 3513.257 of the Revised Code. Such a petition shall be 12723  
filed on or before the ~~seventy-fifth~~ eighty-fifth day before the 12724  
day of the general election to provide sufficient time to verify 12725  
the sufficiency and accuracy of signatures on it. 12726

(3) Certified to the secretary of state for placement on the 12727  
presidential ballot by authorized officials of ~~an intermediate or~~ 12728  
a minor political party that has held a state or national 12729  
convention for the purpose of choosing those candidates or that 12730  
may, without a convention, certify those candidates in accordance 12731  
with the procedure authorized by its party rules. The officials 12732  
shall certify the names of those candidates to the secretary of 12733  
state on or before the ~~sixtieth~~ eighty-fifth day before the day of 12734  
the general election. The certification shall be accompanied by a 12735  
designation of a sufficient number of presidential electors to 12736

satisfy the requirements of law. 12737

The names of candidates for electors of president and 12738  
vice-president shall not be placed on the ballot, but shall be 12739  
certified to the secretary of state as required by sections 12740  
3513.11 and 3513.257 of the Revised Code. A vote for any 12741  
candidates for president and vice-president shall be a vote for 12742  
the electors of those candidates whose names have been certified 12743  
to the secretary of state. 12744

(C) The arrangement of the printing in each of the enclosed 12745  
rectangular spaces shall be substantially as follows: Near the top 12746  
~~and centered~~ within the rectangular space shall be printed "For 12747  
President" in ten-point boldface upper and lower case type. Below 12748  
"For President" shall be printed the name of the candidate for 12749  
president in twelve-point boldface upper and lower case type. 12750  
Below the name of the candidate for president shall be printed the 12751  
name of the political party by which that candidate for president 12752  
was nominated in eight-point lightface upper and lower case type. 12753  
Below the name of such political party shall be printed "For 12754  
Vice-President" in ten-point boldface upper and lower case type. 12755  
Below "For Vice-President" shall be printed the name of the 12756  
candidate for vice-president in twelve-point boldface upper and 12757  
lower case type. Below the name of the candidate for 12758  
vice-president shall be printed the name of the political party by 12759  
which that candidate for vice-president was nominated in 12760  
eight-point lightface upper and lower case type. No political 12761  
identification or name of any political party shall be printed 12762  
below the names of presidential and vice-presidential candidates 12763  
nominated by petition. The title of each office and the name of 12764  
each candidate shall be printed flush left and shall not be 12765  
centered on the ballot or in any column appearing on the ballot. 12766

The rectangular spaces on the ballot described in this 12767  
section shall be rotated and printed as provided in section 12768



3505.03 of the Revised Code. 12769

**Sec. 3505.11.** (A)(1) The ballots, with the stubs attached, 12770  
shall be bound into tablets for each precinct, which tablets shall 12771  
contain at least ~~one per cent more ballots than the total~~ 12772  
~~registration in the precinct~~ the following minimum number of 12773  
ballots, except as otherwise provided in ~~division~~ divisions (A)(2) 12774  
and (B) of this section.~~Upon:~~ 12775

(a) For regular state elections when the office of the 12776  
president of the United States appears on the ballot, ballots 12777  
equal to at least one hundred one per cent of the total 12778  
registration in the precinct; 12779

(b) For regular state elections when the office of governor 12780  
appears on the ballot, ballots equal to at least one hundred one 12781  
per cent of the total registration in the precinct; 12782

(c) For regular municipal elections, ballots equal to at 12783  
least eighty per cent of the total registration in the precinct; 12784

(d) For primary elections and special elections held on the 12785  
day of a primary election in an even-numbered year: 12786

(i) For partisan primaries, ballots equal to at least one 12787  
hundred fifty per cent of the number of voters who voted in that 12788  
party's primary election in the previous applicable primary 12789  
election in that precinct held in an even-numbered year, or if the 12790  
political party has not held a primary election in that precinct 12791  
within the previous four years, ballots equal to at least fifty 12792  
per cent of the number of voters who voted in any other party's 12793  
primary election in the previous applicable primary election in 12794  
that precinct held in an even-numbered year; 12795

(ii) For ballots containing only questions and issues, 12796  
ballots equal to at least one hundred fifty per cent of the number 12797  
of voters who voted only a questions and issues ballot in the 12798

<u>previous applicable special election held on the day of a primary</u>	12799
<u>election held in the precinct in an even-numbered year;</u>	12800
<u>(e) For primary elections and special elections held on the</u>	12801
<u>day of a primary election in an odd-numbered year:</u>	12802
<u>(i) For partisan primaries, ballots equal to at least one</u>	12803
<u>hundred fifty per cent of the number of voters who voted in that</u>	12804
<u>party's primary election in the previous applicable primary</u>	12805
<u>election in that precinct held in an odd-numbered year, or if the</u>	12806
<u>political party has not held a primary election in that precinct</u>	12807
<u>within the previous four years, ballots equal to at least fifty</u>	12808
<u>per cent of the number of voters who voted in any other party's</u>	12809
<u>primary election in the previous applicable primary election in</u>	12810
<u>that precinct held in an odd-numbered year;</u>	12811
<u>(ii) For ballots containing only questions and issues,</u>	12812
<u>ballots equal to at least one hundred fifty per cent of the number</u>	12813
<u>of voters who voted only a questions and issues ballot in the</u>	12814
<u>previous applicable special election held on the day of a primary</u>	12815
<u>election held in the precinct in an odd-numbered year;</u>	12816
<u>(f) For special elections held on a day other than the day of</u>	12817
<u>a primary or general election, ballots equal to at least sixty per</u>	12818
<u>cent of the total registration in the precinct.</u>	12819
<u>(2) If the board of elections finds that the minimum number</u>	12820
<u>of ballots required for a precinct under division (A)(1) of this</u>	12821
<u>section is less than the number of ballots cast in that precinct</u>	12822
<u>in the previous applicable election, the board of elections shall</u>	12823
<u>provide for that precinct ballots equal to not less than one</u>	12824
<u>hundred twenty-five per cent of the number of ballots cast in that</u>	12825
<u>previous applicable election or ballots equal to not less than one</u>	12826
<u>hundred one per cent of the total registration in that precinct,</u>	12827
<u>whichever is less.</u>	12828
<u>If, after the board complies with the requirements of</u>	12829

division (A)(1) of this section, the precinct election officials 12830  
determine that the precinct will not have sufficient ballots to 12831  
enable all the qualified electors in the precinct who wish to vote 12832  
at a particular election to do so, the officials shall request 12833  
that the board provide additional ballots, and the board shall 12834  
provide enough additional ballots, to that precinct in a timely 12835  
manner so that all qualified electors in that precinct who wish to 12836  
vote at that election may do so. 12837

(3) Upon the covers of the tablets shall be written, printed, 12838  
or stamped the designation of the precinct for which the ballots 12839  
have been prepared. All official ballots shall be printed 12840  
uniformly upon the same kind and quality of paper and shall be of 12841  
the same shape, size, and type. 12842

Electors who have failed to respond within thirty days to any 12843  
confirmation notice shall not be counted in determining the number 12844  
of ballots to be printed under this section. 12845

(B)(1) A board of elections may choose to provide ballots on 12846  
demand. If a board so chooses, the board shall have prepared for 12847  
each precinct at least ~~five~~ ten per cent more ballots for an 12848  
election than the number specified below for that kind of 12849  
election: 12850

(a) For a primary election or a special election held on the 12851  
day of a primary election, the total number of electors in that 12852  
precinct who voted in the primary election held four years 12853  
previously; 12854

(b) For a general election or a special election held on the 12855  
day of a general election, the total number of electors in that 12856  
precinct who voted in the general election held four years 12857  
previously; 12858

(c) For a special election held at any time other than on the 12859  
day of a primary or general election, the total number of electors 12860

in that precinct who voted in the most recent primary or general 12861  
election, whichever of those elections occurred in the precinct 12862  
most recently. 12863

(2) If, after the board complies with the requirements of 12864  
division (B)(1) of this section, the election officials of a 12865  
precinct determine that the precinct will not have enough ballots 12866  
to enable all the qualified electors in the precinct who wish to 12867  
vote at a particular election to do so, the officials shall 12868  
request that the board provide additional ballots, and the board 12869  
shall provide enough additional ballots, to that precinct in a 12870  
timely manner so that all qualified electors in that precinct who 12871  
wish to vote at that election may do so. 12872

(3) If a board of elections decides to print ballots on 12873  
demand, in addition to meeting the requirements of division (B)(1) 12874  
of this section, the board shall have ready for use an amount of 12875  
ballot printing paper that would allow the board to print a total 12876  
number of ballots for that election equal to eighty per cent of 12877  
the number of ballots required to be printed and available under 12878  
division (A) of this section if the county had not decided to 12879  
print ballots on demand. 12880

(C) Nothing in this section precludes a board of elections 12881  
from providing more than the minimum number of ballots required 12882  
for a precinct or polling location if the board of elections 12883  
determines that any precinct or polling location will not have 12884  
enough ballots to enable all the qualified electors in the 12885  
precinct who wish to vote at a particular election to do so. 12886

**Sec. 3505.12.** The board of elections shall cause to be 12887  
printed in English in twelve-point type on paper or cardboard 12888  
instructions ~~as issued by the secretary of state for the guidance~~ 12889  
of electors in marking their ballots. ~~Such instructions shall~~ 12890  
~~inform the voters as to how to prepare the ballots for voting, how~~ 12891

~~to obtain a new ballot in case of accidentally spoiling one, and,~~ 12892  
~~in a smaller type, a summary of the important sections of the~~ 12893  
~~penal law relating to crimes against the elective franchise. The,~~ 12894  
which shall be substantially as follows: 12895

"To vote, mark your choice next to the candidate's name or 12896  
answer of your choice. 12897

If you make a mistake or want to change your vote, ask an 12898  
election official for a new ballot. You may ask for a new ballot 12899  
up to two times." 12900

The precinct election officials shall cause to be posted 12901  
immediately in front of or on the polling place and in each voting 12902  
shelf one or more of such cards of instructions. 12903

**Sec. 3505.13.** A contract for the printing of ballots 12904  
involving a cost in excess of ~~ten~~ twenty-five thousand dollars 12905  
shall not be let until after five days' notice published once in a 12906  
leading newspaper published in the county or upon notice given by 12907  
mail by the board of elections, addressed to the responsible 12908  
printing offices within the state. Except as otherwise provided in 12909  
this section, each bid for such printing must be accompanied by a 12910  
bond with at least two sureties, or a surety company, satisfactory 12911  
to the board, in a sum double the amount of the bid, conditioned 12912  
upon the faithful performance of the contract for such printing as 12913  
is awarded and for the payment as damages by such bidder to the 12914  
board of any excess of cost over the bid which it may be obliged 12915  
to pay for such work by reason of the failure of the bidder to 12916  
complete the contract. No bid unaccompanied by such bond shall be 12917  
considered by the board. The board may, however, waive the 12918  
requirement that each bid be accompanied by a bond if the cost of 12919  
the contract is ~~ten~~ twenty-five thousand dollars or less. The 12920  
contract shall be let to the lowest responsible bidder in the 12921  
state. All ballots shall be printed within the state. 12922

**Sec. 3505.18.** (A)(1) When an elector appears in a polling 12923  
place to vote, the elector shall announce to the precinct election 12924  
officials the elector's full name and current address and provide 12925  
~~proof of the elector's identity in the form of a current and valid~~ 12926  
~~photo identification. If the elector's voter registration record~~ 12927  
~~is marked pursuant to section 3503.141 of the Revised Code, the~~ 12928  
~~elector shall provide first-time mail-in registrant~~ 12929  
~~identification, a military identification, or a copy of a current~~ 12930  
~~utility bill, bank statement, government check, paycheck, or other~~ 12931  
~~government document, other than a notice of an election mailed by~~ 12932  
~~a board of elections under section 3501.19 of the Revised Code or~~ 12933  
~~a notice of voter registration mailed by a board of elections~~ 12934  
~~under section 3503.19 of the Revised Code, that shows the name and~~ 12935  
~~current address of the elector. If the elector provides either a~~ 12936  
~~driver's license or a state identification card issued under~~ 12937  
~~section 4507.50 of the Revised Code that does not contain the~~ 12938  
~~elector's current residence address, the elector shall provide the~~ 12939  
~~last four digits of the elector's driver's license number or state~~ 12940  
~~identification card number, and the precinct election official~~ 12941  
~~shall mark the poll list or signature pollbook to indicate that~~ 12942  
~~the elector has provided a driver's license or state~~ 12943  
~~identification card number with a former address and record the~~ 12944  
~~last four digits of the elector's driver's license number or state~~ 12945  
~~identification card number.~~ 12946

(2) ~~If an elector has but is unable to provide to the~~ 12948  
~~precinct election officials any of the forms of identification~~ 12949  
~~required under division (A)(1) of this section, but has a social~~ 12950  
~~security number, the elector may provide the last four digits of~~ 12951  
~~the elector's social security number. Upon providing the social~~ 12952  
~~security number information, the elector may cast a provisional~~ 12953  
~~ballot under section 3505.181 of the Revised Code, the envelope of~~ 12954

~~which ballot shall include that social security number information.~~ 12955  
12956

~~(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.~~ 12957  
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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:~~ 12964  
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~~(a) The elector's name;~~ 12976

~~(b) The elector's address;~~ 12977

~~(c) The current date;~~ 12978

~~(d) The elector's date of birth;~~ 12979

~~(e) The elector's signature.~~ 12980

~~(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~~ 12981  
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~~security number, and if the elector declines to execute an~~ 12985  
~~affirmation under division (A)(4) of this section, the elector may~~ 12986  
~~cast a provisional ballot under section 3505.181 of the Revised~~ 12987  
~~Code, the envelope of which ballot shall include the elector's~~ 12988  
~~name.~~ 12989

~~(6) If an elector has but~~ does not have or declines to 12990  
provide to the precinct election officials ~~any of the forms of~~ 12991  
identification required under division (A)(1) of this section ~~or~~ 12992  
~~the elector has a social security number but declines to provide~~ 12993  
~~to the precinct election officials the last four digits of the~~ 12994  
~~elector's social security number,~~ the elector may cast a 12995  
provisional ballot under section 3505.181 of the Revised Code. 12996

(B) After the elector has announced the elector's full name 12997  
and current address and provided ~~any of the forms of~~ 12998  
identification required under division (A)(1) of this section, the 12999  
elector shall ~~write~~ confirm the elector's name and address by 13000  
signing the elector's name at the proper place in the poll list or 13001  
signature pollbook provided for the purpose, except that if, for 13002  
any reason, an elector is unable to ~~write~~ sign the elector's name 13003  
~~and current address~~ in the poll list or signature pollbook, the 13004  
elector may make the elector's mark at the place intended for the 13005  
elector's name, and a precinct election official shall write the 13006  
name of the elector at the proper place on the poll list or 13007  
signature pollbook following the elector's mark. The making of 13008  
such a mark shall be attested by the precinct election official, 13009  
who shall evidence the same by signing the precinct election 13010  
official's name on the poll list or signature pollbook as a 13011  
witness to the mark. Alternatively, if applicable, an attorney in 13012  
fact acting pursuant to section 3501.382 of the Revised Code may 13013  
sign the elector's signature in the poll list or signature 13014  
pollbook in accordance with that section. 13015

The elector's signature in the poll list or signature 13016



pollbook then shall be compared with the elector's signature on 13017  
the elector's registration form or a digitized signature list as 13018  
provided for in section 3503.13 of the Revised Code, and if, in 13019  
the opinion of a majority of the precinct election officials, the 13020  
signatures are the signatures of the same person, the election 13021  
officials shall enter the date of the election on the registration 13022  
form or shall record the date by other means prescribed by the 13023  
secretary of state. The validity of an attorney in fact's 13024  
signature on behalf of an elector shall be determined in 13025  
accordance with section 3501.382 of the Revised Code. 13026

If the right of the elector to vote is not then challenged, 13027  
or, if being challenged, the elector establishes the elector's 13028  
right to vote, the elector shall be allowed to proceed to use the 13029  
voting machine. If voting machines are not being used in that 13030  
precinct, the judge in charge of ballots shall then detach the 13031  
next ballots to be issued to the elector from Stub B attached to 13032  
each ballot, leaving Stub A attached to each ballot, hand the 13033  
ballots to the elector, and call the elector's name and the stub 13034  
number on each of the ballots. The judge shall enter the stub 13035  
numbers opposite the signature of the elector in the pollbook. The 13036  
elector shall then retire to one of the voting compartments to 13037  
mark the elector's ballots. No mark shall be made on any ballot 13038  
which would in any way enable any person to identify the person 13039  
who voted the ballot. 13040

**Sec. 3505.181.** (A) All of the following individuals shall be 13041  
permitted to cast a provisional ballot at an election: 13042

(1) An individual who declares that the individual is a 13043  
registered voter ~~in the jurisdiction in which the individual~~ 13044  
~~desires to vote~~ and that the individual is eligible to vote in an 13045  
election, but the name of the individual does not appear on the 13046  
official list of eligible voters for the polling place ~~or an~~ 13047

~~election official asserts that the individual is not eligible to~~ 13048  
~~vote;~~ 13049

~~(2) An individual who has a social security number and~~ 13050  
~~provides to the election officials the last four digits of the~~ 13051  
~~individual's social security number as permitted by division~~ 13052  
~~(A)(2) of section 3505.18 of the Revised Code;~~ 13053

~~(3) An individual who has but is unable to does not have or~~ 13054  
~~declines to provide to the election officials any of the forms of~~ 13055  
~~identification required under division (A)(1) of section 3505.18~~ 13056  
~~of the Revised Code and who has a social security number but is~~ 13057  
~~unable to provide the last four digits of the individual's social~~ 13058  
~~security number as permitted under division (A)(2) of that~~ 13059  
~~section;~~ 13060

~~(4) An individual who does not have any of the forms of~~ 13061  
~~identification required under division (A)(1) of section 3505.18~~ 13062  
~~of the Revised Code, who cannot provide the last four digits of~~ 13063  
~~the individual's social security number under division (A)(2) of~~ 13064  
~~that section because the individual does not have a social~~ 13065  
~~security number, and who has executed an affirmation as permitted~~ 13066  
~~under division (A)(4) of that section;~~ 13067

~~(5)(3) An individual whose name in the poll list or signature~~ 13068  
~~pollbook has been marked under section 3509.09 or 3511.13 of the~~ 13069  
~~Revised Code as having requested an absent voter's ballot or an~~ 13070  
~~armed service absent voter's ballot for that election and who~~ 13071  
~~appears to vote at the polling place;~~ 13072

~~(6) An individual whose notification of registration has been~~ 13073  
~~returned undelivered to the board of elections and whose name in~~ 13074  
~~the official registration list and in the poll list or signature~~ 13075  
~~pollbook has been marked under division (C)(2) of section 3503.19~~ 13076  
~~of the Revised Code;~~ 13077

~~(7) An individual who is challenged under section 3505.20 of~~ 13078

~~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 13140  
at the direction of the individual. 13141

(4) The election official shall review the affirmation to 13142  
determine if the voter's portion of the affirmation has been 13143  
completed. If the election official finds that the voter's portion 13144  
of the affirmation has been completed, the election official shall 13145  
provide the individual with a provisional ballot. If the election 13146  
official finds that the voter's portion of the affirmation has not 13147  
been completed, the official shall direct the individual to 13148  
properly complete the affirmation. If the individual refuses to 13149  
complete the affirmation, the election official shall do all of 13150  
the following: 13151

(a) Write the individual's name on the affirmation in the 13152  
space for the individual's name; 13153

(b) Indicate on the affirmation form that the individual 13154  
refused to complete the affirmation; 13155

(c) Notify the individual that the provisional ballot will 13156  
only be counted if the individual signs the affirmation; 13157

(d) Provide the individual with a provisional ballot. 13158

(5) The voter shall place the voted provisional ballot in the 13159  
completed envelope, seal the envelope, and return the envelope to 13160  
the election official. 13161

(6) An election official at the polling place shall transmit 13162  
the voter's sealed provisional ballot east by the individual, the 13163  
voter information contained in the written affirmation executed by 13164  
the individual under division (B)(2) of this section, or the 13165  
individual's name if the individual declines to execute such an 13166  
affirmation envelope to an appropriate local election official for 13167  
verification under division (B)(4) of this section section 13168  
3505.183 of the Revised Code. 13169

~~(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.~~ 13265

~~(C)~~(D)(1) If an individual declares that the individual is 13266  
eligible to vote in a jurisdiction other than the jurisdiction in 13267  
which the individual desires to vote, or if, upon review of the 13268  
precinct voting location guide using the residential street 13269  
address provided by the individual, an election official at the 13270  
polling place at which the individual desires to vote determines 13271  
that the individual is not ~~eligible~~ registered to vote in that 13272  
~~jurisdiction precinct~~, the election official shall direct the 13273  
individual to the polling place for the ~~jurisdiction precinct~~ in 13274  
which the individual appears to be ~~eligible~~ registered to vote, 13275  
explain that the individual may cast a provisional ballot at the 13276  
current location but the ballot will not be counted if it is cast 13277  
in the wrong ~~precinct~~ county, and provide the telephone number of 13278  
the board of elections in case the individual has additional 13279  
questions. 13280

(2) If the individual refuses to travel to the polling place 13281  
for the correct jurisdiction or to the office of the board of 13282  
elections to cast a ballot, the individual shall be permitted to 13283  
vote a provisional ballot at that jurisdiction in accordance with 13284  
division ~~(B)~~(C) of this section. ~~If any of the following apply,~~ 13285  
~~the provisional ballot cast by that individual shall not be opened~~ 13286  
~~or counted.~~ 13287

~~(a) The individual is not properly registered in that~~ 13288  
~~jurisdiction.~~ 13289

~~(b) The individual is not eligible to vote in that election~~ 13290  
~~in that jurisdiction.~~ 13291

~~(c) The individual's eligibility to vote in that jurisdiction~~ 13292  
~~in that election cannot be established upon examination of the~~ 13293  
~~records on file with the board of elections.~~ 13294

~~(D)~~(E) The appropriate local election official shall cause 13295

voting information to be publicly posted at each polling place on 13296  
the day of each election. 13297

~~(E)~~(F) The secretary of state shall prescribe the form and 13298  
content of provisional ballot envelopes. The provisional ballot 13299  
envelopes prescribed under this division shall include the 13300  
affirmation required by section 3505.182 of the Revised Code. 13301

The provisional ballot envelopes used by each board of 13302  
elections in conducting provisional voting within a county shall 13303  
conform to the form and content prescribed by the secretary of 13304  
state under this division. 13305

(G) As used in this section and sections 3505.182 and 13306  
3505.183 of the Revised Code: 13307

(1) "Jurisdiction" means the ~~precinct~~ county in which a 13308  
person is a legally qualified elector. 13309

(2) "Precinct voting location guide" means either of the 13310  
following: 13311

(a) An electronic or paper record that lists the correct 13312  
~~jurisdiction~~ precinct and polling place for either each specific 13313  
residential street address in the county or the range of 13314  
residential street addresses located in each neighborhood block in 13315  
the county; 13316

(b) Any other method that a board of elections creates that 13317  
allows a precinct election official or any elector who is at a 13318  
polling place in that county to determine the correct ~~jurisdiction~~ 13319  
precinct and polling place of any qualified elector who resides in 13320  
the county. 13321

(3) "Voting information" means all of the following: 13322

(a) A sample version of the ballot that will be used for that 13323  
election; 13324

(b) Information regarding the date of the election and the 13325

hours during which polling places will be open;	13326
(c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;	13327 13328
(d) Instructions for mail-in registrants and first-time voters under applicable federal and state laws;	13329 13330
(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;	13331 13332 13333 13334 13335
(f) General information on federal and state laws regarding prohibitions against acts of fraud and misrepresentation.	13336 13337
<u>(4) The "signature" of an individual on a provisional voter's affirmation includes all of the following:</u>	13338 13339
<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>	13340 13341 13342 13343
<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>	13344 13345 13346 13347
<u>(c) The signature of an attorney in fact made pursuant to section 3501.382 of the Revised Code.</u>	13348 13349
<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 The secretary of state shall prescribe the form and content of a provisional voter's affirmation, which shall be substantially as follows:</del>	13350 13351 13352 13353 13354 13355

	13356
"Provisional <del>Ballot</del> <u>Voter's</u> Affirmation	13357
STATE OF OHIO	13358
<u>TO BE COMPLETED BY PROVISIONAL BALLOT VOTER</u>	13359
<u>Voter's Provisional Ballot Affirmation</u>	13360
<u>Please review the following statement and sign.</u>	13361
<u>Your provisional ballot will be counted only if you sign this affirmation.</u>	13362
<u>"I, .....</u> (Name of provisional voter),	13364
solemnly swear or affirm that I am a registered voter in the	13365
<del>jurisdiction in which</del> <u>county where</u> I am <del>voting</del> <u>offering to vote</u>	13366
this <del>provisional</del> ballot and that I am eligible to vote in the	13367
election in which I am voting this <del>provisional</del> ballot.	13368
I understand that, <del>if the above provided information is not</del>	13369
<del>fully completed and correct,</del> if the board of elections determines	13370
that I am not registered <del>to vote,</del> a resident of this precinct, or	13371
eligible to vote in this election, or if the board of elections	13372
determines that I have already voted in this election, my	13373
<del>provisional</del> ballot will not be counted. <del>I further understand that</del>	13374
<del>knowingly providing false information is a violation of law and</del>	13375
<del>subjects me to possible criminal prosecution.</del>	13376
I hereby declare, under penalty of election falsification,	13377
that the above statements are true and correct to the best of my	13378
knowledge and belief."	13379
.....	13380
( <del>Signature of Voter</del> )	13381
.....	13382
( <del>Voter's date of birth</del> )	13383
The last four digits of the	13384
<del>voter's social security number</del>	

.....	13385
<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>	13386
<u>SIGNATURE OF VOTER (required):.....</u>	13387
<u>PRINT FIRST AND LAST NAME:.....</u>	13388
<u>ADDRESS: .....</u>	13389
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY	13390
OF THE FIFTH DEGREE.	13391
<del>Additional Information For Determining Ballot Validity</del>	13392
<del>(May be completed at voter's discretion)</del>	13393
<del>Voter's current address: .....</del>	13394
<del>Voter's former address if .....</del>	13395
<del>photo identification does not contain voter's current address</del>	
<del>Voter's driver's license number or, if not provided</del>	13396

~~above, the last four digits  
of voter's social security  
number~~

~~(Please circle number type) ..... 13397~~

~~(Voter may attach a copy of any of the following for 13398~~

~~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): 13399~~

~~..... Requested, but did not receive, absent voter's ballot 13400~~

~~..... Other 13401~~

~~Verification Statement 13402~~

~~(To be completed by election official) 13403~~

**RECOMMENDED VOTER INFORMATION** 13404

The following optional information may be helpful for the 13405

board of elections in processing your provisional ballot. However, 13406

none of the following information may be the only reason for 13407

invalidating your provisional ballot. 13408

Name: ..... 13409

Address: ..... 13410

Birthdate: ..... 13411

Ohio driver's license number: ..... 13412

Last four digits of your Social Security Number ..... 13413

Are you a United States citizen? YES/NO (circle one) 13414

Will you be at least eighteen years of age on or before the 13415

next general election? YES/NO (circle one) 13416

For identification purposes, you may attach a copy of either 13417  
a current and valid photo identification issued by the state or an 13418  
agency or political subdivision of the state, an institution of 13419  
higher education, or the United States government, or an 13420  
affirmation of your identity. 13421

**TO BE COMPLETED BY ELECTION OFFICIAL AFTER VOTER RETURNS BALLOT** 13422

The following must be completed by the election official 13423  
assisting the voter with the provisional ballot. 13424

REASON THE VOTER RECEIVED A PROVISIONAL BALLOT (check one): 13425

..... Previously requested an absent voter's ballot or a 13426  
regular ballot 13427

..... Name does not appear in the pollbook or poll list 13428

..... Did not present valid identification 13429

The Provisional ~~Ballet~~ Voter's Affirmation printed above was 13430  
subscribed and affirmed before me this ..... day of 13431  
..... (Month), ..... (Year). 13432

~~(If applicable, the election official must check the~~ 13433  
~~following true statement concerning additional information needed~~ 13434  
~~to determine the eligibility of the provisional voter.)~~ 13435

~~..... The provisional voter is required to provide~~ 13436  
~~additional information to the board of elections.~~ 13437

~~..... An application or challenge hearing regarding this~~ 13438  
~~voter has been postponed until after the election.~~ 13439

~~(The election official must check the following true~~ 13440  
~~statement concerning identification provided by the provisional~~ 13441  
~~voter, if any.)~~ 13442

~~..... The provisional voter provided a current and valid~~ 13443  
~~photo identification.~~ 13444

~~..... The provisional voter provided a current valid photo~~ 13445

~~identification, other than a driver's license or a state 13446  
identification card, with the voter's former address instead of 13447  
current address and has provided the election official both the 13448  
current and former addresses. 13449~~

~~..... The provisional voter provided a military 13450  
identification or a copy of a current utility bill, bank 13451  
statement, government check, paycheck, or other government 13452  
document, other than a notice of an election mailed by a board of 13453  
elections under section 3501.19 of the Revised Code or a notice of 13454  
voter registration mailed by a board of elections under section 13455  
3503.19 of the Revised Code, with the voter's name and current 13456  
address. 13457~~

~~..... The provisional voter provided the last four digits of 13458  
the voter's social security number. 13459~~

~~..... The provisional voter is not able to provide a current 13460  
and valid photo identification, a military identification, or a 13461  
copy of a current utility bill, bank statement, government check, 13462  
paycheck, or other government document, other than a notice of an 13463  
election mailed by a board of elections under section 3501.19 of 13464  
the Revised Code or a notice of voter registration mailed by a 13465  
board of elections under section 3503.19 of the Revised Code, with 13466  
the voter's name and current address but does have one of these 13467  
forms of identification. The provisional voter must provide one of 13468  
the foregoing items of identification to the board of elections 13469  
within ten days after the election. 13470~~

~~..... The provisional voter is not able to provide a current 13471  
and valid photo identification, a military identification, or a 13472  
copy of a current utility bill, bank statement, government check, 13473  
paycheck, or other government document, other than a notice of an 13474  
election mailed by a board of elections under section 3501.19 of 13475  
the Revised Code or a notice of voter registration mailed by a 13476  
board of elections under section 3503.19 of the Revised Code, with 13477~~



~~the voter's name and current address but does have one of these 13478  
forms of identification. Additionally, the provisional voter does 13479  
have a social security number but is not able to provide the last 13480  
four digits of the voter's social security number before voting. 13481  
The provisional voter must provide one of the foregoing items of 13482  
identification or the last four digits of the voter's social 13483  
security number to the board of elections within ten days after 13484  
the election. 13485~~

~~..... The provisional voter does not have a current and valid 13486  
photo identification, a military identification, a copy of a 13487  
current utility bill, bank statement, government check, paycheck, 13488  
or other government document with the voter's name and current 13489  
address, or a social security number, but has executed an 13490  
affirmation. 13491~~

~~..... The provisional voter does not have a current and valid 13492  
photo identification, a military identification, a copy of a 13493  
current utility bill, bank statement, government check, paycheck, 13494  
or other government document with the voter's name and current 13495  
address, or a social security number, and has declined to execute 13496  
an affirmation. 13497~~

~~..... The provisional voter declined to provide a current and 13498  
valid photo identification, a military identification, a copy of a 13499  
current utility bill, bank statement, government check, paycheck, 13500  
or other government document with the voter's name and current 13501  
address, or the last four digits of the voter's social security 13502  
number but does have one of these forms of identification or a 13503  
social security number. The provisional voter must provide one of 13504  
the foregoing items of identification or the last four digits of 13505  
the voter's social security number to the board of elections 13506  
within ten days after the election. 13507~~

I have notified the voter that the voter MUST/MUST NOT 13508  
(circle one) provide additional information to the board of 13509

elections within 10 days after Election Day for this provisional ballot to be counted. 13510  
13511

(LIST INFORMATION TO BE PROVIDED, if applicable: .....) 13512

..... 13513

(Signature of Election Official)" 13514

~~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. 13515  
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~~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.~~ 13523  
13524  
13525

**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. 13526  
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(B)(1) ~~To determine~~ In determining whether a provisional 13541  
ballot is valid and entitled to be counted, the board shall 13542  
examine its registration records and ~~determine whether the~~ 13543  
~~individual who cast the provisional ballot is registered and~~ 13544  
~~eligible to vote in the applicable election. The board shall~~ 13545  
~~examine the information contained in the written affirmation~~ 13546  
~~executed by the individual who cast the provisional ballot under~~ 13547  
~~division (B)(2) of section 3505.181 of the Revised Code. If the~~ 13548  
~~individual declines to execute such an affirmation, the~~ 13549  
~~individual's name, written by either the individual or the~~ 13550  
~~election official at the direction of the individual, shall be~~ 13551  
~~included in a written affirmation in order for the provisional~~ 13552  
~~ballot to be eligible to be counted; otherwise, the following~~ 13553  
~~information shall be included in the written affirmation in order~~ 13554  
~~for the provisional ballot to be eligible to be counted.~~ 13555

~~(a) The individual's name and signature;~~ 13556

~~(b) A statement that the individual is a registered voter in~~ 13557  
~~the jurisdiction in which the provisional ballot is being voted;~~ 13558

~~(c) A statement that the individual is eligible to vote in~~ 13559  
~~the election in which the provisional ballot is being voted.~~ 13560

~~(2) In addition to the information required to be included in~~ 13561  
~~an affirmation under division (B)(1) of this section, in~~ 13562  
~~determining whether a provisional ballot is valid and entitled to~~ 13563  
~~be counted, the board also shall examine any additional~~ 13564  
~~information for determining ballot validity provided by the~~ 13565  
~~provisional voter on the affirmation, provided by the provisional~~ 13566  
~~voter to an election official under section 3505.182 of the~~ 13567  
~~Revised Code, or provided to the board of elections during the ten~~ 13568  
~~days after the day of the election under division (B)(8) of~~ 13569  
~~section 3505.181 of the Revised Code, to assist the board in~~ 13570  
~~determining the individual's eligibility to vote.~~ 13571

(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. 13572  
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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. 13583  
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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. 13592  
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13596

(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: 13597  
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13599  
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13601

(a) A signature has been provided on the provisional ballot affirmation. 13602  
13603

(b) The individual's voter registration record is located 13604  
based on the signature and other information provided on the 13605  
affirmation, and the signature provided on the affirmation 13606  
substantially conforms to the signature in the individual's voter 13607  
registration record. 13608

~~(c) The individual named on the affirmation is properly~~ 13609  
~~registered to vote.~~ 13610

~~(b)(d) The individual named on the affirmation is eligible to~~ 13611  
~~cast a ballot in the precinct and for the election in which the~~ 13612  
~~individual cast the provisional ballot.~~ 13613

~~(e) The individual provided all of the information required~~ 13614  
~~under division (B)(1) of this section in the affirmation that the~~ 13615  
~~individual executed at the time the individual cast the~~ 13616  
~~provisional ballot.~~ 13617

~~(d) If applicable, the individual provided any additional~~ 13618  
~~information required under division (B)(8) of section 3505.181 of~~ 13619  
~~the Revised Code within ten days after the day of the election.~~ 13620

~~(e) If applicable, the hearing conducted under division (B)~~ 13621  
~~of section 3503.24 of the Revised Code after the day of the~~ 13622  
~~election resulted in the individual's inclusion in the official~~ 13623  
~~registration list.~~ 13624

~~(4)(a)(3) If, in examining a provisional ballot affirmation~~ 13625  
~~and additional information under divisions (B)(1) and (2) of this~~ 13626  
~~section, the board determines that any of the following applies,~~ 13627  
~~the provisional ballot envelope shall not be opened, and the~~ 13628  
~~ballot shall not be counted:~~ 13629

~~(i)(a) The individual's signature does not appear on the~~ 13630  
~~affirmation and the individual does not provide the missing~~ 13631  
~~signature not later than ten days after the day of an election, or~~ 13632  
~~the signature provided does not substantially conform to the~~ 13633  
~~signature in the individual's voter registration record.~~ 13634

~~(b) The individual named on the affirmation is not qualified to vote or is not properly registered to vote.~~ 13635  
13636

~~(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.~~ 13637  
13638  
13639

~~(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.~~ 13640  
13641  
13642  
13643

~~(iv)(c) The individual has already cast a ballot for the election in which the individual cast the provisional ballot.~~ 13644  
13645

~~(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.~~ 13646  
13647  
13648  
13649

~~(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.~~ 13650  
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~~(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.~~ 13654  
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~~(b) If, in examining a provisional ballot affirmation and~~ 13665

~~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 13697  
time provided by section 3505.31 of the Revised Code for the 13698  
destruction of all other ballots used at the election for which 13699  
ballots were provided, at which time they shall be destroyed. 13700

~~(D)~~(E) Provisional ballots that the board determines are 13701  
eligible to be counted under division (B)~~(3)~~(2) of this section 13702  
shall be counted in the same manner as provided for other ballots 13703  
under section 3505.27 of the Revised Code. No provisional ballots 13704  
shall be counted in a particular county until the board determines 13705  
the eligibility to be counted of all provisional ballots cast in 13706  
that county under division (B) of this section for that election. 13707  
Observers, as provided in section 3505.21 of the Revised Code, may 13708  
be present at all times that the board is determining the 13709  
eligibility of provisional ballots to be counted and counting 13710  
those provisional ballots determined to be eligible. No person 13711  
shall recklessly disclose the count or any portion of the count of 13712  
provisional ballots in such a manner as to jeopardize the secrecy 13713  
of any individual ballot. 13714

~~(E)~~(F)(1) Except as otherwise provided in division ~~(E)~~(F)(2) 13715  
of this section, nothing in this section shall prevent a board of 13716  
elections from examining provisional ballot affirmations and 13717  
additional information under ~~divisions~~ division (B)~~(1) and (2)~~ of 13718  
this section to determine the eligibility of provisional ballots 13719  
to be counted during the ten days after the day of an election. 13720

(2) A board of elections shall ~~not examine the provisional~~ 13721  
~~ballot affirmation and additional information under divisions~~ 13722  
~~(B)(1) and (2) of this section of any provisional ballot for which~~ 13723  
~~an election official has indicated under division (B)(7) of~~ 13724  
~~section 3505.181 of the Revised Code that additional information~~ 13725  
~~is required for the board of elections to determine the~~ 13726  
~~eligibility of the individual who cast that provisional ballot~~ 13727  
~~until the individual provides any information required under~~ 13728



~~division (B)(8) of section 3505.181 of the Revised Code, until any~~ 13729  
~~hearing required to be conducted under section 3503.24 of the~~ 13730  
~~Revised Code with regard to the provisional voter is held, or~~ 13731  
~~until~~ vote not earlier than the eleventh day after the day of the 13732  
~~election, whichever is earlier~~ to certify the validity of any 13733  
provisional ballot. 13734

(G) Not later than twenty-four hours after the unofficial 13735  
results for an election have been determined, the board of 13736  
elections shall make available for public inspection the names of 13737  
provisional voters and the precincts in which they voted. However, 13738  
no election official, observer, or other person shall knowingly 13739  
disclose personal information about an individual provisional 13740  
ballot, including information provided on the provisional ballot 13741  
affirmation form and information as to whether the ballot was 13742  
counted to any person other than the voter who cast the 13743  
provisional ballot. 13744

**Sec. 3505.20.** (A) Any person offering to vote may be 13745  
challenged at the polling place by any judge of elections on any 13746  
of the following grounds: 13747

(1) That the person is not a citizen of the United States; 13748

(2) That the person is not a resident of the precinct in 13749  
which the person offers to vote; 13750

(3) That the person is not eighteen years of age or older; 13751

(4) That the person is not a qualified elector for that 13752  
election; 13753

(5) That the person is not the elector that the person 13754  
purports to be. 13755

Challenges shall be made only if the challenger knows or 13756  
reasonably believes that the challenged elector is not qualified 13757  
and entitled to vote. If the board of elections has ruled on the 13758

question presented by a challenge prior to election day, its 13759  
finding and decision shall be final, ~~and~~ the presiding judge shall 13760  
be notified in writing, and the judges of elections shall not 13761  
challenge the elector on that ground. ~~If the board has not ruled,~~ 13762  
~~the question shall be determined as set forth in this section.~~ If 13763  
any person is ~~se~~ challenged as unqualified to vote, the presiding 13764  
judge shall tender the person the following oath: "You do swear or 13765  
affirm under penalty of election falsification that you will fully 13766  
and truly answer all of the following questions put to you 13767  
concerning your qualifications as an elector at this election." 13768

13769

A challenge may be upheld only if a majority of the judges of 13770  
elections for the precinct at which the person offers to vote find 13771  
by clear and convincing evidence that the person challenged is not 13772  
eligible to vote a regular ballot on the grounds so challenged. 13773

~~(A)(B)~~ If the person is challenged as unqualified on the 13774  
ground that the person is not a citizen, the judges shall put the 13775  
~~following questions:~~ 13776

~~(1) question, "Are you a citizen of the United States?"~~ 13777

~~(2) Are you a native or naturalized citizen?"~~ 13778

~~(3) Where were you born?"~~ 13779

~~(4) What official documentation do you possess to prove your~~ 13780  
~~citizenship? Please provide that documentation."~~ 13781

~~If the person offering to vote claims to be a naturalized~~ 13782  
~~citizen of the United States, the person shall, before the vote is~~ 13783  
~~received, produce for inspection of the judges a certificate of~~ 13784  
~~naturalization and declare under oath that the person is the~~ 13785  
~~identical person named in the certificate. If the person states~~ 13786  
~~under oath that, by reason of the naturalization of the person's~~ 13787  
~~parents or one of them, the person has become a citizen of the~~ 13788  
~~United States, and when or where the person's parents were~~ 13789

~~naturalized, the certificate of naturalization need not be 13790  
produced. If the person is unable to provide a certificate of 13791  
naturalization on the day of answers in the affirmative, the 13792  
challenge shall be denied. If the judges are unable to verify the 13793  
person's eligibility to cast a ballot in the election, the judges 13794  
shall provide to the person, and the person may vote, a 13795  
provisional ballot under section 3505.181 of the Revised Code. ~~The~~ 13796  
~~provisional ballot shall not be counted unless it is properly~~ 13797  
~~completed and the board of elections determines that the voter is~~ 13798  
~~properly registered and eligible to vote in the election.~~ 13799~~

~~(B) If the person is challenged as unqualified on the ground 13800  
that the person has not resided in this state for thirty days 13801  
immediately preceding the election, the judges shall put the 13802  
following questions:~~ 13803

~~(1) Have you resided in this state for thirty days 13804  
immediately preceding this election? If so, where have you 13805  
resided? 13806~~

~~(2) Did you properly register to vote? 13807~~

~~(3) Can you provide some form of identification containing 13808  
your current mailing address in this precinct? Please provide that 13809  
identification. 13810~~

~~(4) Have you voted or attempted to vote at any other location 13811  
in this or in any other state at this election? 13812~~

~~(5) Have you applied for an absent voter's ballot in any 13813  
state for this election? 13814~~

~~If the judges are unable to verify the person's eligibility 13815  
to cast a ballot in the election, the judges shall provide to the 13816  
person, and the person may vote, a provisional ballot under 13817  
section 3505.181 of the Revised Code. ~~The provisional ballot shall~~ 13818  
~~not be counted unless it is properly completed and the board of~~ 13819  
~~elections determines that the voter is properly registered and~~ 13820~~

<del>eligible to vote in the election.</del>	13821
(C) If the person is challenged as unqualified on the ground	13822
that the person is not a resident of the precinct where the person	13823
offers to vote, the judges shall put the following questions:	13824
	13825
(1) Do you reside in this precinct?	13826
(2) When did you move into this precinct?	13827
(3) When you came into this precinct, did you come for a	13828
temporary purpose merely or for the purpose of making it your	13829
home?	13830
(4) What is your current mailing address?	13831
(5) Do you have some official identification containing your	13832
current address in this precinct? Please provide that	13833
identification.	13834
(6) Have you voted or attempted to vote at any other location	13835
in this or in any other state at this election?	13836
(7) Have you applied for any absent voter's ballot in any	13837
state for this election?	13838
The judges shall direct an individual who is not in the	13839
appropriate polling place to the appropriate polling place. If the	13840
individual refuses to go to the appropriate polling place, or if	13841
the judges are unable to verify the person's eligibility to cast a	13842
ballot in the election, the judges shall provide to the person,	13843
and the person may vote, a provisional ballot under section	13844
3505.181 of the Revised Code. <del>The provisional ballot shall not be</del>	13845
<del>counted unless it is properly completed and the board of elections</del>	13846
<del>determines that the voter is properly registered and eligible to</del>	13847
<del>vote in the election.</del>	13848
(D) If the person is challenged as unqualified on the ground	13849
that the person is not of legal voting age, the judges shall put	13850

the following questions: 13851

(1) Are you eighteen years of age or more? 13852

(2) What is your date of birth? 13853

(3) Do you have some official identification verifying your 13854  
age? Please provide that identification. 13855

If the judges are unable to verify the person's age and 13856  
eligibility to cast a ballot in the election, the judges shall 13857  
provide to the person, and the person may vote, a provisional 13858  
ballot under section 3505.181 of the Revised Code. ~~The provisional~~ 13859  
~~ballot shall not be counted unless it is properly completed and~~ 13860  
~~the board of elections determines that the voter is properly~~ 13861  
~~registered and eligible to vote in the election.~~ 13862

~~The presiding judge shall put such other questions to the~~ 13863  
~~person challenged as are necessary to determine the person's~~ 13864  
~~qualifications as an elector at the election. If a person~~ 13865  
~~challenged refuses to answer fully any question put to the person,~~ 13866  
~~is unable to answer the questions as they were answered on the~~ 13867  
~~registration form by the person under whose name the person offers~~ 13868  
~~to vote, or refuses to sign the person's name or make the person's~~ 13869  
~~mark, or if for any other reason a majority of the judges believes~~ 13870  
~~the person is not entitled to vote, the judges shall provide to~~ 13871  
~~the person, and the person may vote, a provisional ballot under~~ 13872  
~~section 3505.181 of the Revised Code. The provisional ballot shall~~ 13873  
~~not be counted unless it is properly completed and the board of~~ 13874  
~~elections determines that the voter is properly registered and~~ 13875  
~~eligible to vote in the election.~~ 13876

(E) If the person is challenged as unqualified on the ground 13877  
that the person is not a qualified elector for the applicable 13878  
election, the judges shall put the following questions: 13879

(1) Have you resided in this state for thirty days 13880  
immediately preceding the day of this election? If so, where have 13881

<u>you resided?</u>	13882
<u>(2) Did you properly register to vote?</u>	13883
<u>(3) Can you provide some form of identification containing your current mailing address in this precinct? Please provide that identification.</u>	13884 13885 13886
<u>(4) Have you voted or attempted to vote at any other location in this or in any other state at this election?</u>	13887 13888
<u>(5) Have you applied for an absent voter's ballot in any state for this election?</u>	13889 13890
<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>	13891 13892 13893 13894
<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>	13895 13896 13897
<u>(1) What is your full name, date of birth, and address for voting purposes?</u>	13898 13899
<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>	13900 13901 13902
<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>	13903 13904 13905 13906
<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>	13907 13908 13909
<u>(H) A qualified citizen who has certified the citizen's intention to vote for president and vice-president as provided by</u>	13910 13911

Chapter 3504. of the Revised Code shall be eligible to receive 13912  
only the ballot ~~containing~~ for presidential and vice-presidential 13913  
candidates. 13914

~~However, prior to the nineteenth day before the day of an 13915  
election and in accordance with section 3503.24 of the Revised 13916  
Code, any person qualified to vote may challenge the right of any 13917  
other person to be registered as a voter, or the right to cast an 13918  
absent voter's ballot, or to make application for such ballot. 13919  
Such challenge shall be made in accordance with section 3503.24 of 13920  
the Revised Code, and the board of elections of the county in 13921  
which the voting residence of the challenged voter is situated 13922  
shall make a final determination relative to the legality of such 13923  
registration or application. 13924~~

**Sec. 3505.21.** (A) As used in this section, "during the 13925  
casting of the ballots" includes any time during which a board of 13926  
elections permits an elector to receive, complete, and return an 13927  
absent voter's ballot in person at the office of the board or at 13928  
another site designated by the board under division (C) of section 13929  
3501.10 of the Revised Code and any time ballots may be cast in a 13930  
precinct polling place on the day of an election. 13931

(B) At any primary, special, or general election, any 13932  
political party supporting candidates to be voted upon at such 13933  
election and any group of five or more candidates may appoint to 13934  
the board of elections or to any of the precincts in the county or 13935  
city one person, a qualified elector, who shall serve as observer 13936  
for such party or such candidates during the casting of the 13937  
ballots and during the counting of the ballots; provided that 13938  
separate observers may be appointed to serve during the casting 13939  
and during the counting of the ballots. No candidate, no uniformed 13940  
peace officer as defined by section 2935.01 of the Revised Code, 13941  
no uniformed state highway patrol trooper, no uniformed member of 13942

any fire department, no uniformed member of the armed services, no 13943  
uniformed member of the organized militia, no person wearing any 13944  
other uniform, and no person carrying a firearm or other deadly 13945  
weapon shall serve as an observer, nor shall any candidate be 13946  
represented by more than one observer at any one precinct or other 13947  
voting location except that a candidate who is a member of a party 13948  
controlling committee, as defined in section 3517.03 of the 13949  
Revised Code, may serve as an observer. ~~Any~~ 13950

(C) Any political party or group of candidates appointing 13951  
observers shall notify the board of elections of the names and 13952  
addresses of its appointees and ~~the precincts~~ each precinct or 13953  
other location at which they shall serve. Notification of of 13954  
observers appointed to serve on the day of an election shall take 13955  
place not less than eleven days before the day of the election on 13956  
forms prescribed by the secretary of state and may be amended by 13957  
filing an amendment with the board of elections at any time until 13958  
four p.m. of the day before the election. Notification of 13959  
observers appointed to serve at the office of the board or at 13960  
another location during the time absent voter's ballots may be 13961  
cast in person shall take place not less than eleven days before 13962  
absent voter's ballots are required to be ready for use pursuant 13963  
to section 3509.01 of the Revised Code on forms prescribed by the 13964  
secretary of state and may be amended by filing an amendment with 13965  
the board of elections at any time until four p.m. of the day 13966  
before the observer is appointed to serve. The observer serving on 13967  
behalf of a political party shall be appointed in writing by the 13968  
chairperson and secretary of the respective controlling party 13969  
committee. Observers serving for any five or more candidates shall 13970  
have their certificates signed by those candidates. Observers 13971  
appointed to a precinct may file their certificates of appointment 13972  
with the presiding judge of the precinct at the meeting on the 13973  
evening prior to the election, or with the presiding judge of the 13974  
precinct on the day of the election. ~~Upon~~ Observers appointed to 13975



the office of the board or another designated location to observe 13976  
the casting of absent voter's ballots in person prior to the day 13977  
of the election may file their certificates with the director of 13978  
the board of elections, or, if pursuant to division (C) of section 13979  
3501.10 of the Revised Code the board has designated one or more 13980  
other locations in the county at which registered electors may 13981  
vote, with the election officials at such other location, 13982  
whichever is appropriate, on the day that the observers are 13983  
scheduled to serve at the office of the board or other designated 13984  
location. 13985

Upon the filing of a certificate, the person named as 13986  
observer in the certificate shall be permitted to be in and about 13987  
the applicable polling place ~~for the precinct~~ during the casting 13988  
of the ballots and shall be permitted to watch every proceeding of 13989  
the judges of elections from the time of the opening until the 13990  
closing of the polls. The observer also may inspect the counting 13991  
of all ballots in the polling place or board of elections from the 13992  
time of the closing of the polls until the counting is completed 13993  
and the final returns are certified and signed. Observers 13994  
appointed to serve at the board of elections on the day of an 13995  
election under this section may observe at the board of elections 13996  
and may observe at any precinct in the county. The judges of 13997  
elections shall protect such observers in all of the rights and 13998  
privileges granted to them by Title XXXV of the Revised Code. 13999

(D) No persons other than the judges of elections, the 14000  
observers, a police officer, other persons who are detailed to any 14001  
precinct on request of the board of elections, or the secretary of 14002  
state or the secretary of state's legal representative shall be 14003  
admitted to the polling place, or any room in which a board of 14004  
elections is counting ballots, after the closing of the polls 14005  
until the counting, certifying, and signing of the final returns 14006  
of each election have been completed. 14007

(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 14041  
appointees so certified, in such manner that each side of the 14042  
several questions shall be represented. 14043

(F) No person shall serve as an observer at any precinct or 14044  
other voting location unless the board of elections of the county 14045  
in which such observer is to serve has first been notified of the 14046  
name, address, and precinct or other location at which such 14047  
observer is to serve. Notification to the board of elections shall 14048  
be given by the political party, group of candidates, or committee 14049  
appointing such observer as prescribed in this section. No such 14050  
observers shall receive any compensation from the county, 14051  
municipal corporation, or township, and they shall take the 14052  
following oath, to be administered by one of the judges of 14053  
elections: 14054

"You do solemnly swear that you will faithfully and 14055  
impartially discharge the duties as an official observer, assigned 14056  
by law; that you will not cause any delay to persons offering to 14057  
vote; and that you will not disclose or communicate to any person 14058  
how any elector has voted at such election." 14059

(G)(1) An observer who serves during the casting of the 14060  
ballots shall only be permitted to do the following: 14061

(a) Watch and listen to the activities conducted by the 14062  
precinct election officials and the interactions between precinct 14063  
election officials and voters, as long as the precinct election 14064  
officials are not delayed in performing the officials' prescribed 14065  
duties and voters are not delayed in casting their ballots; 14066

(b) Document the observer's observations; 14067

(c) Discuss with the election officials any alleged 14068  
violations of Title XXXV of the Revised Code, any provision of 14069  
federal election law, or any directive or advisory issued by the 14070  
secretary of state. 14071

(2)(a) No observer who serves during the casting of the 14072  
ballots shall interact with any voter while the observer is inside 14073  
the polling place, within the area between the polling place and 14074  
the small flags of the United States placed on the thoroughfares 14075  
and walkways leading to the polling place, or within ten feet of 14076  
any elector in line waiting to vote, if the line of electors 14077  
waiting to vote extends beyond those small flags. 14078

14079

(b) An observer does not violate division (G)(2)(a) of this 14080  
section as a result of an incidental interaction with a voter, 14081  
such as an exchange of greetings or directing a voter to an 14082  
election official. 14083

(3) Each person who serves as an observer during the casting 14084  
of ballots shall display a name tag or badge upon which may only 14085  
be stated "Observer" followed by the first and last name of the 14086  
observer. 14087

(H) The secretary of state shall prescribe uniform observer 14088  
training materials, which shall be made available on the secretary 14089  
of state's web site not less than sixty days before the day of an 14090  
election. A board of elections shall provide to each political 14091  
party, group of five candidates, or committee appointing observers 14092  
an electronic link to those training materials, and the political 14093  
party, group of five candidates, or committee shall make its best 14094  
effort to provide the link to all observers it appoints. 14095

(I) The board of elections shall provide for each observer 14096  
and each election official a brief overview of the rules and 14097  
responsibilities for election officials and observers, which shall 14098  
be prescribed by the secretary of state. 14099

**Sec. 3505.23.** No voter shall be allowed to occupy a voting 14100  
compartment or use a voting machine more than ~~five~~ ten minutes 14101  
when all the voting compartments or machines are in use and voters 14102

are waiting to occupy them. Except as otherwise provided by 14103  
section 3505.24 of the Revised Code, no voter shall occupy a 14104  
voting compartment or machine with another person or speak to 14105  
anyone, nor shall anyone speak to the voter, while the voter is in 14106  
a voting compartment or machine. 14107

In precincts that do not use voting machines the following 14108  
procedure shall be followed: 14109

If a voter tears, soils, defaces, or erroneously marks a 14110  
ballot the voter may return it to the precinct election officials 14111  
and a second ballot shall be issued to the voter. Before returning 14112  
a torn, soiled, defaced, or erroneously marked ballot, the voter 14113  
shall fold it so as to conceal any marks the voter made upon it, 14114  
but the voter shall not remove Stub A therefrom. If the voter 14115  
tears, soils, defaces, or erroneously marks such second ballot, 14116  
the voter may return it to the precinct election officials, and a 14117  
third ballot shall be issued to the voter. In no case shall more 14118  
than three ballots be issued to a voter. Upon receiving a returned 14119  
torn, soiled, defaced, or erroneously marked ballot the precinct 14120  
election officials shall detach Stub A therefrom, write "Defaced" 14121  
on the back of such ballot, and place the stub and the ballot in 14122  
the separate containers provided therefor. 14123

No elector shall leave the polling place until the elector 14124  
returns to the precinct election officials every ballot issued to 14125  
the elector with Stub A on each ballot attached thereto, 14126  
regardless of whether the elector has or has not placed any marks 14127  
upon the ballot. 14128

Before leaving the voting compartment, the voter shall fold 14129  
each ballot marked by the voter so that no part of the face of the 14130  
ballot is visible, and so that the printing thereon indicating the 14131  
kind of ballot it is and the facsimile signatures of the members 14132  
of the board of elections are visible. The voter shall then leave 14133  
the voting compartment, deliver the voter's ballots, and state the 14134

voter's name to the judge having charge of the ballot boxes, who 14135  
shall announce the name, detach Stub A from each ballot, and 14136  
announce the number on the stubs. The judges in charge of the poll 14137  
lists or poll books shall check to ascertain whether the number so 14138  
announced is the number on Stub B of the ballots issued to such 14139  
voter, and if no discrepancy appears to exist, the judge in charge 14140  
of the ballot boxes shall, in the presence of the voter, deposit 14141  
each such ballot in the proper ballot box and shall place Stub A 14142  
from each ballot in the container provided therefor. The voter 14143  
shall then immediately leave the polling place. 14144

14145

No ballot delivered by a voter to the judge in charge of the 14146  
ballot boxes with Stub A detached therefrom, and only ballots 14147  
provided in accordance with Title XXXV of the Revised Code, shall 14148  
be voted or deposited in the ballot boxes. 14149

In marking a presidential ballot, the voter shall record the 14150  
vote in the manner provided on the ballot next to the names of the 14151  
candidates for the offices of president and vice-president. Such 14152  
ballot shall be considered and counted as a vote for each of the 14153  
candidates for election as presidential elector whose names were 14154  
certified to the secretary of state by the political party of such 14155  
nominees for president and vice-president. 14156

In marking an office type ballot or nonpartisan ballot, the 14157  
voter shall record the vote in the manner provided on the ballot 14158  
next to the name of each candidate for whom the voter desires to 14159  
vote. 14160

In marking a primary election ballot, the voter shall record 14161  
the vote in the manner provided on the ballot next to the name of 14162  
each candidate for whom the voter desires to vote. If the voter 14163  
desires to vote for the nomination of a person whose name is not 14164  
printed on the primary election ballot, the voter may do so by 14165  
writing such person's name on the ballot in the proper place 14166

provided for such purpose. 14167

In marking a questions and issues ballot, the voter shall 14168  
record the vote in the manner provided on the ballot at the left 14169  
or at the right of "YES" or "NO" or other words of similar import 14170  
which are printed on the ballot to enable the voter to indicate 14171  
how the voter votes in connection with each question or issue upon 14172  
which the voter desires to vote. 14173

In marking any ballot on which a blank space has been 14174  
provided wherein an elector may write in the name of a person for 14175  
whom the elector desires to vote, the elector shall write such 14176  
person's name in such blank space and on no other place on the 14177  
ballot. Unless specific provision is made by statute, no blank 14178  
space shall be provided on a ballot for write-in votes, and any 14179  
names written on a ballot other than in a blank space provided 14180  
therefor shall not be counted or recorded. 14181

**Sec. 3505.28.** ~~No ballot shall be counted which is marked~~ 14182  
~~contrary to law, except that no~~ ballot shall be rejected for any 14183  
technical error unless it is impossible to determine the voter's 14184  
choice. If two or more ballots are found folded together among the 14185  
ballots removed from a ballot box, they shall be deemed to be 14186  
fraudulent. Such ballots shall not be counted. They shall be 14187  
marked "Fraudulent" and shall be placed in an envelope indorsed 14188  
"Not Counted" with the reasons therefor, and such envelope shall 14189  
be delivered to the board of elections together with other 14190  
uncounted ballots. 14191

No ballot shall be rejected because of being marked with ink 14192  
or by any writing instrument other than one of the pencils 14193  
provided by the board of elections. 14194

**Sec. 3505.30.** When the results of the ballots have been 14195  
ascertained, such results shall be embodied in a summary statement 14196

to be prepared by the judges in duplicate, on forms provided by 14197  
the board of elections. One copy shall be certified by the judges 14198  
and posted on the front of the polling place, and one copy, 14199  
similarly certified, shall be transmitted without delay to the 14200  
board in a sealed envelope along with the other returns of the 14201  
election. The board shall, immediately upon receipt of such 14202  
summary statements, compile and prepare an unofficial count and 14203  
upon its completion shall transmit prepaid, immediately by 14204  
telephone, facsimile machine, or other telecommunications device, 14205  
the results of such unofficial count to the secretary of state, or 14206  
to the board of the most populous county of the district which is 14207  
authorized to canvass the returns. Such count, in no event, shall 14208  
be made later than twelve noon on the day following the election. 14209  
The board shall also, at the same time, certify the results 14210  
thereof to the secretary of state ~~by certified mail~~. The board 14211  
shall remain in session from the time of the opening of the polls, 14212  
continuously, until the results of the election are received from 14213  
every precinct in the county and such results are communicated to 14214  
the secretary of state. 14215

**Sec. 3505.32.** (A) Except as otherwise provided in division 14216  
(D) of this section, not earlier than the eleventh day or later 14217  
than the fifteenth day after a general or special election ~~or, if~~ 14218  
~~a special election was held on the day of a presidential primary~~ 14219  
~~election, not earlier than the twenty first day or later than the~~ 14220  
~~twenty fifth day after the special election,~~ the board of 14221  
elections shall begin to canvass the election returns from the 14222  
precincts in which electors were entitled to vote at that 14223  
election. It shall continue the canvass daily until it is 14224  
completed and the results of the voting in that election in each 14225  
of the precincts are determined. 14226

The board shall complete the canvass not later than the 14227  
twenty-first day after the day of the election, ~~or if a special~~ 14228



~~election was held on the day of a presidential primary election,~~ 14229  
~~not later than the thirty first day after the day of the special~~ 14230  
~~election.~~ Eighty-one days after the day of the election, ~~or~~ 14231  
~~ninety one days after the day of a special election held on the~~ 14232  
~~day of the presidential primary election,~~ the canvass of election 14233  
returns shall be deemed final, and no amendments to the canvass 14234  
may be made after that date. The secretary of state may specify an 14235  
earlier date upon which the canvass of election returns shall be 14236  
deemed final, and after which amendments to the final canvass may 14237  
not be made, if so required by federal law. 14238

(B) The county executive committee of each political party, 14239  
each committee designated in a petition nominating an independent 14240  
or nonpartisan candidate for election at an election, each 14241  
committee designated in a petition to represent the petitioners 14242  
pursuant to which a question or issue was submitted at an 14243  
election, and any committee opposing a question or issue submitted 14244  
at an election that was permitted by section 3505.21 of the 14245  
Revised Code to have a qualified elector serve as an observer 14246  
during the counting of the ballots at each polling place at an 14247  
election may designate a qualified elector who may be present and 14248  
may observe the making of the official canvass. 14249

(C) The board shall first open all envelopes containing 14250  
uncounted ballots and shall count and tally them. 14251

In connection with its investigation of any apparent or 14252  
suspected error or defect in the election returns from a polling 14253  
place, the board may cause subpoenas to be issued and served 14254  
requiring the attendance before it of the election officials of 14255  
that polling place, and it may examine them under oath regarding 14256  
the manner in which the votes were cast and counted in that 14257  
polling place, or the manner in which the returns were prepared 14258  
and certified, or as to any other matters bearing upon the voting 14259  
and the counting of the votes in that polling place at that 14260

election. 14261

Finally, the board shall open the sealed container containing 14262  
the ballots that were counted in the polling place at the election 14263  
and count those ballots, during the official canvass, in the 14264  
presence of all of the members of the board and any other persons 14265  
who are entitled to witness the official canvass. 14266

(D) Prior to the tenth day after a primary, general, or 14267  
special election, the board may examine the pollbooks, poll lists, 14268  
and tally sheets received from each polling place for its files 14269  
and may compare the results of the voting in any polling place 14270  
with the summary statement received from the polling place. If the 14271  
board finds that any of these records or any portion of them is 14272  
missing, or that they are incomplete, not properly certified, or 14273  
ambiguous, or that the results of the voting in the polling place 14274  
as shown on the summary statement from the polling place are 14275  
different from the results of the voting in the polling place as 14276  
shown by the pollbook, poll list, or tally sheet from the polling 14277  
place, or that there is any other defect in the records, the board 14278  
may make whatever changes to the pollbook, poll list, or tally 14279  
sheet it determines to be proper in order to correct the errors or 14280  
defects. 14281

Sec. 3505.331. Not later than thirty days after the 14282  
certification of the results of an election in accordance with 14283  
section 3505.33 of the Revised Code, each board of elections shall 14284  
send to the secretary of state any statistics or information 14285  
regarding that election that the secretary of state requires, in 14286  
addition to the following information, which shall be compiled by 14287  
precinct: 14288

(A) The number of registered voters eligible to cast a ballot 14289  
in that election; 14290

(B) The total number of ballots cast and total number of 14291

ballots counted; 14292

(C) The number of provisional ballots cast prior to election day; the reason for the voter receiving a provisional ballot, which shall be sorted by category as prescribed by the secretary of state; the number of provisional ballots cast on election day; and the number of provisional ballots counted, not counted, and the reason such ballots were not counted, which shall be sorted by category as prescribed by the secretary of state; 14293  
14294  
14295  
14296  
14297  
14298  
14299

(D) The number of absent voter's ballots requested in person; the number of such ballots provided; the number of such ballots cast; and the number of such ballots counted, not counted, and the reason such ballots were not counted, which shall be sorted by category as prescribed by the secretary of state; 14300  
14301  
14302  
14303  
14304

(E) The number of absent voter's ballots requested by mail, the number of such ballots provided, the number of such ballots cast, and the number of such ballots counted, and not counted; and 14305  
14306  
14307

(F) The number of armed service absent voter's ballots requested; the number of such ballots provided; the number of such ballots cast, and the number of such ballots counted and not counted. 14308  
14309  
14310  
14311

**Sec. 3506.02.** Voting machines, marking devices, and automatic tabulating equipment may be adopted for use in elections in any county in the following manner: 14312  
14313  
14314

(A) By the board of elections; 14315

(B) By the board of county commissioners of such county on the recommendation of the board of elections; 14316  
14317

(C) By the affirmative vote of a majority of the electors of such county voting upon the question of the adoption of such equipment in such county. 14318  
14319  
14320

If a petition signed by electors equal in number to two per 14321

cent of the total votes cast in the county for the office of 14322  
governor at the most recent general election for that office is 14323  
filed with the board of elections, such board shall submit to the 14324  
electors of such county at the next general election occurring not 14325  
less than ~~seventy-five~~ eighty-five days thereafter the question 14326  
"Shall voting machines, marking devices, and automatic tabulating 14327  
equipment be adopted in the county of .....?" 14328  
Upon the filing of such petition, the board of elections shall 14329  
forthwith notify the board of county commissioners, and the board 14330  
of county commissioners shall forthwith determine whether it would 14331  
prefer to purchase or lease such equipment in whole or in part for 14332  
cash and if so whether it will be necessary or advisable to issue 14333  
bonds to provide funds for the purchase of such equipment, if 14334  
adopted. If the board of county commissioners determines that it 14335  
is necessary or advisable to issue bonds therefor, it shall by 14336  
resolution provide for the submission on the same ballot, but as a 14337  
separate issue, the question of issuing such bonds. The question 14338  
of issuing such bonds shall be submitted as required by division 14339  
(A) of section 3506.03 of the Revised Code. 14340

**Sec. 3506.11.** The names of all candidates for an office shall 14341  
be arranged in a group under the title of the office and printed 14342  
on labels so that they may be rotated on the voting machine as 14343  
provided in section 3505.03 of the Revised Code. The title of each 14344  
office and the name of each candidate shall be printed flush left 14345  
and shall not be centered on the ballot, in any column appearing 14346  
on the ballot, or in any column appearing on the voting machine. 14347  
The name of each candidate shall be printed using standard 14348  
capitalization in accordance with instructions provided by the 14349  
secretary of state and shall not be printed using all capital 14350  
letters. Under the name of each candidate nominated at a primary 14351  
election or certified by a party committee to fill a vacancy under 14352  
section 3513.31 of the Revised Code, the name of the political 14353

party that nominated or certified the candidate shall be printed 14354  
in less prominent typeface than that in which the candidate's name 14355  
is printed. 14356

**Sec. 3506.12.** In counties where marking devices, automatic 14357  
tabulating equipment, voting machines, or any combination of these 14358  
are in use or are to be used, ~~the board of elections~~ both of the 14359  
following apply: 14360

(A) ~~May~~ A board of elections may combine, rearrange, and 14361  
enlarge precincts; but the board shall arrange for a sufficient 14362  
number of these devices to accommodate the number of electors in 14363  
each precinct ~~as determined by the number of votes cast in that~~ 14364  
~~precinct at the most recent election for the office of governor,~~ 14365  
~~taking into consideration the size and location of each selected~~ 14366  
~~polling place, available parking, handicap accessibility and other~~ 14367  
~~accessibility to the polling place, and the number of candidates~~ 14368  
~~and issues to be voted on~~ by calculating the minimum number of 14369  
devices required for each precinct. The board of elections shall 14370  
calculate that minimum number of devices by taking into account 14371  
the number of registered voters in the precinct, the voter turnout 14372  
in the precinct at the most recent similar election, and the 14373  
estimated length of time for an average voter to complete the 14374  
voter's ballot in the election. The board may exclude from the 14375  
number of voters those individuals who have failed to respond 14376  
within thirty days to any confirmation notice and those voters who 14377  
requested an absent voter's ballot for the most recent similar 14378  
election. 14379

After establishing a minimum number of voting machines for 14380  
each precinct, the board of elections shall consider the following 14381  
criteria when allocating additional devices: 14382

(1) The historic voter turnout in the precinct; 14383

(2) Any increase or decrease in the number of registered 14384

<u>voters in the precinct since the last previous election;</u>	14385
<u>(3) Whether voters in the precinct have historically had</u>	14386
<u>longer-than-average wait times to use voting equipment;</u>	14387
<u>(4) The historic level of requests for absent voter's ballots</u>	14388
<u>in the precinct;</u>	14389
<u>(5) The length of the ballot in a particular precinct for the</u>	14390
<u>applicable election;</u>	14391
<u>(6) The number of registered voters in the precinct; and</u>	14392
<u>(7) The number of voting machines needed by the board of</u>	14393
<u>elections for delivery on the day of election in the case of an</u>	14394
<u>emergency, except that the board shall adopt a specific policy</u>	14395
<u>governing the delivery of such emergency voting machines.</u>	14396
<u>The board shall post the draft voting equipment distribution</u>	14397
<u>plan for public comment at the office of the board of elections</u>	14398
<u>and, if the board of elections maintains a web site, on that web</u>	14399
<u>site, not later than fifteen days before the date of the election</u>	14400
<u>for not less than five business days. After the conclusion of the</u>	14401
<u>public comment period, the board of elections shall conduct a full</u>	14402
<u>vote of the board during a public session of the board on the</u>	14403
<u>allocation of voting machines, marking devices, and automatic</u>	14404
<u>tabulating equipment for each precinct in the county.</u>	14405
Notwithstanding section 3501.22 of the Revised Code, the board may	14406
appoint more than four precinct officers to each precinct if this	14407
is made necessary by the number of voting machines to be used in	14408
that precinct.	14409
(B) Except as otherwise provided in this division, <u>a board of</u>	14410
<u>elections</u> shall establish one or more counting stations to receive	14411
voted ballots and other precinct election supplies after the	14412
<u>precinct</u> polling <del>precincts</del> <u>locations</u> are closed. Those stations	14413
shall be under the supervision and direction of the board of	14414
elections. Processing and counting of voted ballots, and the	14415

preparation of summary sheets, shall be done in the presence of 14416  
observers approved by the board. A certified copy of the summary 14417  
sheet for the precinct shall be posted at each counting station 14418  
immediately after completion of the summary sheet. 14419

~~In counties where punch card ballots are used, one or more 14420  
counting stations, located at the board of elections, shall be 14421  
established, at which location all punch card ballots shall be 14422  
counted. 14423~~

~~As used in this division, "punch card ballot" has the same 14424  
meaning as in section 3506.16 of the Revised Code. 14425~~

**Sec. 3506.21.** (A) As used in this section, "optical scan 14426  
ballot" means a ballot that is marked by using a specified writing 14427  
instrument to fill in a designated position to record a voter's 14428  
candidate, question, or issue choice and that can be scanned and 14429  
electronically read in order to tabulate the vote. 14430

(B)(1) In addition to marks that can be scanned and 14431  
electronically read by automatic tabulating equipment, any of the 14432  
following marks, if a majority of those marks are made in a 14433  
consistent manner throughout an optical scan ballot, shall be 14434  
counted as a valid vote: 14435

(a) A candidate, question, or issue choice that has been 14436  
circled by the voter; 14437

(b) An oval beside the candidate, question, or issue choice 14438  
that has been circled by the voter; 14439

(c) An oval beside the candidate, question, or issue choice 14440  
that has been marked by the voter with an "x," a check mark, or 14441  
other recognizable mark; 14442

(d) A candidate, question, or issue choice that has been 14443  
marked with a writing instrument that cannot be recognized by 14444  
automatic tabulating equipment. 14445

(2) Marks made on an optical scan ballot in accordance with 14446  
division (B)(1) of this section shall be counted as valid votes 14447  
only if that optical scan ballot contains no marks that can be 14448  
scanned and electronically read by automatic tabulating equipment. 14449

(3) ~~If~~ Subject to division (E) of this section, if automatic 14450  
tabulating equipment detects that more marks were made on an 14451  
optical scan ballot for a particular office, question, or issue 14452  
than the number of selections that a voter is allowed by law to 14453  
make for that office, question, or issue, the voter's ballot shall 14454  
be invalidated for that office, question, or issue. The ballot 14455  
shall not be invalidated for any other office, question, or issue 14456  
for which the automatic tabulating equipment detects a vote to 14457  
have been cast, in accordance with the law. 14458

(C) The secretary of state may adopt rules under Chapter 119. 14459  
of the Revised Code to authorize additional types of optical scan 14460  
ballots and to specify the types of marks on those ballots that 14461  
shall be counted as a valid vote to ensure consistency in the 14462  
counting of ballots throughout the state. 14463

(D)(1) A board of elections of a county that uses optical 14464  
scan ballots and automatic tabulating equipment as the primary 14465  
voting system for the county shall not tabulate the unofficial 14466  
results of optical scan ballots voted on election day at a central 14467  
location. 14468

(2) A board of elections that provides for the tabulation at 14469  
each precinct of voted ballots, and then, at a central location, 14470  
combines those precinct ballot totals with ballot totals from 14471  
other precincts, including optical scan ballots voted by absent 14472  
voters, shall not be considered to be tabulating the unofficial 14473  
results of optical scan ballots at a central location for the 14474  
purpose of division (D)(1) of this section. 14475

(E) If a voter has marked a ballot for a particular candidate 14476



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.

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.

**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:

(1) A special election held on a day other than the day of a primary or general election;

(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;

(3) Any election at which no nominations for or elections to office appear on the ballot.

(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.

Sec. 3507.02. Except as otherwise provided in this section, 14507  
if a board of elections conducts an election by mail, the board 14508  
shall mail an absent voter's ballot application on or before the 14509  
forty-fifth day before the day of the election, to each qualified 14510  
elector of the county who is entitled to vote on the office, 14511  
question, or issue certified for placement on the ballot. A board 14512  
of elections shall not mail an absent voter's ballot application 14513  
to an elector under this section if the elector has previously 14514  
submitted an application for annual absent voter's ballot for that 14515  
year and instead shall mail absent voter's ballots for the 14516  
election by mail to such an elector. 14517

14518

Sec. 3507.03. If a board of elections conducts an election by 14519  
mail, the board shall open its office from 6:30 a.m. until 7:30 14520  
p.m. on the day of the election to allow qualified voters to vote 14521  
in person and to receive completed absent voter's ballots. The 14522  
board shall place a notice at all polling places in the 14523  
jurisdiction in which the election by mail is being conducted that 14524  
were used at the last regular state election stating the location 14525  
of the office of the board of elections, that absent voter's 14526  
ballots may be delivered to the office of the board of elections, 14527  
and that absent voter's ballots may be cast in person at the 14528  
office of the board of elections from 6:30 a.m. until 7:30 p.m. No 14529  
other polling places shall be open on the day of the election 14530  
conducted as an election by mail. 14531

Sec. 3509.01. (A) The board of elections of each county shall 14532  
provide absent voter's ballots for use at every primary and 14533  
general election, or special election to be held on the day 14534  
specified by division (E) of section 3501.01 of the Revised Code 14535  
for the holding of a primary election, designated by the general 14536

assembly for the purpose of submitting constitutional amendments 14537  
proposed by the general assembly to the voters of the state. Those 14538  
ballots shall be the same size, shall be printed on the same kind 14539  
of paper, and shall be in the same form as has been approved for 14540  
use at the election for which those ballots are to be voted+ 14541  
~~except that, in counties using marking devices, ballot cards may~~ 14542  
~~be used for absent voter's ballots, and those absent voters shall~~ 14543  
~~be instructed to record the vote in the manner provided on the~~ 14544  
~~ballot cards. In counties where punch card ballots are used, those~~ 14545  
~~absent voters shall be instructed to examine their marked ballot~~ 14546  
~~cards and to remove any chads that remain partially attached to~~ 14547  
~~them before returning them to election officials. The secretary of~~ 14548  
~~state shall prescribe uniform standards for absent voter's ballot~~ 14549  
~~materials, forms, and content. The boards of elections shall~~ 14550  
~~adhere to the standards prescribed by the secretary of state in~~ 14551  
~~preparing absent voter's ballots under this chapter.~~ 14552

(B) The rotation of names of candidates and questions and 14553  
issues shall be substantially complied with on absent voter's 14554  
ballots, ~~within the limitation of time allotted.~~ Those ballots 14555  
shall be designated as "Absent Voter's Ballots," ~~and~~ Except as 14556  
otherwise provided in division (D) of this section, those ballots 14557  
shall be printed and ready for use as follows: 14558

(1) For overseas voters and absent uniformed services voters 14559  
eligible to vote under the "Uniformed and Overseas Citizens 14560  
Absentee Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 14561  
1973ff, et seq., as amended, ballots shall be printed and ready 14562  
for use on the ~~thirty-fifth~~ ~~forty-fifth~~ day before the day of the 14563  
~~election, except that those ballots shall be printed and ready for~~ 14564  
~~use on the twenty-fifth day before the day of a presidential~~ 14565  
~~primary election;~~ 14566

(2) For all voters, other than overseas voters and absent 14567  
uniformed services voters, who are applying to vote absent voter's 14568

ballots, ballots shall be printed and ready for use beginning on 14569  
the twenty-eighth day before the day of the election and shall 14570  
continue to be available for use through noon on the last Monday 14571  
before the day of the election. 14572

(C) Absent voter's ballots provided for use at a general or 14573  
primary election, or special election to be held on the day 14574  
specified by division (E) of section 3501.01 of the Revised Code 14575  
for the holding of a primary election, designated by the general 14576  
assembly for the purpose of submitting constitutional amendments 14577  
proposed by the general assembly to the voters of the state, shall 14578  
include only those questions, issues, and candidacies that have 14579  
been lawfully ordered submitted to the electors voting at that 14580  
election. 14581

(D) Absent voter's ballots for special elections held on days 14582  
other than the day on which general or primary elections are held 14583  
shall be ready for use as many days before the day of the election 14584  
as reasonably possible under the laws governing the holding of 14585  
that special election. 14586

(E) A copy of the absent voter's ballots shall be forwarded 14587  
by the director of the board in each county to the secretary of 14588  
state at least twenty-five days before the election. 14589

~~As used in this section, "chad" and "punch card ballot" have~~ 14590  
~~the same meanings as in section 3506.16 of the Revised Code.~~ 14591

**Sec. 3509.02.** (A) Any qualified elector may vote by absent 14592  
voter's ballots at an election. 14593

(B) Any qualified elector who is unable to appear at the 14594  
office of the board of elections or, if pursuant to division (C) 14595  
of section 3501.10 of the Revised Code the board has designated 14596  
~~another location~~ one or more other locations in the county at 14597  
which registered electors may vote, at ~~that~~ such other location ~~on~~ 14598

~~account of personal illness, physical disability, or infirmity,~~ 14599  
and who moves from one precinct to another within a county, 14600  
~~changes the elector's name and moves from one precinct to another~~ 14601  
~~within a county, or~~ moves from one county to another county within 14602  
the state, changes the elector's name, changes the elector's name 14603  
and moves from one precinct to another within a county, or changes 14604  
the elector's name and moves from one county to another county 14605  
within the state, on or prior to the day of a general, primary, or 14606  
special election and has not filed a notice of change of residence 14607  
~~or,~~ change of name, or both, as applicable, may vote by absent 14608  
voter's ballots in that election as specified in division (G) of 14609  
section 3503.16 of the Revised Code. 14610

**Sec. 3509.03.** (A) Except as provided in section 3509.031 or 14611  
division (B) of section 3509.08 of the Revised Code, any qualified 14612  
elector desiring to vote absent voter's ballots at an election 14613  
shall make written application for those ballots to the director 14614  
of elections of the county in which the elector's voting residence 14615  
is located. The written application may be submitted in person, by 14616  
mail, by facsimile transmission, by electronic mail, or by other 14617  
electronic means via the internet. The application need not be in 14618  
any particular form but shall contain all of the following: 14619

- 14620
- (A)(1) The elector's name; 14621
  - (B)(2) The elector's signature or, if the application is 14622  
transmitted electronically, an image of the elector's signature; 14623
  - (C)(3) The address at which the elector is registered to 14624  
vote; 14625
  - (D)(4) The elector's ~~date of birth~~ birthdate; 14626
  - (E)(5) One of the following, unless the elector is a 14627  
first-time mail-in registrant: 14628

<del>(1)(a)</del> The elector's <u>Ohio</u> driver's license number;	14629
<del>(2)(b)</del> The last four digits of the elector's social security number;	14630 14631
<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>	14632 14633 14634 14635 14636 14637 14638 14639 14640
<del>(F)(6)</del> A statement identifying the election for which absent voter's ballots are requested;	14641 14642
<del>(G)(7)</del> A statement that the person requesting the ballots is a qualified elector;	14643 14644
<del>(H)(8)</del> If the request is for primary election ballots, the elector's party affiliation;	14645 14646
<del>(I)(9)</del> If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;	14647 14648
<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>	14649 14650 14651
<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>	14652 14653 14654 14655 14656 14657 14658

~~designated by the general assembly for the purpose of submitting 14659  
constitutional amendments proposed by the general assembly to the 14660  
voters of the state unless the voter reports a change in the 14661  
voter's voting status to the board of elections or the voter's 14662  
intent to vote in any such election in the precinct in this state 14663  
where the voter is registered to vote. A single federal postcard 14664  
application shall be processed by the board of elections pursuant 14665  
to section 3509.04 of the Revised Code the same as if the voter 14666  
had applied separately for absent voter's ballots for each 14667  
election. When mailing absent voter's ballots to a voter who 14668  
applied for them by single federal post card application, the 14669  
board shall enclose notification to the voter that the voter must 14670  
report to the board subsequent changes in the voter's voting 14671  
status or the voter's subsequent intent to vote in any such 14672  
election in the precinct in this state where the voter is 14673  
registered to vote. Such notification shall be in a form 14674  
prescribed by the secretary of state. As used in this section, 14675  
"voting status" means the voter's name at the time the voter 14676  
applied for absent voter's ballots by single federal post card 14677  
application and the voter's address outside the United States to 14678  
which the voter requested that those ballots be sent. 14679~~

Each (B)(1) An elector may make a single request for absent 14680  
voter's ballots for all elections at which the elector is eligible 14681  
to vote during a calendar year. The application shall contain the 14682  
information specified in division (A) of this section and also 14683  
shall specify that the elector is requesting absent voter's 14684  
ballots for each election during that year. If the elector wishes 14685  
to vote primary election ballots, the elector shall state the 14686  
elector's party affiliation in the application. 14687

If an elector applies for annual absent voter's ballots under 14688  
this division, the application shall be processed by the board of 14689  
elections pursuant to section 3509.04 of the Revised Code the same 14690

as if the elector had applied separately for absent voter's 14691  
ballots for each election during the applicable calendar year. 14692  
Absent voter's ballots shall be sent to the elector for use at 14693  
each election during the applicable calendar year for which the 14694  
elector is eligible to cast a ballot. When sending absent voter's 14695  
ballots to an elector who applied for them under this division, 14696  
the board shall enclose notification to the elector that the 14697  
elector must report to the board subsequent changes in the 14698  
elector's voting status, changes in the elector's address, or the 14699  
elector's intent to vote at a polling location in the jurisdiction 14700  
in this state where the elector is registered to vote. Such 14701  
notification shall be in a form prescribed by the secretary of 14702  
state. 14703

If an absent voter's ballot or any official response to an 14704  
application for an annual absent voter's ballot is returned 14705  
undeliverable to the board of elections, the board shall attempt 14706  
to contact the elector to verify the elector's mailing address 14707  
using any available contact information in the elector's voter 14708  
registration record including the elector's telephone number, 14709  
facsimile transmission number, or electronic mail address. If the 14710  
board is unable to contact the elector, the board shall not send 14711  
absent voter's ballots for any subsequent election to that elector 14712  
until the elector submits another application and the information 14713  
in that application is verified. The board shall remove from the 14714  
poll list or signature pollbook any notation that the elector 14715  
requested an absent voter's ballot. The elector may cast a regular 14716  
ballot if the elector appears to vote in person on the day of the 14717  
election or the elector may cast an absent voter's ballot in 14718  
person at the board of elections or if pursuant to division (C) of 14719  
section 3501.10 of the Revised Code the board has designated one 14720  
or more other locations in the county at which registered electors 14721  
may cast an absent voter's ballot in person, at such other 14722  
location. 14723



(2) Not later than the fifteenth day of December of each 14724  
year, the board of elections shall send an application for annual 14725  
absent voter's ballots for the following calendar year to each 14726  
person who requested annual absent voter's ballots under division 14727  
(B)(1) of this section for the current year and cast such ballots 14728  
in the general election. An elector who completes and returns such 14729  
an application shall be eligible to receive annual absent voter's 14730  
ballots under division (B)(1) of this section for the applicable 14731  
year. 14732

(C) Except for annual applications for absent voter's ballots 14733  
submitted under division (B)(2) of this section, each application 14734  
for absent voter's ballots shall be delivered to the director not 14735  
earlier than the first day of January of the year of the elections 14736  
for which the absent voter's ballots are requested or not earlier 14737  
than ninety days before the day of the election at which the 14738  
ballots are to be voted, whichever is earlier, and not later than 14739  
twelve noon of the third day before the day of the election at 14740  
which the ballots are to be voted, or not later than ~~the close of~~ 14741  
~~regular business hours~~ noon on the day before the day of the 14742  
election at which the ballots are to be voted if the application 14743  
is delivered in person to the office of the board. 14744

**Sec. 3509.031.** (A) Any qualified elector who is a member of 14745  
the organized militia called to active duty within the state and 14746  
who will be unable to vote on election day on account of that 14747  
active duty may make written application for absent voter's 14748  
ballots to the director of elections for the county in which the 14749  
elector's voting residence is located. The elector may personally 14750  
deliver the application to the director or may mail it, send it by 14751  
facsimile machine, send it by electronic mail, send it by other 14752  
electronic means via the internet, or otherwise send it to the 14753  
director. The application need not be in any particular form but 14754  
shall contain all of the following: 14755

(1) The elector's name;	14756
(2) The elector's signature <u>or, if the application is</u>	14757
<u>transmitted electronically, an image of the elector's signature;</u>	14758
(3) The address at which the elector is registered to vote;	14759
(4) The elector's <del>date of birth</del> <u>birthdate;</u>	14760
(5) One of the following, <u>unless the elector is a first-time</u>	14761
<u>mail-in registrant:</u>	14762
(a) The elector's <u>Ohio</u> driver's license number;	14763
(b) The last four digits of the elector's social security	14764
number;	14765
(c) A copy of the elector's <del>current and valid photo</del>	14766
<del>identification, a copy of a military identification, or a copy of</del>	14767
<del>a current utility bill, bank statement, government check,</del>	14768
<del>paycheck, or other government document, other than a notice of an</del>	14769
<del>election mailed by a board of elections under section 3501.19 of</del>	14770
<del>the Revised Code or a notice of voter registration mailed by a</del>	14771
<del>board of elections under section 3503.19 of the Revised Code, that</del>	14772
<del>shows the name and address of the elector</del> <u>identification.</u>	14773
	14774
(6) A statement identifying the election for which absent	14775
voter's ballots are requested;	14776
(7) A statement that the person requesting the ballots is a	14777
qualified elector;	14778
(8) A statement that the elector is a member of the organized	14779
militia serving on active duty within the state;	14780
(9) If the request is for primary election ballots, the	14781
elector's party affiliation;	14782
(10) If the elector desires ballots to be mailed to the	14783
elector, the address to which those ballots shall be mailed;	14784

(11) If the elector desires ballots to be sent to the elector 14785  
by facsimile machine, the telephone number to which they shall be 14786  
so sent; 14787

(12) If the elector is a first-time mail-in registrant, a 14788  
copy of the elector's first-time mail-in registrant 14789  
identification. 14790

(B) Application to have absent voter's ballots mailed ~~or~~, 14791  
sent by facsimile machine, or otherwise sent to a qualified 14792  
elector who is a member of the organized militia called to active 14793  
duty within the state and who will be unable to vote on election 14794  
day on account of that active duty may be made by the spouse of 14795  
the militia member or the father, mother, father-in-law, 14796  
mother-in-law, grandfather, grandmother, brother or sister of the 14797  
whole blood or half blood, son, daughter, adopting parent, adopted 14798  
child, stepparent, stepchild, uncle, aunt, nephew, or niece of the 14799  
militia member. The application shall be in writing upon a blank 14800  
form furnished only by the director. The form of the application 14801  
shall be prescribed by the secretary of state. The director shall 14802  
furnish that blank form to any of the relatives specified in this 14803  
division desiring to make the application, only upon the request 14804  
of such a relative in person at the office of the board or upon 14805  
the written request of such a relative mailed, sent by facsimile 14806  
transmission, sent by electronic mail, or sent by other electronic 14807  
means via the internet to the office of the board. The 14808  
application, subscribed and sworn to by the applicant, shall 14809  
contain all of the following: 14810

(1) The full name of the elector for whom ballots are 14811  
requested; 14812

(2) A statement that such person is a qualified elector in 14813  
the county; 14814

(3) The address at which the elector is registered to vote; 14815

- (4) The elector's ~~date of birth~~ birthdate; 14816
- (5) One of the following, unless the elector is a first-time mail-in registrant: 14817
- (a) The elector's Ohio driver's license number; 14818
- (a) The elector's Ohio driver's license number; 14819
- (b) The last four digits of the elector's social security number; 14820
- (b) The last four digits of the elector's social security number; 14821
- (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. 14822
- (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. 14823
- (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. 14824
- (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. 14825
- (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. 14826
- (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. 14827
- (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. 14828
- (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. 14829
- (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. 14830
- (6) A statement identifying the election for which absent voter's ballots are requested; 14831
- (6) A statement identifying the election for which absent voter's ballots are requested; 14832
- (7) A statement that the elector is a member of the organized militia serving on active duty within the state; 14833
- (7) A statement that the elector is a member of the organized militia serving on active duty within the state; 14834
- (8) If the request is for primary election ballots, the elector's party affiliation; 14835
- (8) If the request is for primary election ballots, the elector's party affiliation; 14836
- (9) A statement that the applicant bears a relationship to the elector as specified in division (B) of this section; 14837
- (9) A statement that the applicant bears a relationship to the elector as specified in division (B) of this section; 14838
- (10) The address to which ballots shall be mailed or telephone number to which ballots shall be sent by facsimile machine; 14839
- (10) The address to which ballots shall be mailed or telephone number to which ballots shall be sent by facsimile machine; 14840
- (10) The address to which ballots shall be mailed or telephone number to which ballots shall be sent by facsimile machine; 14841
- (11) The signature or, if the application is transmitted electronically, an image of the signature and the address of the person making the application; 14842
- (11) The signature or, if the application is transmitted electronically, an image of the signature and the address of the person making the application; 14843
- (11) The signature or, if the application is transmitted electronically, an image of the signature and the address of the person making the application; 14844
- (12) If the elector is a first-time mail-in registrant, a 14845

copy of the elector's first-time mail-in registrant 14846  
identification. 14847

(C) ~~Applications~~ (1) An elector who is a member of the 14848  
organized militia may make a single request for absent voter's 14849  
ballots for all elections at which the elector is eligible to vote 14850  
during a calendar year. The application shall contain the 14851  
information specified in division (A) of this section and also 14852  
shall specify that the elector is requesting absent voter's 14853  
ballots for each election during that year. If the elector wishes 14854  
to vote primary election ballots, the elector shall state the 14855  
elector's party affiliation in the application. 14856

If an elector applies for annual absent voter's ballots under 14857  
this division, the application shall be processed by the board of 14858  
elections pursuant to section 3509.04 of the Revised Code the same 14859  
as if the elector had applied separately for absent voter's 14860  
ballots for each election during the applicable calendar year. 14861  
Absent voter's ballots shall be sent to the elector for use at 14862  
each election during the applicable calendar year for which the 14863  
elector is eligible to cast a ballot. When sending absent voter's 14864  
ballots to an elector who applied for them under this division, 14865  
the board shall enclose notification to the elector that the 14866  
elector must report to the board subsequent changes in the 14867  
elector's voting status, changes in the elector's address, or the 14868  
elector's intent to vote at a polling location in the jurisdiction 14869  
in this state where the elector is registered to vote. Such 14870  
notification shall be in a form prescribed by the secretary of 14871  
state. 14872

If an absent voter's ballot or any official response to an 14873  
application for an annual absent voter's ballot is returned 14874  
undeliverable to the board of elections, the board shall attempt 14875  
to contact the elector to verify the elector's mailing address 14876  
using any available contact information in the elector's voter 14877

registration record including the elector's telephone number, 14878  
facsimile transmission number, or electronic mail address. If the 14879  
board is unable to contact the elector, the board shall not send 14880  
absent voter's ballots for any subsequent election to that elector 14881  
until the elector submits another application and the information 14882  
in that application is verified. The board shall remove from the 14883  
poll list or signature pollbook any notation that the elector 14884  
requested an absent voter's ballot. The elector may cast a regular 14885  
ballot if the elector appears to vote in person on the day of the 14886  
election or the elector may cast an absent voter's ballot in 14887  
person at the board of elections or if pursuant to division (C) of 14888  
section 3501.10 of the Revised Code the board has designated one 14889  
or more other locations in the county at which registered electors 14890  
may cast an absent voter's ballot in person, at such other 14891  
location. 14892

(2) Not later than the fifteenth day of December of each 14893  
year, the board of elections shall send an application for annual 14894  
absent voter's ballots for the following calendar year to each 14895  
person who requested annual absent voter's ballots under division 14896  
(C)(1) of this section for the current year and cast such ballots 14897  
in the general election. An elector who completes and returns such 14898  
an application shall be eligible to receive annual absent voter's 14899  
ballots under division (C)(1) of this section for the applicable 14900  
year. 14901

(D) Except for annual applications for absent voter's ballots 14902  
submitted under division (C)(2) of this section, applications to 14903  
have absent voter's ballots mailed or sent by facsimile machine 14904  
shall not be valid if dated, postmarked, or received by the 14905  
director prior to the ninetieth day before the day of the election 14906  
for which ballots are requested or if delivered to the director 14907  
later than twelve noon of the third day preceding the day of such 14908  
election. If, after the ninetieth day and before four p.m. of the 14909

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. 14942

(B) ~~Upon~~ Subject to section 3509.07 of the Revised Code, upon 14943  
receipt by the director of elections of an application for absent 14944  
voter's ballots that contain all of the required information, as 14945  
provided by sections 3509.03 and 3509.031 and division (G) of 14946  
section 3503.16 of the Revised Code, the director, if the director 14947  
finds that the applicant is a qualified elector, shall deliver to 14948  
the applicant in person or mail directly to the applicant by 14949  
special delivery mail, air mail, or regular mail, postage prepaid, 14950  
proper absent voter's ballots. The director shall deliver or ~~mail~~ 14951  
send with the ballots an unsealed identification envelope upon the 14952  
face of which shall be printed a form substantially as follows: 14953

"Identification Envelope Statement of Voter 14954  
14955

I, .....(Name of voter), declare under 14956  
penalty of election falsification that the ~~within~~ ballot or 14957  
ballots contained no voting marks of any kind when I received 14958  
them, and I caused the ballot or ballots to be marked, enclosed in 14959  
the identification envelope, and sealed in that envelope. 14960

My voting residence in Ohio is 14961

..... 14962

(Street and Number, if any, or Rural Route and Number) 14963

of ..... (City, Village, or Township) 14964

Ohio, ~~which is in Ward ..... Precinct .....~~ 14965

~~in that city, village, or township.~~ 14966

~~The primary election ballots, if any, within this envelope~~ 14967

~~are~~ If the election is a primary election, by requesting ballots 14968

of the ..... Party, I hereby declare that I desire to be 14969

affiliated with and support the above-named party. 14970

~~Ballots contained within this envelope are to be voted at the~~ 14971

~~..... (general, special, or primary) election to be held on~~ 14972



the ..... day of ....., ..... 14973

My ~~date of birth~~ birthdate is ..... (Month and 14974  
Day), ..... (Year). 14975

(Voter must provide one of the following:) 14976

My Ohio driver's license number is ..... (~~Driver's~~ 14977  
Ohio driver's license number). 14978

The last four digits of my Social Security Number are 14979  
..... (Last four digits of Social Security Number). 14980

..... In lieu of providing a an Ohio driver's license number 14981  
or the last four digits of my Social Security Number, I am 14982  
enclosing a copy of ~~one of~~ the following in the return envelope in 14983  
which this identification envelope will be mailed: a current and 14984  
valid photo identification issued by the state or an agency or 14985  
political subdivision of the state, an institution of higher 14986  
education, or the United States government, or an affirmation of 14987  
my identity. If I am a first-time voter who registered to vote by 14988  
mail, did not provide identification when I registered to vote, 14989  
and have not previously voted at a federal election in Ohio, I am 14990  
enclosing a copy of a current and valid photo identification, a 14991  
military identification, or a current utility bill, bank 14992  
statement, government check, paycheck, or other government 14993  
document, ~~other than a notice of an election mailed by a board of~~ 14994  
~~elections under section 3501.19 of the Revised Code or a notice of~~ 14995  
~~voter registration mailed by a board of elections,~~ that shows my 14996  
name and address. 14997

I hereby declare, under penalty of election falsification, 14998  
that the statements above are true, ~~as I verily believe.~~ 14999

..... 15000

+(Signature of Voter (required)) 15001

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 15002  
THE FIFTH DEGREE." 15003

The board of elections shall use an internal tracking system 15004  
for all delivered absent voter's ballots, which system shall allow 15005  
the board of elections to locate a voter's registration 15006  
information based on a returned absent voter's ballot 15007  
identification envelope. A board of elections complies with this 15008  
requirement if the board records the unique identification number 15009  
located on the stub of the voter's ballot, the voter's name, and 15010  
the voter's address, and causes the unique identification number 15011  
to be copied on the outside of the voter's identification 15012  
envelope. The director shall ~~mail~~ send with the ballots and the 15013  
unsealed identification envelope an unsealed return envelope upon 15014  
the face of which shall be printed the official title and 15015  
post-office address of the director. In the upper left corner on 15016  
the face of the return envelope, several blank lines shall be 15017  
printed upon which the voter may write the voter's name and return 15018  
address, ~~and beneath these lines there shall be printed a box~~ 15019  
~~beside the words "check if out of country." The voter shall check~~ 15020  
~~this box if the voter will be outside the United States on the day~~ 15021  
~~of the election.~~ The return envelope shall be of such size that 15022  
the identification envelope can be conveniently placed within it 15023  
for returning the identification envelope to the director. 15024  
15025

**Sec. 3509.05.** (A) When an elector receives an absent voter's 15026  
ballot pursuant to the elector's application or request, the 15027  
elector shall, before placing any marks on the ballot, note 15028  
whether there are any voting marks on it. If there are any voting 15029  
marks, the ballot shall be returned immediately to the board of 15030  
elections; otherwise, the elector shall cause the ballot to be 15031  
marked, folded in a manner that the stub on it ~~and the~~ 15032  
~~indorsements and facsimile signatures of the members of the board~~ 15033  
~~of elections on the back of it are~~ is visible, and placed and 15034  
sealed within the identification envelope received from the 15035

director of elections for that purpose. Then, the elector shall 15036  
cause the statement of voter on the outside of the identification 15037  
envelope to be completed ~~and signed~~, under penalty of election 15038  
falsification. 15039

~~If Unless the elector is a first-time mail-in registrant, the~~ 15040  
elector ~~does not~~ shall provide the elector's Ohio driver's license 15041  
number or the last four digits of the elector's social security 15042  
number on the statement of voter on the identification envelope. 15043  
If the elector does not provide the elector's Ohio driver's 15044  
license number or the last four digits of the elector's social 15045  
security number on the statement of voter, the elector ~~also~~ shall 15046  
include in the return envelope with the identification envelope a 15047  
copy of the elector's ~~current valid photo identification, a copy~~ 15048  
~~of a military identification, or a copy of a current utility bill,~~ 15049  
~~bank statement, government check, paycheck, or other government~~ 15050  
~~document, other than a notice of an election mailed by a board of~~ 15051  
~~elections under section 3501.19 of the Revised Code or a notice of~~ 15052  
~~voter registration mailed by a board of elections under section~~ 15053  
~~3503.19 of the Revised Code, that shows the name and address of~~ 15054  
~~the elector~~ identification. If the elector is a first-time mail-in 15055  
registrant, the elector shall include a copy of the elector's 15056  
first-time mail-in registrant identification. 15057

15058

The elector shall mail the identification envelope to the 15059  
director from whom it was received in the return envelope, postage 15060  
prepaid, or the elector may personally deliver it to the director, 15061  
or the spouse of the elector, the father, mother, father-in-law, 15062  
mother-in-law, grandfather, grandmother, brother, or sister of the 15063  
whole or half blood, or the son, daughter, adopting parent, 15064  
adopted child, stepparent, stepchild, uncle, aunt, nephew, or 15065  
niece of the elector may deliver it to the director. The return 15066  
envelope shall be transmitted to the director in no other manner, 15067

except as provided in section 3509.08 of the Revised Code. 15068

15069

~~Each elector who will be outside the United States on the day 15070  
of the election shall check the box on the return envelope 15071  
indicating this fact. 15072~~

When absent voter's ballots are delivered to an elector at 15073  
the office of the board, the elector may retire to a voting 15074  
compartment provided by the board and there mark the ballots. 15075  
Thereupon, the elector shall fold them, place them in the 15076  
identification envelope provided, seal the envelope, fill in and 15077  
sign the statement on the envelope under penalty of election 15078  
falsification, and deliver the envelope to the director of the 15079  
board. 15080

Except as otherwise provided in ~~divisions~~ division (B) ~~and~~ 15081  
(C) of this section, ~~all other~~ envelopes containing marked absent 15082  
voter's ballots shall be delivered to the director not later than 15083  
the close of the polls on the day of an election. Absent voter's 15084  
ballots delivered to the director later than the times specified 15085  
shall not be counted, but shall be kept by the board in the sealed 15086  
identification envelopes in which they are delivered to the 15087  
director, until the time provided by section 3505.31 of the 15088  
Revised Code for the destruction of all other ballots used at the 15089  
election for which ballots were provided, at which time they shall 15090  
be destroyed. 15091

(B)(1) ~~Except as otherwise provided in division (B)(2) of 15092  
this section, any return envelope that indicates that the voter 15093  
will be outside the United States on the day of the election shall 15094  
be delivered to the director prior to the eleventh day after the 15095  
election. Ballots delivered in such envelopes that are received 15096  
after the close of the polls on election day through the tenth day 15097  
thereafter shall be counted on the eleventh day at the board of 15098  
elections in the manner provided in divisions (C) and (D) of 15099~~

~~section 3509.06 of the Revised Code. Any such ballots that are signed or postmarked after the close of the polls on the day of the election or that are received by the director later than the tenth day following the election shall not be counted, but shall be kept by the board in the sealed identification envelopes as provided in division (A) of this section.~~

~~(2) In any year in which a presidential primary election is held, any return envelope that indicates that the voter will be outside the United States on the day of the presidential primary election shall be delivered to the director prior to the twenty first day after that election. Ballots delivered in such envelopes that are received after the close of the polls on election day through the twentieth day thereafter shall be counted on the twenty first day at the board of elections in the manner provided in divisions (C) and (D) of section 3509.06 of the Revised Code. Any such ballots that are signed or postmarked after the close of the polls on the day of that election or that are received by the director later than the twentieth day following that election shall not be counted, but shall be kept by the board in the sealed identification envelopes as provided in division (A) of this section.~~

~~(C)(1)~~ Except as otherwise provided in division ~~(C)~~(B)(2) of this section, any return envelope that is postmarked ~~within the United States~~ prior to the day of the election shall be delivered to the director prior to the eleventh day after the election. Ballots delivered in envelopes postmarked prior to the day of the election that are received after the close of the polls on election day through the tenth day thereafter shall be processed and counted on or after the eleventh day at the board of elections in the manner provided in ~~divisions~~ division (C) and ~~(D)~~ of section 3509.06 of the Revised Code. Any such ballots that are received by the director later than the tenth day following the

election shall not be counted, but shall be kept by the board in 15132  
the sealed identification envelopes as provided in division (A) of 15133  
this section. 15134

(2) Division ~~(C)~~(B)(1) of this section shall not apply to any 15135  
mail that is postmarked using a postage evidencing system, 15136  
including a postage meter, as defined in 39 C.F.R. 501.1. 15137

**Sec. 3509.06.** (A) Upon receipt of a return envelope 15138  
purporting to contain voted absent voter's ballots prior to the 15139  
eleventh day after the day of an election, a bipartisan team shall 15140  
inspect the postmark and verify the date the board received the 15141  
absent voter's ballot. If either the postmark or the date of 15142  
receipt do not meet the applicable deadlines for that election 15143  
established in section 3509.05 of the Revised Code, the ballot 15144  
shall not be counted. The identification envelope shall not be 15145  
opened, and it shall be endorsed "not counted" with the reasons 15146  
the ballot was not counted. 15147

If the postmark and date of receipt for a return envelope 15148  
purporting to contain voted absent voter's ballots meets the 15149  
applicable deadlines for that election established in section 15150  
3509.05 of the Revised Code, the bipartisan team shall open that 15151  
return envelope but shall not open the identification envelope 15152  
contained in it. If, upon opening the return envelope, the 15153  
bipartisan team finds ballots in it that are not enclosed in and 15154  
properly sealed in the identification envelope, the bipartisan 15155  
team shall not look at the markings upon the ballots and shall 15156  
promptly place them in the identification envelope and promptly 15157  
seal it. If, upon opening the return envelope, the bipartisan team 15158  
finds that the ballots are enclosed in the identification envelope 15159  
but that it is not properly sealed, the bipartisan team shall not 15160  
look at the markings upon the ballots and shall promptly seal the 15161  
identification envelope. 15162

The bipartisan team shall cause the identification envelopes, any associated identification, and the ballots in the identification envelopes to be properly secured until such time as they are processed and counted. 15163  
15164  
15165  
15166

~~The board of elections shall determine whether absent voter's ballots shall be processed and counted in each precinct, at the office of the board, or at some other location designated by the board, and shall proceed accordingly under division (B) or (C) of this section.~~ 15167  
15168  
15169  
15170  
15171

~~(B) When the board of elections determines that absent voter's ballots shall be counted in each precinct, the director shall deliver to the presiding judge of each precinct on election day identification envelopes purporting to contain absent voter's ballots of electors whose voting residence appears from the statement of voter on the outside of each of those envelopes, to be located in such presiding judge's precinct, and which were received by the director not later than the close of the polls on election day. The director shall deliver to such presiding judge a list containing the name and voting residence of each person whose voting residence is in such precinct to whom absent voter's ballots were mailed.~~ 15172  
15173  
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15183

~~(C) When the board of elections determines that absent voter's ballots shall be counted at the office of the The board of elections or at another location designated by the board, shall appoint special election judges ~~shall be appointed by the board for that the purpose having the same authority as is exercised by precinct judges of processing and counting absent voter's ballots.~~ 15184  
15185  
15186  
15187  
15188  
15189  
The votes so cast shall be added to the vote totals by the board, 15190  
and the absent voter's ballots shall be preserved separately by 15191  
the board, in the same manner and for the same length of time as 15192  
provided by section 3505.31 of the Revised Code. 15193  
15194~~

~~(D)(C)(1)~~ Each of the identification envelopes purporting to contain absent voter's ballots shall be delivered to the presiding judge of the precinct or the special judge appointed by the board of elections and shall be handled processed and counted as follows: ~~The election officials shall compare the signature of the elector on the outside of the identification envelope with the signature of that elector on the elector's registration form and verify that the absent voter's ballot is eligible to be counted under section 3509.07 of the Revised Code. Any of the precinct officials may challenge the right of the elector named on the identification envelope to vote the absent voter's ballots upon the ground that the signature on the envelope is not the same as the signature on the registration form, or upon any other of the grounds upon which the right of persons to vote may be lawfully challenged. If no such challenge is made, or if such a challenge is made and not sustained, the presiding judge shall open the envelope without defacing the statement of voter and without mutilating the ballots in it, and shall remove the ballots contained in it and proceed to count them.~~

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

(a) The election officials shall inspect the statement accompanying an absent voter's ballot to determine if the voter's signature has been provided and that the signature substantially conforms to the voter's signature in the voter's registration record.

(b) The election officials shall compare the signature of the



voter as provided on the statement accompanying the absent voter's 15227  
ballot with the signature contained in the voter registration 15228  
records. 15229

(c) If the election officials find that the voter's valid 15230  
signature has been provided and that the voter is registered and 15231  
eligible to cast a ballot in the election, the election officials 15232  
shall open the envelope and determine if the stub is attached to 15233  
or enclosed with the ballot. If the stub is attached to or 15234  
enclosed with the ballot, the election officials shall count that 15235  
ballot not earlier than the day of the election. If the stub is 15236  
not attached to or enclosed with the ballot, the absent voter's 15237  
ballot shall not be counted. The ballot shall be placed in its 15238  
accompanying identification envelope, which shall be endorsed "not 15239  
counted" with the reasons the ballot was not counted. 15240

15241

(d) If the election officials find that the voter did not 15242  
sign the statement of voter on the identification envelope or if 15243  
the election officials are unable to determine the identity of the 15244  
voter who returned the ballot, the election officials shall use 15245  
any information provided on the identification envelope or, if 15246  
necessary, cross-reference the unique stub number placed on the 15247  
identification envelope with the registration records to identify 15248  
the voter for notification under division (G) of this section. 15249

(e) If the voter did not sign the statement of voter on the 15250  
identification envelope and if the voter fails to correct that 15251  
defect within ten days after the day of the election in accordance 15252  
with division (G) of this section, or if the election officials 15253  
find that the voter is not registered or not eligible to cast a 15254  
ballot in the election, the voter's absent voter's ballot shall 15255  
not be counted. The identification envelope shall not be opened, 15256  
and it shall be endorsed "not counted" with the reasons the ballot 15257  
was not counted. 15258

(2) The board of elections may process absent voter's ballots 15259  
under division (C)(1) of this section during the ten days prior to 15260  
the day of an election but shall not reveal or cause to be 15261  
revealed the marks on any ballots. The board shall not count any 15262  
absent voter's ballot prior to the day of the election. 15263

(3) Any ballots that are not eligible to be counted under 15264  
division (C)(1)(c) or (e) of this section shall be the preserved 15265  
in their identification envelopes until the time provided by 15266  
section 3505.31 of the Revised Code for the destruction of all 15267  
other ballots used at the election for which ballots were 15268  
provided, at which time they shall be destroyed. 15269

(D) The registration card record of each person voting an 15270  
absent voter's ballot shall be marked to indicate that the person 15271  
has voted. 15272

The date of such election shall also be entered on the 15273  
elector's registration form record. ~~If any such challenge is made~~ 15274  
~~and sustained, the identification envelope of such elector shall~~ 15275  
~~not be opened, shall be endorsed "Not Counted" with the reasons~~ 15276  
~~the ballots were not counted, and shall be delivered to the board.~~ 15277  
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(E) Special election judges, employees or members of the 15279  
board of elections, or observers shall not disclose the count or 15280  
any portion of the count of absent voter's ballots prior to the 15281  
time of the closing of the polling places. No person shall 15282  
recklessly disclose the count or any portion of the count of 15283  
absent voter's ballots in such a manner as to jeopardize the 15284  
secrecy of any individual ballot. 15285

(F) Observers may be appointed under section 3505.21 of the 15286  
Revised Code to witness the ~~examination and opening~~ processing of 15287  
identification envelopes and the counting of absent voters' 15288  
ballots under this section. 15289

(G)(1) If 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 board of elections shall notify the voter, by whatever means of contact the voter has provided on the identification envelope or using any available contact information in the voter's registration record, of the defect and request the voter to verify the voter's identity for the purpose of processing that absent voter's ballot.

(2) The voter may verify that the voter was the person who returned the absent voter's ballot in any of the following ways:

(a) By confirming by mail, electronic mail, telephone, or facsimile transmission, or through the internet the voter's date of birth and residence address in a manner that substantially conforms with the records of the board of elections;

(b) By providing a statement by mail, electronic mail, or facsimile transmission, or through the internet that the voter submitted the ballot and by attaching the voter's signature to that statement. A signature attached to a statement made under this division shall be considered the voter's signature on the identification envelope for the purposes of verifying the validity of that ballot.

(c) By appearing in person at the office of the board of elections and signing the identification envelope.

(3) 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 division (G) of this section.

(4) If the voter provides the required information within ten days after the day of the election, the election officials shall

complete the processing of the absent voter's ballot under 15321  
division (C) of this section in the same manner as if that 15322  
information had been included on the statement of voter at the 15323  
time the ballot was returned. 15324

(H) As used in this section: 15325

(1) "Bipartisan team" means a team consisting of either the 15326  
director and deputy director of a board of elections or two other 15327  
designated employees of a board of elections who are from 15328  
different political parties. 15329

(2) "Processing" an absent voter's ballot means any of the 15330  
following: 15331

(a) Examining the sufficiency of an absent voter's ballot by 15332  
reviewing the postmark, the date of receipt by the board of 15333  
elections, and the presence of the voter's valid signature on the 15334  
identification envelope and, if the voter's name is signed on the 15335  
envelope, opening the identification envelope; 15336

(b) Determining the validity of an absent voter's ballot, 15337  
including determining whether the proper ballot was delivered to 15338  
the voter and whether the stub is attached to or enclosed with the 15339  
ballot; 15340

(c) Preparing an absent voter's ballot for scanning by 15341  
automatic tabulating equipment; 15342

(d) Scanning an absent voter's ballot by automatic tabulating 15343  
equipment but only if the equipment used by the board of elections 15344  
permits an absent voter's ballot to be scanned without tabulating 15345  
or counting the votes on the ballots scanned; and 15346

(e) Identifying absent voter's ballots that cannot be read by 15347  
or that are rejected by automatic tabulating equipment and 15348  
determining if those ballots need to be remade so that they can be 15349  
read by that equipment. 15350

Sec. 3509.07. (A) An elections official of the county in 15351  
which an elector applies to vote by absent voter's ballots may 15352  
challenge the right of the elector named on the application to 15353  
receive absent voter's ballots only on the following grounds: 15354

(1) That the person is not a resident of the precinct for 15355  
which the person is applying to vote absent voter's ballots; 15356

(2) That the person is not a citizen of the United States; 15357

(3) That the person is not eighteen years of age or older; 15358

(4) That the person is not a qualified elector for that 15359  
election; 15360

(5) That the person is not the elector that the person 15361  
purports to be. 15362

Challenges shall be made only if the election official knows 15363  
or reasonably believes that the challenged elector is not 15364  
qualified and entitled to vote. 15365

(B) If an elector's absent voter's ballot application is 15366  
challenged, the application shall be kept with other challenged 15367  
absent voter's ballot applications. 15368

(C) Upon receipt of a challenged absent voter's ballot 15369  
application, the board of elections promptly shall review the 15370  
board's records. If the board is able to determine that a 15371  
challenge should be denied solely on the basis of the records 15372  
maintained by the board, the board immediately shall vote to deny 15373  
the challenge. If the board is unable to determine the outcome of 15374  
the challenge solely on the basis of the records maintained by the 15375  
board, the board shall notify the elector of the challenge to the 15376  
elector's absent voter's ballot application and shall provide an 15377  
opportunity for the elector to respond to the challenge. The board 15378  
of elections shall use the challenge and notification process 15379  
established in section 3503.24 of the Revised Code, except that 15380

the board shall decide the challenge prior to the day of the election. 15381  
15382

(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. 15383  
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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. 15390  
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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. 15395  
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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 15398  
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election booth in the elector's precinct on election day. The 15412  
application shall not be valid if it is delivered to the director 15413  
before the ninetieth day or after twelve noon of the third day 15414  
before the day of the election at which the ballot is to be voted. 15415

The absent voter's ballot may be mailed directly to the 15416  
applicant at the applicant's voting residence or place of 15417  
confinement as stated in the applicant's application, or the board 15418  
may designate two board employees belonging to the two major 15419  
political parties for the purpose of delivering the ballot to the 15420  
disabled or confined elector and returning it to the board, unless 15421  
the applicant is confined to a public or private institution 15422  
within the county, in which case the board shall designate two 15423  
board employees belonging to the two major political parties for 15424  
the purpose of delivering the ballot to the disabled or confined 15425  
elector and returning it to the board. In all other instances, the 15426  
ballot shall be returned to the office of the board in the manner 15427  
prescribed in section 3509.05 of the Revised Code. 15428

Any disabled or confined elector who declares to the two 15429  
board employees belonging to the two major political parties that 15430  
the elector is unable to mark the elector's ballot by reason of 15431  
physical infirmity that is apparent to the employees to be 15432  
sufficient to incapacitate the voter from marking the elector's 15433  
ballot properly, may receive, upon request, the assistance of the 15434  
employees in marking the elector's ballot, and they shall 15435  
thereafter give no information in regard to this matter. Such 15436  
assistance shall not be rendered for any other cause. 15437

When two board employees belonging to the two major political 15438  
parties deliver a ballot to a disabled or confined elector, each 15439  
of the employees shall be present when the ballot is delivered, 15440  
when assistance is given, and when the ballot is returned to the 15441  
office of the board, and shall subscribe to the declaration on the 15442  
identification envelope. 15443

The secretary of state shall prescribe the form of application for absent voter's ballots under this division.

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 15475  
request is made for a member of the family to deliver the ballot, 15476  
the director shall arrange for the delivery of an absent voter's 15477  
ballot to the applicant, and for its return to the office of the 15478  
board, by two board employees belonging to the two major political 15479  
parties according to the procedures prescribed in division (A) of 15480  
this section. When the applicant or the applicant's child is in a 15481  
hospital outside the county where the applicant is a qualified 15482  
elector and no request is made for a member of the family to 15483  
deliver the ballot, the director shall arrange for the delivery of 15484  
an absent voter's ballot to the applicant by mail, and the ballot 15485  
shall be returned to the office of the board in the manner 15486  
prescribed in section 3509.05 of the Revised Code. 15487

(3) Any qualified elector who is eligible to vote under 15488  
division (B) ~~or~~, (C), or (D) of section 3503.16 of the Revised 15489  
Code but is unable to do so because of the circumstances described 15490  
in division (B)(2) of this section may vote in accordance with 15491  
division (B)(1) of this section if that qualified elector states 15492  
in the application for absent voter's ballots that that qualified 15493  
elector moved ~~or~~, had a change of name, or both under the 15494  
circumstances described in division (B) ~~or~~, (C), or (D) of section 15495  
3503.16 of the Revised Code and if that qualified elector complies 15496  
with divisions (G)(1) to (4) of section 3503.16 of the Revised 15497  
Code. 15498

(C) Any qualified elector described in division (A) or (B)(1) 15499  
of this section who needs no assistance to vote or to return 15500  
absent voter's ballots to the board of elections may apply for 15501  
absent voter's ballots under section 3509.03 of the Revised Code 15502  
instead of applying for them under this section. 15503

**Sec. 3509.09.** (A) The poll list or signature pollbook for 15504  
each precinct shall identify each registered elector in that 15505

precinct who has requested an absent voter's ballot for that election. 15506  
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(B)(1) If a registered elector appears to vote in that precinct and that elector has requested an absent voter's ballot for that election but the director has not received a sealed identification envelope purporting to contain that elector's voted absent voter's ballots for that election, the elector shall be permitted to cast a provisional ballot under section 3505.181 of the Revised Code in that precinct on the day of that election. 15508  
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(2) If a registered elector appears to vote in that precinct and that elector has requested an absent voter's ballot for that election and the director has received a sealed identification envelope purporting to contain that elector's voted absent voter's ballots for that election, the elector shall be permitted to cast a provisional ballot under section 3505.181 of the Revised Code in that precinct on the day of that election. 15515  
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(C)(1) In processing and counting absent voter's ballots under section 3509.06 of the Revised Code, the board of elections shall compare the signature of each elector from whom the director has received a sealed identification envelope purporting to contain that elector's voted absent voter's ballots for that election to the signature on that elector's registration ~~form~~ record. Except as otherwise provided in division (C)(3) of this section, if the board of elections determines that the absent voter's ballot in the sealed identification envelope is valid, it shall be counted. If the board of elections determines that the signature on the sealed identification envelope purporting to contain the elector's voted absent voter's ballot does not match the signature on the elector's registration ~~form~~ record, the ballot shall be set aside and the board shall examine, during the time prior to the beginning of the official canvass, the poll list 15522  
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or signature pollbook from the precinct in which the elector is 15537  
registered to vote to determine if the elector also cast a 15538  
provisional ballot under section 3505.181 of the Revised Code in 15539  
that precinct on the day of the election. 15540

(2) The board of elections shall count the provisional 15541  
ballot, instead of the absent voter's ballot, if both of the 15542  
following apply: 15543

(a) The board of elections determines that the signature of 15544  
the elector on the outside of the identification envelope in which 15545  
the absent voter's ballots are enclosed does not match the 15546  
signature of the elector on the elector's registration form; 15547

(b) The elector cast a provisional ballot in the precinct on 15548  
the day of the election. 15549

(3) If the board of elections does not receive the sealed 15550  
identification envelope purporting to contain the elector's voted 15551  
absent voter's ballot by the applicable deadline established under 15552  
section 3509.05 of the Revised Code, the provisional ballot cast 15553  
under section 3505.181 of the Revised Code in that precinct on the 15554  
day of the election shall be counted as valid, if that provisional 15555  
ballot is otherwise determined to be valid pursuant to section 15556  
3505.183 of the Revised Code. 15557

(D) If the board of elections counts a provisional ballot 15558  
under division (C)(2) ~~or (3)~~ of this section, the returned 15559  
identification envelope of that elector shall not be opened, and 15560  
the ballot within that envelope shall not be counted. The 15561  
identification envelope shall be endorsed "Not Counted" with the 15562  
reason the ballot was not counted. 15563

Sec. 3509.10. (A)(1) The secretary of state shall establish, 15564  
not later than August 30, 2010, procedures that allow any person 15565  
to request absent voter's ballot applications electronically from 15566

the office of the secretary of state. 15567

(2) The procedures shall allow any person to express a 15568  
preference for the manner in which the person will receive the 15569  
requested absent voter's ballot applications, whether by mail, 15570  
electronically, or in person. The ballot applications shall be 15571  
transmitted by the preferred method. If the requestor does not 15572  
express a preferred method, the ballot applications shall be 15573  
delivered via standard mail. 15574

(3) The appropriate state or local election official shall 15575  
establish and maintain reasonable procedures necessary to protect 15576  
the security, confidentiality, and integrity of personal 15577  
information collected, stored, or otherwise used in the electronic 15578  
absent voter's ballot application request process established 15579  
under division (A) of this section. To the extent practicable, the 15580  
procedures shall protect the security and integrity of the 15581  
electronic absent voter's ballot application request process and 15582  
protect the privacy of the identity and personal data of the 15583  
person when such applications are requested, processed, and sent. 15584

(4) In establishing such procedures, the secretary of state 15585  
shall designate at least one means of electronic communication for 15586  
use by persons to request absent voter's ballot applications, for 15587  
use by the state to send absent voter's ballot applications to 15588  
those who have requested electronic delivery, and for providing 15589  
public election and voting information. Such designated means of 15590  
electronic communication shall be identified on all information 15591  
and instructional materials that accompany balloting materials. 15592

(B) The secretary of state may establish procedures that 15593  
allow any person to request absent voter's ballot applications 15594  
electronically from a board of elections. The procedures must meet 15595  
all the requirements of division (A) of this section. 15596

(C)(1) The secretary of state shall establish a free access 15597

<u>system to allow an individual to determine the following:</u>	15598
<u>(a) Whether that individual's request for an absent voter's ballot was received and processed;</u>	15599
<u>(b) If the individual's request was received and processed, when the absent voter's ballot was sent;</u>	15600
<u>(c) Whether any absent voter's ballot returned by that individual has been received by election officials;</u>	15601
<u>(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;</u>	15602
<u>(e) Whether the individual's absent voter's ballot was counted; and</u>	15603
<u>(f) The information required under division (C) of section 3511.021 of the Revised Code regarding uniformed services and overseas absent voter's ballots.</u>	15604
<u>(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.</u>	15605
<u>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.</u>	15606
<u>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.</u>	15607
<u>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.</u>	15608
<u>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.</u>	15609
<u>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.</u>	15610
<u>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.</u>	15611
<u>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.</u>	15612
<u>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.</u>	15613
<u>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.</u>	15614
<u>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.</u>	15615
<u>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.</u>	15616
<u>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.</u>	15617
<u>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.</u>	15618
<u>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.</u>	15619
<u>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.</u>	15620
<u>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.</u>	15621
<u>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.</u>	15622
<u>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.</u>	15623
<u>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.</u>	15624
<u>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.</u>	15625
<u>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.</u>	15626
<u>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.</u>	15627
<b>Sec. 3511.01.</b> Any section of the Revised Code to the contrary notwithstanding, any person <del>serving 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</del>	15624
<del>serving 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</del>	15625
<del>serving 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</del>	15626
<del>serving in the armed forces of the United States who resides outside this</del>	15627

~~state for the purpose of being with or near such service member~~ 15628  
~~who qualifies as a uniformed services voter or an overseas voter,~~ 15629  
~~as defined in 42 U.S.C. 1973ff-6,~~ who will be eighteen years of 15630  
age or more on the day of a general or special election and who is 15631  
a citizen of the United States, may vote ~~armed service~~ uniformed 15632  
services or overseas absent voter's ballots in such general or 15633  
special election as follows: 15634

(A) If ~~the service~~ an absent uniformed services member is the 15635  
voter, ~~he~~ the service member may vote only in the precinct in 15636  
which ~~he~~ the service member has a voting residence in the state, 15637  
and that voting residence shall be that place in the precinct in 15638  
which ~~he~~ the service member resided immediately preceding the 15639  
commencement of such service, provided that the time during which 15640  
~~he~~ the service member continuously resided in the state 15641  
immediately preceding the commencement of such service plus the 15642  
time subsequent to such commencement and prior to the day of such 15643  
general, special, or primary election is equal to or exceeds 15644  
thirty days. 15645

(B) If the spouse or dependent of a ~~service~~ an absent 15646  
uniformed services member is the voter, ~~he~~ the spouse or dependent 15647  
may vote only in the precinct in which ~~he~~ the spouse or dependent 15648  
has a voting residence in the state, and that voting residence 15649  
shall be that place in the precinct in which ~~he~~ the spouse or 15650  
dependent resided immediately preceding the time of leaving the 15651  
state for the purpose of being with or near the service member, 15652  
provided that the time during which ~~he~~ the spouse or dependent 15653  
continuously resided in the state immediately preceding the time 15654  
of leaving the state for the purpose of being with or near the 15655  
service member plus the time subsequent to such leaving and prior 15656  
to the day of such general, special, or primary election is equal 15657  
to or exceeds thirty days. 15658

(C) If ~~the service~~ an absent uniformed services member or ~~his~~ 15659

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 the precinct of such permanent residence, 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.

(D) If an overseas voter who is not an absent uniformed services voter or the spouse or dependent of an absent uniformed services voter is the voter, the overseas voter may vote only in the precinct in which the overseas voter has a voting residence in the state, and that voting residence shall be that place in the precinct in which the overseas voter resided immediately before leaving the United States, provided that the time during which the overseas voter continuously resided in the state immediately preceding such departure and prior to the day of such general, special, or primary election is equal to or exceeds thirty days.

**Sec. 3511.02.** Notwithstanding any section of the Revised Code to the contrary, whenever any person applies for registration as a voter on a form adopted in accordance with federal regulations relating to the "Uniformed and Overseas Citizens Absentee Voting Act," 100 Stat. 924, 42 U.S.C.A. 1973ff (1986), this application shall be sufficient for voter registration and as a request for an absent voter's ballot. ~~Armed service~~ Uniformed services or overseas absent voter's ballots may be obtained by any person meeting the requirements of section 3511.01 of the Revised Code by applying electronically to the secretary of state in accordance with section 3511.021 of the Revised Code or by applying to the

director of the board of elections of the county in which the 15692  
person's voting residence is located, in one of the following 15693  
ways: 15694

(A) That person may make written application for those 15695  
ballots. The person may personally deliver the application to the 15696  
director or may mail it, send it by facsimile machine, send it by 15697  
electronic mail, send it by other electronic means via the 15698  
internet, or otherwise send it to the director. The application 15699  
need not be in any particular form but shall contain all of the 15700  
following information: 15701

(1) The elector's name; 15702

(2) The elector's signature or, if the application is 15703  
transmitted electronically, an image of the elector's signature; 15704

(3) The address at which the elector is registered to vote; 15705

(4) The elector's ~~date of birth~~ birthdate; 15706

(5) One of the following, unless the elector is a first-time 15707  
mail-in registrant: 15708

(a) The elector's Ohio driver's license number; 15709

(b) The last four digits of the elector's social security 15710  
number; 15711

(c) A copy of the elector's ~~current and valid photo~~ 15712  
~~identification, a copy of a military identification, or a copy of~~ 15713  
~~a current utility bill, bank statement, government check,~~ 15714  
~~paycheck, or other government document, other than a notice of an~~ 15715  
~~election mailed by a board of elections under section 3501.19 of~~ 15716  
~~the Revised Code or a notice of voter registration mailed by a~~ 15717  
~~board of elections under section 3503.19 of the Revised Code, that~~ 15718  
~~shows the name and address of the elector~~ identification. 15719

(6) A statement identifying the election for which absent 15720  
15721



voter's ballots are requested; 15722

(7) A statement that the person requesting the ballots is a 15723  
qualified elector; 15724

(8) A statement that the elector is an absent uniformed 15725  
services voter or overseas voter as defined in 42 U.S.C. 1973ff-6; 15726

(9) A statement of the elector's length of residence in the 15727  
state immediately preceding the commencement of service ~~or,~~ 15728  
immediately preceding the date of leaving to be with or near the 15729  
service member, or immediately preceding leaving the United 15730  
States, whichever is applicable; 15731

(10) If the request is for primary election ballots, the 15732  
elector's party affiliation; 15733

(11) If the elector desires ballots to be mailed to the 15734  
elector, the address to which those ballots shall be mailed; 15735

(12) If the elector desires ballots to be sent to the elector 15736  
by facsimile machine, the telephone number to which they shall be 15737  
so sent; 15738

(13) If the elector is a first-time mail-in registrant, a 15739  
copy of the elector's first-time mail-in registrant 15740  
identification. 15741

(B) A voter or any relative of a voter listed in division (C) 15742  
of this section may use a single federal post card application to 15743  
apply for ~~armed service~~ uniformed services or overseas absent 15744  
voter's ballots for use at the primary and general elections in a 15745  
given year and any special election to be held on the day in that 15746  
year specified by division (E) of section 3501.01 of the Revised 15747  
Code for the holding of a primary election, designated by the 15748  
general assembly for the purpose of submitting constitutional 15749  
amendments proposed by the general assembly to the voters of the 15750  
state. A single federal postcard application shall be processed by 15751

the board of elections pursuant to section 3511.04 of the Revised Code the same as if the voter had applied separately for ~~armed service~~ uniformed services or overseas absent voter's ballots for each election.

(C) Application to have ~~armed service~~ uniformed services or overseas absent voter's ballots mailed ~~or~~, sent by facsimile machine, or otherwise sent to such a person may be made by the spouse ~~when the person is a service member, or by the father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother or sister of the whole blood or half blood, son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece of such a person.~~ The application shall be in writing upon a blank form furnished only by the director or on a single federal post card as provided in division (B) of this section. The form of the application shall be prescribed by the secretary of state. The director shall furnish that blank form to any of the relatives specified in this division desiring to make the application, only upon the request of such a relative made in person at the office of the board or upon the written request of such a relative mailed, sent by facsimile transmission, sent by electronic mail, or sent by other electronic means via the internet to the office of the board. The application, subscribed and sworn to by the applicant, shall contain all of the following:

(1) The full name of the elector for whom ballots are requested;

(2) A statement that the elector is an absent uniformed services voter or overseas voter as defined in 42 U.S.C. 1973ff-6;

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

(4) A statement identifying the elector's length of residence in the state immediately preceding the commencement of service, ~~or~~

immediately preceding the date of leaving to be with or near a 15783  
service member, or immediately preceding leaving the United 15784  
States, as the case may be; 15785

(5) The elector's ~~date of birth~~ birthdate; 15786

(6) One of the following, unless the individual is a 15787  
first-time mail-in registrant: 15788

(a) The elector's Ohio driver's license number; 15789

(b) The last four digits of the elector's social security 15790  
number; 15791

(c) A copy of the elector's ~~current and valid photo~~ 15792  
~~identification, a copy of a military identification, or a copy of~~ 15793  
~~a current utility bill, bank statement, government check,~~ 15794  
~~paycheck, or other government document, other than a notice of an~~ 15795  
~~election mailed by a board of elections under section 3501.19 of~~ 15796  
~~the Revised Code or a notice of voter registration mailed by a~~ 15797  
~~board of elections under section 3503.19 of the Revised Code, that~~ 15798  
~~shows the name and address of the elector~~ identification. 15799  
15800

(7) A statement identifying the election for which absent 15801  
voter's ballots are requested; 15802

(8) A statement that the person requesting the ballots is a 15803  
qualified elector; 15804

(9) If the request is for primary election ballots, the 15805  
elector's party affiliation; 15806

(10) A statement that the applicant bears a relationship to 15807  
the elector as specified in division (C) of this section; 15808

(11) The address to which ballots shall be mailed or the 15809  
telephone number to which ballots shall be sent by facsimile 15810  
machine; 15811

(12) The signature or, if the application is transmitted 15812

electronically, an image of the signature and the address of the 15813  
person making the application; 15814

(13) If the elector is a first-time mail-in registrant, a 15815  
copy of the elector's first-time mail-in registrant 15816  
identification. 15817

~~Each~~ (D)(1) An elector who is eligible to vote uniformed 15818  
services or overseas absent voter's ballots may make a single 15819  
request for uniformed services or overseas absent voter's ballots 15820  
for all elections at which the elector is eligible to vote during 15821  
a calendar year. The application shall contain the information 15822  
specified in division (A) of this section and also shall specify 15823  
that the elector is requesting uniformed services or overseas 15824  
absent voter's ballots for each election during that year. If the 15825  
elector wishes to vote primary election ballots, the elector shall 15826  
state the elector's party affiliation in the application. 15827

15828

If an elector applies for annual uniformed services or 15829  
overseas absent voter's ballots under this division, the 15830  
application shall be processed by the board of elections pursuant 15831  
to section 3511.04 of the Revised Code the same as if the elector 15832  
had applied separately for uniformed services or overseas absent 15833  
voter's ballots for each election during the applicable calendar 15834  
year. Uniformed services or overseas absent voter's ballots shall 15835  
be sent to the elector for use at each election during the 15836  
applicable calendar year for which the elector is eligible to cast 15837  
a ballot. When sending uniformed services or overseas absent 15838  
voter's ballots to an elector who applied for them under this 15839  
division, the board shall enclose notification to the elector that 15840  
the elector must report to the board subsequent changes in the 15841  
elector's voting status, changes in the elector's address, or the 15842  
elector's intent to vote at a polling location in the jurisdiction 15843  
in this state where the elector is registered to vote. Such 15844

notification shall be in a form prescribed by the secretary of 15845  
state. 15846

If a uniformed services or overseas absent voter's ballot or 15847  
any official response to an application for an annual uniformed 15848  
services or overseas absent voter's ballot is returned 15849  
undeliverable to the board of elections, the board shall attempt 15850  
to contact the elector to verify the elector's mailing address 15851  
using any available contact information in the elector's voter 15852  
registration record including the elector's telephone number, 15853  
facsimile transmission number, or electronic mail address. If the 15854  
board is unable to contact the elector, the board shall not send 15855  
uniformed services or overseas absent voter's ballots for any 15856  
subsequent election to that elector until the elector submits 15857  
another application and the information in that application is 15858  
verified. The board shall remove from the poll list or signature 15859  
pollbook any notation that the elector requested an uniformed 15860  
services or overseas absent voter's ballot. The elector may cast a 15861  
regular ballot if the elector appears to vote in person on the day 15862  
of the election or the elector may cast a uniformed services or 15863  
overseas absent voter's ballot in person before the day of the 15864  
election at the board of elections or if pursuant to division (C) 15865  
of section 3501.10 of the Revised Code the board has designated 15866  
one or more other locations in the county at which registered 15867  
electors may cast an absent voter's ballot in person, at such 15868  
other location. 15869

(2) Not later than the fifteenth day of December of each 15870  
year, the board of elections shall send an application for annual 15871  
uniformed services or overseas absent voter's ballots for the 15872  
following calendar year to each person who requested annual 15873  
uniformed services or overseas absent voter's ballots under 15874  
division (D)(1) of this section for the current year and cast such 15875  
ballots in the general election. An elector who completes and 15876

returns such an application shall be eligible to receive annual 15877  
uniformed services or overseas absent voter's ballots under 15878  
division (D)(1) of this section for the applicable year. 15879

(E) Except for annual applications for uniformed services or 15880  
overseas absent voter's ballots submitted under division (D)(2) of 15881  
this section, each application for ~~armed service~~ uniformed 15882  
services or overseas absent voter's ballots shall be delivered to 15883  
the director not earlier than the first day of January of the year 15884  
of the elections for which the ~~armed service~~ uniformed services or 15885  
overseas absent voter's ballots are requested or not earlier than 15886  
ninety days before the day of the election at which the ballots 15887  
are to be voted, whichever is earlier, and not later than twelve 15888  
noon of the third day preceding the day of the election, or not 15889  
later than ~~the close of regular business hours~~ twelve noon on the 15890  
day before the day of the election at which those ballots are to 15891  
be voted if the application is delivered in person to the office 15892  
of the board. 15893

~~(D)~~(F) If the voter for whom the application is made is 15894  
entitled to vote for presidential and vice-presidential electors 15895  
only, the applicant shall submit to the director in addition to 15896  
the requirements of divisions (A), (B), and (C) of this section, a 15897  
statement to the effect that the voter is qualified to vote for 15898  
presidential and vice-presidential electors and for no other 15899  
offices. 15900

**Sec. 3511.021.** (A)(1) The secretary of state shall establish, 15901  
not later than August 30, 2010, procedures that allow any person 15902  
to request a uniformed services or overseas absent voter's ballot 15903  
electronically from the office of the secretary of state. 15904

(2) The procedures shall allow any person who requests a 15906  
uniformed services or overseas absent voter's ballot application 15907

to express a preference for the manner in which the person will 15908  
receive the requested application, whether by mail or 15909  
electronically. If the person completes and timely returns the 15910  
application and the applicant is eligible to receive a ballot, the 15911  
procedures shall allow the applicant to express a preference for 15912  
the manner in which the person will receive the requested blank, 15913  
unvoted ballots, whether by mail or electronically. The requested 15914  
items shall be transmitted by the preferred method. If the 15915  
requestor does not express a preferred method, the requested items 15916  
shall be delivered via standard mail. 15917

(3) To the extent practicable, the procedures shall protect 15918  
the security and integrity of the ballot request and delivery 15919  
process, and protect the privacy of the identity and personal data 15920  
of the person when such applications and ballots are requested, 15921  
processed, and sent. 15922

(4) No person shall return by electronic means to the 15923  
secretary of state, a board of elections, or any other entity a 15924  
completed or voted uniformed services or overseas absent voter's 15925  
ballot. If a ballot is so returned, the ballot shall not be 15926  
accepted, processed, or counted. 15927

(B) The secretary of state may establish procedures that 15928  
allow any person to request a uniformed services or overseas 15929  
absent voter's ballot electronically from a board of elections. 15930  
Such procedures shall meet all the requirements of division (A) of 15931  
this section. 15932

(C) The free access system established under division (C) of 15933  
section 3509.10 of the Revised Code shall allow an individual to 15934  
determine the following: 15935

(1) Whether that individual's request for a uniformed or 15936  
overseas absent voter's ballot was received and processed; 15937

(2) If the individual's request was received and processed, 15938

when the uniformed or overseas absent voter's ballot was sent; 15939

(3) Whether any uniformed or overseas absent voter's ballot 15940  
returned by that individual has been received by election 15941  
officials; 15942

(4) Whether the board of elections found any error on the 15943  
identification envelope containing the individual's returned 15944  
uniformed or overseas absent voter's ballot and, if so, how the 15945  
individual may correct such error within ten days after the day of 15946  
an election; and 15947

(5) Whether the individual's uniformed or overseas absent 15948  
voter's ballot was counted. 15949

**Sec. 3511.03.** The board of elections of each county shall 15950  
provide ~~armed-service~~ uniformed services or overseas absent 15951  
voter's ballots for use at each election. Such ballots for general 15952  
or primary elections shall be prescribed on the ~~sixtieth~~ 15953  
seventieth day before the day of such elections and shall be the 15954  
same as provided for absent voters in section 3509.01 of the 15955  
Revised Code. 15956

**Sec. 3511.04.** (A) If a director of a board of elections 15957  
receives an application for ~~armed-service~~ uniformed services or 15958  
overseas absent voter's ballots that does not contain all of the 15959  
required information, the director promptly shall notify the 15960  
applicant, by whatever means of contact the applicant has provided 15961  
on the application, of the additional information required to be 15962  
provided by the applicant to complete that application. The 15963  
applicant may provide the required information by mail, electronic 15964  
mail, telephone, or facsimile transmission, through the internet, 15965  
or in person at the office of the board of elections. If the 15966  
application is missing a signature, the applicant may provide a 15967  
signed statement that the applicant submitted the application. A 15968



signature provided on a signed statement under this division shall 15969  
be considered the applicant's signature on the application for the 15970  
purposes of processing an otherwise valid application for 15971  
uniformed services or overseas absent voter's ballots. The 15972  
secretary of state shall prescribe uniform standards for 15973  
processing additional information by mail, electronic mail, 15974  
telephone, facsimile transmission, through the internet, or in 15975  
person at the office of the board of elections under this 15976  
division. 15977

If the applicant provides the required information prior to 15978  
the end of the period for voting by uniformed services or overseas 15979  
absent voter's ballots at that election, the board shall promptly 15980  
process the application and deliver uniformed services or overseas 15981  
absent voter's ballots to the applicant. 15982

(B) ~~Not later than the twenty fifth day before the day of~~ 15983  
~~each presidential primary election and~~ Subject to section 3511.041 15984  
of the Revised Code, not later than the ~~thirty fifth~~ forty-fifth 15985  
day before the day of each general or ~~other~~ primary election, and 15986  
at the earliest possible time before the day of a special election 15987  
held on a day other than the day on which a general or primary 15988  
election is held, the director of the board of elections shall 15989  
mail ~~or,~~ send by facsimile machine ~~armed service,~~ or otherwise 15990  
send uniformed services or overseas absent voter's ballots then 15991  
ready for use as provided for in section 3511.03 of the Revised 15992  
Code and for which the director has received valid applications 15993  
prior to that time. Thereafter, and until twelve noon of the third 15994  
day preceding the day of election, the director shall promptly, 15995  
upon receipt of valid applications for them, mail ~~or,~~ send by 15996  
facsimile machine, or otherwise send to the proper persons all 15997  
~~armed service~~ uniformed services or overseas absent voter's 15998  
ballots then ready for use. 15999

If, after the sixtieth day before the day of a general or 16000

primary election, any other question, issue, or candidacy is 16001  
lawfully ordered submitted to the electors voting at the general 16002  
or primary election, the board shall promptly provide a separate 16003  
official issue, special election, or other election ballot for 16004  
submitting the question, issue, or candidacy to those electors, 16005  
and the director shall promptly mail ~~or~~, send by facsimile 16006  
machine, or otherwise send each such separate ballot to each 16007  
person to whom the director has previously mailed ~~or~~, sent by 16008  
facsimile machine, or otherwise sent other ~~armed service~~ uniformed  
services or overseas absent voter's ballots. 16009  
16010

In mailing ~~armed service~~ uniformed services or overseas 16011  
absent voter's ballots, the director shall use the fastest mail 16012  
service available, but the director shall not mail them by 16013  
certified mail. 16014

Sec. 3511.041. (A) An elections official of the county in 16015  
which an elector applies to vote by uniformed services or overseas 16016  
absent voter's ballots may challenge the right of the elector 16017  
named on the application to receive uniformed services or overseas 16018  
absent voter's ballots only on the following grounds: 16019

(1) That the person is not a resident of the precinct for 16020  
which the person is applying to vote uniformed services or 16021  
overseas absent voter's ballots; 16022

(2) That the person is not a citizen of the United States; 16023

(3) That the person is not eighteen years of age or older; 16024

(4) That the person is not a qualified elector for that 16025  
election; 16026

(5) That the person is not the elector that the person 16027  
purports to be. 16028

Challenges shall be made only if the election official knows 16029  
or reasonably believes that the person is not qualified and 16030

entitled to vote. 16031

(B) If an elector's uniformed services or overseas absent voter's ballot application is challenged, the application shall be kept with other challenged uniformed services or overseas absent voter's ballot applications. 16032  
16033  
16034  
16035

(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. 16036  
16037  
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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. 16050  
16051  
16052  
16053  
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16059

(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 16060  
16061  
16062

section. The validity of such a ballot shall be determined under 16063  
section 3511.11 of the Revised Code, as applicable. 16064

(F) The person challenging an elector's right to vote bears 16065  
the burden of proving, by clear and convincing evidence, that the 16066  
challenged elector's registration should be canceled. 16067

**Sec. 3511.05.** (A) The director of the board of elections 16068  
shall place ~~armed-service~~ uniformed services or overseas absent 16069  
voter's ballots sent by mail or other means in an unsealed 16070  
identification envelope, ~~gummed ready for sealing~~. The director 16071  
shall include with ~~armed-service~~ uniformed services or overseas 16072  
absent voter's ballots sent by facsimile machine or otherwise sent 16073  
an instruction sheet for preparing a ~~gummed~~ an envelope in which 16074  
the ballots shall be returned. The envelope for returning ballots 16075  
sent by either means shall have printed or written on its face a 16076  
form substantially as follows: 16077

"Identification Envelope Statement of Voter 16078

I, .....(Name of voter), declare under 16079  
penalty of election falsification that the ~~within~~ ballot or 16080  
ballots contained no voting marks of any kind when I received 16081  
them, and I caused the ballot or ballots to be marked, enclosed in 16082  
the identification envelope, and sealed in that envelope. 16083

My voting residence in Ohio is 16084

..... 16085

(Street and Number, if any, or Rural Route and Number) 16086

of ..... (City, Village, or Township) 16087

Ohio, ~~which is in Ward~~ ..... ~~Precinct~~ ..... 16088  
~~in that city, village, or township.~~ 16089

~~The primary election ballots, if any, within this envelope~~ 16090  
~~are~~ If the election is a primary election, by requesting ballots 16091  
of the ..... Party, I hereby declare that I desire to be 16092

affiliated with and support the above-named party. 16093

~~Ballots contained within this envelope are to be voted at the~~ 16094

~~..... (general, special, or primary) election to be held on~~ 16095

~~the ..... day of ....., .....~~ 16096

16097

My ~~date of birth~~ birthdate is ..... (Month and 16098

Day), ..... (Year). 16099

(Voter must provide one of the following:) 16100

My Ohio driver's license number is ..... (~~Driver's~~ 16101

Ohio driver's license number). 16102

The last four digits of my Social Security Number are 16103

..... (Last four digits of Social Security Number). 16104

..... In lieu of providing a an Ohio driver's license number 16105

or the last four digits of my Social Security Number, I am 16106

enclosing a copy of ~~one of~~ the following in the return envelope in 16107

which this identification envelope will be mailed: a current and 16108

valid photo identification issued by the state or an agency or 16109

political subdivision of the state, an institution of higher 16110

education, or the United States government, or an affirmation of 16111

my identity. If I am a first-time voter who registered to vote by 16112

mail, did not provide identification when I registered to vote, 16113

and have not previously voted at a federal election in Ohio, I am 16114

enclosing a copy of a current and valid photo identification, a 16115

military identification, or a current utility bill, bank 16116

statement, government check, paycheck, or other government 16117

~~document, other than a notice of an election mailed by a board of~~ 16118

~~elections under section 3501.19 of the Revised Code or a notice of~~ 16119

~~voter registration mailed by a board of elections,~~ that shows my 16120

name and address. 16121

I hereby declare, under penalty of election falsification, 16122

that the statements above are true, ~~as I verily believe.~~ 16123

..... 16124  
+Signature of Voter (required) 16125

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 16126  
THE FIFTH DEGREE." 16127

(B) The board of elections shall use an internal tracking 16128  
system for all delivered uniformed services or overseas absent 16129  
voter's ballots, which system shall allow the board of elections 16130  
to locate a voter's registration information based on a returned 16131  
uniformed services or overseas absent voter's ballot 16132  
identification envelope. A board of elections complies with this 16133  
requirement if the board records the unique identification number 16134  
located on the stub of the voter's ballot, the voter's name, and 16135  
the voter's address, and causes the unique identification number 16136  
to be copied on the outside of the identification envelope. The 16137  
director shall also ~~mail~~ send with the ballots and the unsealed 16138  
identification envelope sent by mail or other means an unsealed 16139  
return envelope, ~~gummed, ready for sealing,~~ for use by the voter 16140  
in returning the voter's marked ballots to the director. The 16141  
director shall send with the ballots and the instruction sheet for 16142  
preparing a ~~gummed~~ an envelope sent by facsimile machine or 16143  
otherwise sent an instruction sheet for preparing a second ~~gummed~~ 16144  
envelope as described in this division, for use by the voter in 16145  
returning that voter's marked ballots to the director. The return 16146  
envelope shall ~~have two parallel lines, each one quarter of an~~ 16147  
~~inch in width, printed across its face paralleling the top, with~~ 16148  
~~an intervening space of one quarter of an inch between such lines.~~ 16149  
The top line shall be one and one quarter inches from the top of 16150  
the envelope. Between the parallel lines shall be printed: have 16151  
printed on it "OFFICIAL ELECTION ~~ARMED SERVICE~~ UNIFORMED SERVICES 16152  
OR OVERSEAS ABSENT VOTER'S BALLOTS ~~— VIA AIR —~~ FIRST CLASS MAIL." 16153  
Three blank lines shall be printed in the upper left corner on the 16154  
face of the envelope for the use by the voter in placing the 16155  
voter's complete military, naval, or mailing address on these 16156

lines, and beneath these lines there shall be printed a box beside 16157  
the words "check if out-of-country." The voter shall check this 16158  
box if the voter will be outside the United States on the day of 16159  
the election. The official title and the post-office address of 16160  
the director to whom the envelope shall be returned shall be 16161  
printed on the face of such envelope in the lower right portion 16162  
below the bottom parallel line. 16163  
16164

~~(C) On the back of each identification envelope and each 16165  
return envelope shall be printed the following: 16166~~

~~"Instructions to voter: 16167~~

~~If the flap on this envelope is so firmly stuck to the back 16168  
of the envelope when received by you as to require forcible 16169  
opening in order to use it, open the envelope in the manner least 16170  
injurious to it, and, after marking your ballots and enclosing 16171  
same in the envelope for mailing them to the director of the board 16172  
of elections, reclose the envelope in the most practicable way, by 16173  
sealing or otherwise, and sign the blank form printed below. 16174~~

~~The flap on this envelope was firmly stuck to the back of the 16175  
envelope when received, and required forced opening before sealing 16176  
and mailing. 16177~~

~~..... 16178~~

~~(Signature of voter)" 16179~~

~~(D) Division (C) of this section does not apply when absent 16180  
voter's ballots are sent by facsimile machine. 16181~~

**Sec. 3511.06.** The return envelope provided for in section 16182  
3511.05 of the Revised Code shall be of such size that the 16183  
identification envelope can be conveniently placed within it for 16184  
returning the identification envelope to the director. The 16185  
envelope in which the two envelopes and the ~~armed service~~ 16186

~~uniformed services or overseas~~ absent voter's ballots are mailed 16187  
to the elector shall have ~~two parallel lines, each one quarter of~~ 16188  
~~an inch in width, printed across its face, paralleling the top,~~ 16189  
~~with an intervening space of one quarter of an inch between such~~ 16190  
~~lines. The top line shall be one and one quarter inches from the~~ 16191  
~~top of the envelope. Between the parallel lines shall be printed~~ 16192  
~~on it: "official armed service absent voter's balloting~~ 16193  
~~material via air mail~~ OFFICIAL UNIFORMED SERVICES OR OVERSEAS 16194  
ABSENT VOTER'S BALLOTING MATERIAL - FIRST CLASS MAIL." The 16195  
appropriate return address of the director of the board of 16196  
elections shall be printed in the upper left corner on the face of 16197  
such envelope. Several blank lines shall be printed on the face of 16198  
such envelope in the lower right portion, ~~below the bottom~~ 16199  
~~parallel line,~~ for writing in the name and address of the elector 16200  
to whom such envelope is ~~mailed~~ sent. 16201

16202

**Sec. 3511.08.** The director of the board of elections shall 16203  
keep a record of the name and address of each person to whom ~~he~~ 16204  
the director mails, sends, or delivers ~~armed service~~ uniformed 16205  
services or overseas absent voter's ballots, the kinds of ballots 16206  
so mailed, sent, or delivered, and the name and address of the 16207  
person who made the application for ~~such~~ those ballots. After ~~he~~ 16208  
the director has mailed, sent, or delivered such ballots ~~he~~ the 16209  
director shall not mail, send, or deliver additional ballots of 16210  
the same kind to such person pursuant to a subsequent request 16211  
unless such subsequent request contains the statement that an 16212  
earlier request had been sent to the director prior to the 16213  
thirtieth day before the election and that the ~~armed service~~ 16214  
uniformed services or overseas absent voter's ballots so requested 16215  
had not been received by such person prior to the fifteenth day 16216  
before the election, and provided that the director has not 16217  
received an identification envelope purporting to contain marked 16218



~~armed service~~ uniformed services or overseas absent voter's 16219  
ballots from such person. 16220

Sec. 3511.09. When an elector receives a uniformed services 16221  
or overseas absent voter's ballot pursuant to the elector's 16222  
application or request, the elector shall, before placing any 16223  
marks on the ballot, note whether there are any voting marks on 16224  
it. If there are any voting marks, the ballot shall be returned 16225  
immediately to the board of elections; otherwise, the elector 16226  
shall cause the ballot to be marked, folded in a manner that the 16227  
stub on it is visible, and placed and sealed within the 16228  
identification envelope received from the director of elections 16229  
for that purpose. Then, the elector shall cause the statement of 16230  
voter on the outside of the identification envelope to be 16231  
completed, under penalty of election falsification. 16232

Unless the elector is a first-time mail-in registrant, the 16233  
elector shall provide the elector's Ohio driver's license number 16234  
or the last four digits of the elector's social security number on 16235  
the statement of voter on the identification envelope. If the 16236  
elector does not provide the elector's Ohio driver's license 16237  
number or the last four digits of the elector's social security 16238  
number on the statement of voter, the elector shall include in the 16239  
return envelope with the identification envelope a copy of the 16240  
elector's identification. If the elector is a first-time mail-in 16241  
registrant, the elector shall include a copy of the elector's 16242  
first-time mail-in registrant identification. 16243

The elector shall mail the identification envelope to the 16244  
director from whom it was received in the return envelope, postage 16245  
prepaid, or the elector may personally deliver it to the director, 16246  
or the spouse of the elector, the father, mother, father-in-law, 16247  
mother-in-law, grandfather, grandmother, brother, or sister of the 16248  
whole or half blood, or the son, daughter, adopting parent, 16249

adopted child, stepparent, stepchild, uncle, aunt, nephew, or 16250  
niece of the elector may deliver it to the director. If the 16251  
elector is returning the uniformed services or overseas absent 16252  
voter's ballots from outside the United States, the elector may 16253  
return those ballots to the director by mail, commercial delivery 16254  
service, personal delivery, or delivery by a family member. The 16255  
return envelope shall be transmitted to the director in no other 16256  
manner, except as provided in section 3509.08 of the Revised Code. 16257

Each elector who will be outside the United States on the day 16259  
of the election shall check the box on the return envelope 16260  
indicating this fact. 16261

**Sec. 3511.10.** If, after the ~~thirty-fifth~~ forty-fifth day and 16262  
before the close of the polls on the day of a general or primary 16263  
election, a valid application for ~~armed-service~~ uniformed services 16264  
or overseas absent voter's ballots is delivered to the director of 16265  
the board of elections at the office of the board by a person 16266  
making the application ~~in his~~ on the person's own behalf, the 16267  
director shall forthwith deliver to the person all ~~armed-service~~ 16268  
uniformed services or overseas absent voter's ballots then ready 16269  
for use, together with an identification envelope. The person 16270  
shall then immediately retire to a voting booth in the office of 16271  
the board, and mark the ballots. ~~He~~ The person shall then fold 16272  
each ballot separately so as to conceal ~~his~~ the person's markings 16273  
thereon, and deposit all of the ballots in the identification 16274  
envelope and securely seal it. Thereupon ~~he~~ the person shall fill 16275  
in answers to the questions on the face of the identification 16276  
envelope, and by writing ~~his~~ the person's usual signature in the 16277  
proper place thereon, ~~he~~ the person shall declare under penalty of 16278  
election falsification that the answers to those questions are 16279  
true and correct to the best of ~~his~~ that person's knowledge and 16280  
belief. ~~He~~ The person shall then deliver the identification 16281

envelope to the director. If thereafter, and before the third day 16282  
preceding such election, the board provides additional separate 16283  
official issue or special election ballots, as provided for in 16284  
section 3511.04 of the Revised Code, the director shall promptly, 16285  
and not later than twelve noon of the third day preceding the day 16286  
of election, mail or otherwise send such additional ballots to 16287  
such person at the address specified by ~~him~~ that person for that 16288  
purpose. 16289

In the event any person serving in the armed forces of the 16290  
United States is discharged after the closing date of 16291  
registration, and ~~he~~ that person or ~~his~~ that person's spouse, or 16292  
both, meets all the other qualifications set forth in section 16293  
3511.01 of the Revised Code, ~~he or she~~ the person or spouse shall 16294  
be permitted to vote prior to the date of the election in the 16295  
office of the board in ~~his~~ the person's or spouse's county, as set 16296  
forth in this section. 16297

**Sec. 3511.11.** (A) Upon receipt of any return envelope bearing 16298  
the designation "Official Election ~~Armed Service Uniformed~~ 16299  
Services or Overseas Absent Voter's Ballot" prior ~~to the~~ 16300  
~~twenty first day after the day of a presidential primary election~~ 16301  
~~or prior~~ to the eleventh day after the day of any ~~other~~ election, 16302  
~~the director of the board of elections~~ a bipartisan team shall 16303  
inspect the postmark and verify the date the board received the 16304  
uniformed services or overseas absent voter's ballot. If either 16305  
the postmark, if applicable, or the date of receipt do not meet 16306  
the applicable deadlines for that election established in division 16307  
(C) or (D) of this section, the ballot shall not be counted. The 16308  
identification envelope shall not be opened, and it shall be 16309  
endorsed "not counted" with the reasons the ballot was not 16310  
counted. 16311

If the postmark, if applicable, and the date of receipt for a 16312

return envelope purporting to contain voted uniformed services or 16313  
overseas absent voter's ballots meets the applicable deadlines for 16314  
that election established in division (C) or (D) of this section, 16315  
the bipartisan team shall open it but shall not open the 16316  
identification envelope contained in it. If, upon so opening the 16317  
return envelope, the ~~director~~ bipartisan team finds ballots in it 16318  
that are not enclosed in and properly sealed in the identification 16319  
envelope, the ~~director~~ bipartisan team shall not look at the 16320  
markings upon the ballots and shall promptly place them in the 16321  
identification envelope and promptly seal it. If, upon so opening 16322  
the return envelope, the ~~director~~ bipartisan team finds that 16323  
ballots are enclosed in the identification envelope but that it is 16324  
not properly sealed, the ~~director~~ bipartisan team shall not look 16325  
at the markings upon the ballots and shall promptly seal the 16326  
identification envelope. 16327

16328

(B) ~~Armed service~~ Uniformed services or overseas absent 16329  
voter's ballots delivered to the director not later than the close 16330  
of the polls on election day shall be processed and counted in the 16331  
manner provided in division (F) of this section ~~3509.06 of the~~ 16332  
~~Revised Code.~~ 16333

(C) A return envelope that indicates that the voter will be 16334  
outside of the United States on the day of an election is not 16335  
required to be postmarked in order for ~~an armed service a~~ 16336  
uniformed services or overseas absent voter's ballot contained in 16337  
it to be valid. Except as otherwise provided in this division, 16338  
whether or not the return envelope containing the ballot is 16339  
postmarked or contains an illegible postmark, ~~an armed service a~~ 16340  
uniformed services or overseas absent voter's ballot that is 16341  
received after the close of the polls on election day through the 16342  
tenth day after the election day ~~or, if the election was a~~ 16343  
~~presidential primary election, through the twentieth day after the~~ 16344

~~election day~~, and that is delivered in a return envelope that 16345  
indicates that the voter will be outside the United States on the 16346  
day of the election shall be counted on the eleventh day after the 16347  
election day ~~or, if the election was a presidential primary~~ 16348  
~~election, on the twenty first day after the election day~~, at the 16349  
office of the board of elections in the manner provided in 16350  
~~divisions (C) and (D)~~ division (F) of this section ~~3509.06~~ of the 16351  
~~Revised Code~~. However, if a return envelope containing an ~~armed~~ 16352  
~~service~~ a uniformed services or overseas absent voter's ballot is 16353  
so received and so indicates, but it is postmarked, or the 16354  
identification envelope in it is signed, after the close of the 16355  
polls on election day, the ~~armed-service~~ uniformed services or 16356  
overseas absent voter's ballot shall not be counted. The 16357  
identification envelope shall not be opened and it shall be 16358  
endorsed "not counted" with the reasons the ballot was not 16359  
counted. 16360

(D)(1) Except as otherwise provided in division (D)(2) of 16361  
this section, any return envelope containing an ~~armed-service~~ a 16362  
uniformed services or overseas absent voter's ballot that is 16363  
postmarked within the United States prior to the close of the 16364  
polls on election day ~~of the election~~ shall be delivered to the 16365  
director prior to the eleventh day after the election. ~~Armed~~ 16366  
~~service~~ Uniformed services or overseas absent voter's ballots 16367  
delivered in envelopes postmarked prior to the close of the polls 16368  
on election day ~~of the election~~ that are received after the close 16369  
of the polls on election day through the tenth day thereafter 16370  
shall be counted on the eleventh day at the board of elections in 16371  
the manner provided in ~~divisions (C) and (D)~~ division (F) of this 16372  
section ~~3509.06~~ of the ~~Revised Code~~. Any such ~~ballots~~ ballot that 16373  
~~are~~ is received by the director later than the tenth day following 16374  
the election shall not be counted, but shall be kept by the board 16375  
in the sealed identification ~~envelopes~~ envelope as provided in 16376  
division (A) of this section. The identification envelope shall 16377

not be opened and it shall be endorsed "not counted" with the 16378  
reasons the ballot was not counted. 16379

16380

(2) Division (D)(1) of this section shall not apply to any 16381  
mail that is postmarked using a postage evidencing system, 16382  
including a postage meter, as defined in 39 C.F.R. 501.1. 16383

~~(E) The following types of armed service absent voter's~~ 16384  
~~ballots shall not be counted:~~ 16385

~~(1) Armed service absent voter's ballots contained in return~~ 16386  
~~envelopes that bear the designation "Official Election Armed~~ 16387  
~~Service Absent Voter's Ballots," that are received by the director~~ 16388  
~~after the close of the polls on the day of the election, and that~~ 16389  
~~either are postmarked, or contain an identification envelope that~~ 16390  
~~is signed, on or after election day;~~ 16391

~~(2) Armed service absent voter's ballots contained in return~~ 16392  
~~envelopes that bear that designation, that do not indicate they~~ 16393  
~~are from voters who will be outside the United States on the day~~ 16394  
~~of the election, and that are received after the tenth day~~ 16395  
~~following the election or, if the election was a presidential~~ 16396  
~~primary election, after the twentieth day following the election;~~ 16397

~~(3) Armed service absent voter's ballots contained in return~~ 16398  
~~envelopes that bear that designation, that are received by the~~ 16399  
~~director within ten days after the day of the election, and that~~ 16400  
~~were postmarked before the day of the election using a postage~~ 16401  
~~evidencing system, including a postage meter, as defined in 39~~ 16402  
~~C.F.R. 501.1.~~ 16403

~~The uncounted ballots shall be preserved in their~~ 16404  
~~identification envelopes unopened until the time provided by~~ 16405  
~~section 3505.31 of the Revised Code for the destruction of all~~ 16406  
~~other ballots used at the election for which ballots were~~ 16407  
~~provided, at which time they shall be destroyed. The board of~~ 16408

elections shall appoint special election judges for the purpose of 16409  
processing and counting uniformed services or overseas absent 16410  
voter's ballots. The votes so cast shall be added to the vote 16411  
totals by the board, and the uniformed services or overseas absent 16412  
voter's ballots shall be preserved separately by the board, in the 16413  
same manner and for the same length of time as provided by section 16414  
3505.31 of the Revised Code. 16415

(F)(1) Each of the identification envelopes purporting to 16416  
contain uniformed services or overseas absent voter's ballots 16417  
delivered to the special judge appointed by the board of elections 16418  
shall be processed and counted as follows: 16419

(a) The election officials shall inspect the statement 16420  
accompanying a uniformed services or overseas absent voter's 16421  
ballot to determine if the voter's signature has been provided and 16422  
that the signature substantially conforms to the voter's signature 16423  
in the voter's registration record. 16424

(b) The election officials shall compare the signature of the 16425  
voter as provided on the statement accompanying the uniformed 16426  
services or overseas absent voter's ballot with the signature 16427  
contained in the voter registration records. 16428

(c) If the election officials find that the voter's valid 16429  
signature has been provided and that the voter is registered and 16430  
eligible to cast a ballot in the election, the election officials 16431  
shall open the envelope and determine if the stub is attached to 16432  
or enclosed with the ballot. If the stub is attached to or 16433  
enclosed with the ballot, the election officials shall count that 16434  
ballot not earlier than the day of the election. If the stub is 16435  
not attached to or enclosed with the ballot, the uniformed 16436  
services or overseas absent voter's ballot shall not be counted. 16437  
The ballot shall be placed in its accompanying identification 16438  
envelope, which shall be endorsed "not counted" with the reasons 16439  
the ballot was not counted. 16440

(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. 16441  
16442  
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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 counted" with the reasons the ballot was not counted. 16449  
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(2) The board of elections may process uniformed services or overseas absent voter's ballots under division (F)(1) of this section during the ten days prior to the day of an election but shall not reveal or cause to be revealed the marks on any ballots. The board shall not count any uniformed services or overseas absent voter's ballot prior to the day of the election. 16458  
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(3) Any ballots that are not eligible to be counted under division (C), (F)(1)(c), or (F)(1)(e) of this section shall be preserved in their identification envelopes until the time provided by section 3505.31 of the Revised Code for the destruction of all other ballots used at the election for which ballots were provided, at which time they shall be destroyed. 16464  
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(G) The registration record of each person voting a uniformed services or overseas absent voter's ballot shall be marked to indicate that the person has voted. The date of such election 16470  
16471  
16472



shall also be entered on the elector's registration record. 16473

(H) Special election judges, employees or members of the 16474  
board of elections, or observers shall not disclose the count or 16475  
any portion of the count of uniformed services or overseas absent 16476  
voter's ballots prior to the time of the closing of the polling 16477  
places. No person shall recklessly disclose the count or any 16478  
portion of the count of uniformed services or overseas absent 16479  
voter's ballots in such a manner as to jeopardize the secrecy of 16480  
any individual ballot. 16481

(I) Observers may be appointed under section 3505.21 of the 16482  
Revised Code to witness the processing of identification envelopes 16483  
and the counting of uniformed services or overseas absent voters' 16484  
ballots under this section. 16485

(J)(1) If the voter did not sign the statement of voter on 16486  
the identification envelope or if the election officials are 16487  
unable to determine the identity of the voter who returned the 16488  
ballot, the board of elections shall notify the voter, by whatever 16489  
means of contact the voter has provided on the identification 16490  
envelope or using any available contact information in the voter's 16491  
registration record, of the defect and request the voter to verify 16492  
the voter's identity for the purpose of processing that uniformed 16493  
services or overseas absent voter's ballot. 16494

(2) The voter may verify that the voter was the person who 16495  
returned the uniformed services or overseas absent voter's ballot 16496  
in any of the following ways: 16497

(a) By confirming by mail, electronic mail, telephone, or 16498  
facsimile transmission, or through the internet the voter's date 16499  
of birth and residence address in a manner that substantially 16500  
conforms with the records of the board of elections; 16501

(b) By providing a statement by mail, electronic mail, or 16502  
facsimile transmission, or through the internet that the voter 16503

submitted the ballot and by attaching the voter's signature to 16504  
that statement. A signature attached to a statement made under 16505  
this division shall be considered the voter's signature on the 16506  
identification envelope for the purposes of verifying the validity 16507  
of that ballot. 16508

(c) By appearing in person at the office of the board of 16509  
elections and signing the identification envelope. 16510

(3) The secretary of state shall prescribe uniform standards 16511  
for processing additional information by mail, electronic mail, 16512  
telephone, facsimile transmission, through the internet, or in 16513  
person at the office of the board of elections under division (J) 16514  
of this section. 16515

(4) If the voter provides the required information within ten 16516  
days after the day of the election, the election officials shall 16517  
complete the processing of the uniformed services or overseas 16518  
absent voter's ballot under division (F) of this section in the 16519  
same manner as if that information had been included on the 16520  
statement of voter at the time the ballot was returned. 16521

(K) As used in this section, "bipartisan team" and 16522  
"processing" a ballot have the same meanings as in section 3509.06 16523  
of the Revised Code. 16524

**Sec. 3511.13.** (A) The poll list or signature pollbook for 16525  
each precinct shall identify each registered elector in that 16526  
precinct who has requested ~~an armed service~~ a uniformed services 16527  
or overseas absent voter's ballot for that election. 16528

(B)(1) If a registered elector appears to vote in that 16529  
precinct and that elector has requested ~~an armed service~~ a 16530  
uniformed services or overseas absent voter's ballot for that 16531  
election but the director has not received a sealed identification 16532  
envelope purporting to contain that elector's voted ~~armed service~~ 16533

uniformed services or overseas absent voter's ballots for that 16534  
election, the elector shall be permitted to cast a provisional 16535  
ballot under section 3505.181 of the Revised Code in that precinct 16536  
on the day of that election. 16537

(2) If a registered elector appears to vote in that precinct 16538  
and that elector has requested ~~an armed service~~ a uniformed 16539  
services or overseas absent voter's ballot for that election and 16540  
the director has received a sealed identification envelope 16541  
purporting to contain that elector's voted ~~armed service~~ uniformed 16542  
services or overseas absent voter's ballots for that election, the 16543  
elector shall be permitted to cast a provisional ballot under 16544  
section 3505.181 of the Revised Code in that precinct on the day 16545  
of that election. 16546

(C)(1) In processing and counting ~~armed service~~ uniformed 16547  
services or overseas absent voter's ballots under section 3511.11 16548  
of the Revised Code, the board of elections shall compare the 16549  
signature of each elector from whom the director has received a 16550  
sealed identification envelope purporting to contain that 16551  
elector's voted ~~armed service~~ uniformed services or overseas 16552  
absent voter's ballots for that election to the signature on the 16553  
elector's registration ~~form~~ record. Except as otherwise provided 16554  
in division (C)(3) of this section, if the board of elections 16555  
determines that the ~~armed service~~ uniformed services or overseas 16556  
absent voter's ballot in the sealed identification envelope is 16557  
valid, it shall be counted. If the board of elections determines 16558  
that the signature on the sealed identification envelope 16559  
purporting to contain the elector's voted ~~armed service~~ uniformed 16560  
services or overseas absent voter's ballot does not match the 16561  
signature on the elector's registration ~~form~~ record, the ballot 16562  
shall be set aside and the board shall examine, during the time 16563  
prior to the beginning of the official canvass, the poll list or 16564  
signature pollbook from the precinct in which the elector is 16565

registered to vote to determine if the elector also cast a 16566  
provisional ballot under section 3505.181 of the Revised Code in 16567  
that precinct on the day of the election. 16568

(2) The board of elections shall count the provisional 16569  
ballot, instead of the ~~armed-service~~ uniformed services or 16570  
overseas absent voter's ballot, of an elector from whom the 16571  
director has received an identification envelope purporting to 16572  
contain that elector's voted ~~armed-service~~ uniformed services or 16573  
overseas absent voter's ballots, if both of the following apply: 16574

(a) The board of elections determines that the signature of 16575  
the elector on the outside of the identification envelope in which 16576  
the ~~armed-service~~ uniformed services or overseas absent voter's 16577  
ballots are enclosed does not match the signature of the elector 16578  
on the elector's registration form; 16579

(b) The elector cast a provisional ballot in the precinct on 16580  
the day of the election. 16581

(3) If the board of elections does not receive the sealed 16582  
identification envelope purporting to contain the elector's voted 16583  
~~armed-service~~ uniformed services or overseas absent voter's ballot 16584  
by the applicable deadline established under section 3511.11 of 16585  
the Revised Code, the provisional ballot cast under section 16586  
3505.181 of the Revised Code in that precinct on the day of the 16587  
election shall be counted as valid, if that provisional ballot is 16588  
otherwise determined to be valid pursuant to section 3505.183 of 16589  
the Revised Code. 16590

(D) If the board of elections counts a provisional ballot 16591  
under division (C)(2) ~~or (3)~~ of this section, the returned 16592  
identification envelope of that elector shall not be opened, and 16593  
the ballot within that envelope shall not be counted. The 16594  
identification envelope shall be endorsed "Not Counted" with the 16595  
reason the ballot was not counted. 16596

Sec. 3511.14. A board of elections shall accept and process 16597  
federal write-in ballots for all elections as required under "The 16598  
Uniformed and Overseas Citizens Absentee Voting Act," Pub. L. No. 16599  
99-410, 100 Stat. 924, 42 U.S.C. 1973ff, et seq., as amended. 16600

**Sec. 3513.01.** (A) Except as otherwise provided in this 16601  
section, on the first Tuesday after the first Monday in March of 16602  
2000 and every fourth year thereafter, and on the first Tuesday 16603  
after the first Monday in May of every other year, primary 16604  
elections shall be held for the purpose of nominating persons as 16605  
candidates of political parties for election to offices to be 16606  
voted for at the succeeding general election. 16607

(B) The manner of nominating persons as candidates for 16608  
election as officers of a municipal corporation having a 16609  
population of two thousand or more, as ascertained by the most 16610  
recent federal census, shall be the same as the manner in which 16611  
candidates were nominated for election as officers in the 16612  
municipal corporation in 1989 unless the manner of nominating such 16613  
candidates is changed under division (C), (D), or (E) of this 16614  
section. 16615

(C) Primary elections shall not be held for the nomination of 16616  
candidates for election as officers of any township, or any 16617  
municipal corporation having a population of less than two 16618  
thousand, unless a majority of the electors of any such township 16619  
or municipal corporation, as determined by the total number of 16620  
votes cast in such township or municipal corporation for the 16621  
office of governor at the most recent regular state election, 16622  
files with the board of elections of the county within which such 16623  
township or municipal corporation is located, or within which the 16624  
major portion of the population thereof is located, if the 16625  
municipal corporation is situated in more than one county, not 16626  
later than one hundred ~~five~~ fifteen days before the day of a 16627

primary election, a petition signed by such electors asking that 16628  
candidates for election as officers of such township or municipal 16629  
corporation be nominated as candidates of political parties, in 16630  
which event primary elections shall be held in such township or 16631  
municipal corporation for the purpose of nominating persons as 16632  
candidates of political parties for election as officers of such 16633  
township or municipal corporation to be voted for at the 16634  
succeeding regular municipal election. In a township or municipal 16635  
corporation where a majority of the electors have filed a petition 16636  
asking that candidates for election as officers of the township or 16637  
municipal corporation be nominated as candidates of political 16638  
parties, the nomination of candidates for a nonpartisan election 16639  
may be reestablished in the manner prescribed in division (E) of 16640  
this section. 16641

(D)(1) The electors in a municipal corporation having a 16642  
population of two thousand or more, in which municipal officers 16643  
were nominated in the most recent election by nominating petition 16644  
and elected by nonpartisan election, may place on the ballot in 16645  
the manner prescribed in division (D)(2) of this section the 16646  
question of changing to the primary-election method of nominating 16647  
persons as candidates for election as officers of the municipal 16648  
corporation. 16649

(2) The board of elections of the county within which the 16650  
municipal corporation is located, or, if the municipal corporation 16651  
is located in more than one county, of the county within which the 16652  
major portion of the population of the municipal corporation is 16653  
located, shall, upon receipt of a petition signed by electors of 16654  
the municipal corporation equal in number to at least ten per cent 16655  
of the vote cast at the most recent regular municipal election, 16656  
submit to the electors of the municipal corporation the question 16657  
of changing to the primary-election method of nominating persons 16658  
as candidates for election as officers of the municipal 16659

corporation. The ballot language shall be substantially as 16660  
follows: 16661

"Shall candidates for election as officers of ..... 16662  
(name of municipal corporation) in the county of ..... 16663  
(name of county) be nominated as candidates of political parties? 16664  
..... yes 16665  
..... no" 16666

The question shall be placed on the ballot at the next 16667  
general election in an even-numbered year occurring at least 16668  
~~seventy-five~~ eighty-five days after the petition is filed with the 16669  
board. If a majority of the electors voting on the question vote 16670  
in the affirmative, candidates for election as officers of the 16671  
municipal corporation shall thereafter be nominated as candidates 16672  
of political parties in primary elections, under division (A) of 16673  
this section, unless a change in the manner of nominating persons 16674  
as candidates for election as officers of the municipal 16675  
corporation is made under division (E) of this section. 16676

(E)(1) The electors in a township or municipal corporation in 16677  
which the township or municipal officers are nominated as 16678  
candidates of political parties in a primary election may place on 16679  
the ballot, in the manner prescribed in division (E)(2) of this 16680  
section, the question of changing to the nonpartisan method of 16681  
nominating persons as candidates for election as officers of the 16682  
township or municipal corporation. 16683

(2) The board of elections of the county within which the 16684  
township or municipal corporation is located, or, if the municipal 16685  
corporation is located in more than one county, of the county 16686  
within which the major portion of the population of the municipal 16687  
corporation is located, shall, upon receipt of a petition signed 16688  
by electors of the township or municipal corporation equal in 16689  
number to at least ten per cent of the vote cast at the most 16690

recent regular township or municipal election, as appropriate, 16691  
submit to the electors of the township or municipal corporation, 16692  
as appropriate, the question of changing to the nonpartisan method 16693  
of nominating persons as candidates for election as officers of 16694  
the township or municipal corporation. The ballot language shall 16695  
be substantially as follows: 16696

"Shall candidates for election as officers of ..... 16697  
(name of the township or municipal corporation) in the county of 16698  
..... (name of county) be nominated as candidates by 16699  
nominating petition and be elected only in a nonpartisan election? 16700  
..... yes 16701  
..... no" 16702

The question shall appear on the ballot at the next general 16703  
election in an even-numbered year occurring at least ~~seventy-five~~ 16704  
eighty-five days after the petition is filed with the board. If a 16705  
majority of electors voting on the question vote in the 16706  
affirmative, candidates for officer of the township or municipal 16707  
corporation shall thereafter be nominated by nominating petition 16708  
and be elected only in a nonpartisan election, unless a change in 16709  
the manner of nominating persons as candidates for election as 16710  
officers of the township or municipal corporation is made under 16711  
division (C) or (D) of this section. 16712

**Sec. 3513.02.** If, in any odd-numbered year, no valid 16713  
declaration of candidacy is filed for nomination as a candidate of 16714  
a political party for election to any of the offices to be voted 16715  
for at the general election to be held in such year, or if the 16716  
number of persons filing such declarations of candidacy for 16717  
nominations as candidates of one political party for election to 16718  
such offices does not exceed, as to any such office, the number of 16719  
candidates which such political party is entitled to nominate as 16720  
its candidates for election to such office, then no primary 16721



election shall be held for the purpose of nominating party 16722  
candidates of such party for election to offices to be voted for 16723  
at such general election and no primary ballots shall be provided 16724  
for such party. If, however, the only office for which there are 16725  
more valid declarations of candidacy filed than the number to be 16726  
nominated by a political party, is the office of ~~councilman~~ 16727  
councilperson in a ward, a primary election shall be held for such 16728  
party only in the ward or wards in which there is a contest, and 16729  
only the names of the candidates for the office of ~~councilman~~ 16730  
councilperson in such ward shall appear on the primary ballot of 16731  
such political party. 16732

The election officials whose duty it would have been to 16733  
provide for and conduct the holding of such primary election, 16734  
declare the results thereof, and issue certificates of nomination 16735  
to the persons entitled thereto if such primary election had been 16736  
held shall declare each of such persons to be nominated as of the 16737  
date of the ~~seventy-fifth~~ eighty-fifth day before the primary 16738  
election, issue appropriate certificates of nomination to each of 16739  
them, and certify their names to the proper election officials, in 16740  
order that their names may be printed on the official ballots 16741  
provided for use in the succeeding general election in the same 16742  
manner as though such primary election had been held and such 16743  
persons had been nominated at such election. 16744

**Sec. 3513.041.** A write-in space shall be provided on the 16745  
ballot for every office, except in an election for which the board 16746  
of elections has received no valid declarations of intent to be a 16747  
write-in candidate under this section. Write-in votes shall not be 16748  
counted for any candidate who has not filed a declaration of 16749  
intent to be a write-in candidate pursuant to this section. A 16750  
qualified person who has filed a declaration of intent may receive 16751  
write-in votes at either a primary or general election. Any 16752  
candidate shall file a declaration of intent to be a write-in 16753

candidate before four p.m. of the ~~sixty-second~~ seventy-second day 16754  
preceding the election at which such candidacy is to be 16755  
considered. If the election is to be determined by electors of a 16756  
county or a district or subdivision within the county, such 16757  
declaration shall be filed with the board of elections of that 16758  
county. If the election is to be determined by electors of a 16759  
subdivision located in more than one county, such declaration 16760  
shall be filed with the board of elections of the county in which 16761  
the major portion of the population of such subdivision is 16762  
located. If the election is to be determined by electors of a 16763  
district comprised of more than one county but less than all of 16764  
the counties of the state, such declaration shall be filed with 16765  
the board of elections of the most populous county in such 16766  
district. Any candidate for an office to be voted upon by electors 16767  
throughout the entire state shall file a declaration of intent to 16768  
be a write-in candidate with the secretary of state before four 16769  
p.m. of the ~~sixty-second~~ seventy-second day preceding the election 16770  
at which such candidacy is to be considered. In addition, 16771  
candidates for president and vice-president of the United States 16772  
shall also file with the secretary of state by that ~~sixty-second~~ 16773  
seventy-second day a slate of presidential electors sufficient in 16774  
number to satisfy the requirements of the United States 16775  
constitution. 16776

A board of elections shall not accept for filing the 16777  
declaration of intent to be a write-in candidate of a person 16778  
seeking to become a candidate if that person, for the same 16779  
election, has already filed a declaration of candidacy, a 16780  
declaration of intent to be a write-in candidate, or a nominating 16781  
petition, or has become a candidate through party nomination at a 16782  
primary election or by the filling of a vacancy under section 16783  
3513.30 or 3513.31 of the Revised Code, for any federal, state, or 16784  
county office, if the declaration of intent to be a write-in 16785  
candidate is for a state or county office, or for any municipal or 16786

township office, for member of a city, local, or exempted village 16787  
board of education, or for member of a governing board of an 16788  
educational service center, if the declaration of intent to be a 16789  
write-in candidate is for a municipal or township office, or for 16790  
member of a city, local, or exempted village board of education, 16791  
or for member of a governing board of an educational service 16792  
center. 16793

No person shall file a declaration of intent to be a write-in 16794  
candidate for the office of governor unless the declaration also 16795  
shows the intent of another person to be a write-in candidate for 16796  
the office of lieutenant governor. No person shall file a 16797  
declaration of intent to be a write-in candidate for the office of 16798  
lieutenant governor unless the declaration also shows the intent 16799  
of another person to be a write-in candidate for the office of 16800  
governor. No person shall file a declaration of intent to be a 16801  
write-in candidate for the office of governor or lieutenant 16802  
governor if the person has previously filed a declaration of 16803  
intent to be a write-in candidate to the office of governor or 16804  
lieutenant governor at the same primary or general election. A 16805  
write-in vote for the two candidates who file such a declaration 16806  
shall be counted as a vote for them as joint candidates for the 16807  
offices of governor and lieutenant governor. 16808

The secretary of state shall not accept for filing the 16809  
declaration of intent to be a write-in candidate of a person for 16810  
the office of governor unless the declaration also shows the 16811  
intent of another person to be a write-in candidate for the office 16812  
of lieutenant governor, shall not accept for filing the 16813  
declaration of intent to be a write-in candidate of a person for 16814  
the office of lieutenant governor unless the declaration also 16815  
shows the intent of another person to be a write-in candidate for 16816  
the office of governor, and shall not accept for filing the 16817  
declaration of intent to be a write-in candidate of a person to 16818

the office of governor or lieutenant governor if that person, for 16819  
the same election, has already filed a declaration of candidacy, a 16820  
declaration of intent to be a write-in candidate, or a nominating 16821  
petition, or has become a candidate through party nomination at a 16822  
primary election or by the filling of a vacancy under section 16823  
3513.30 or 3513.31 of the Revised Code, for any other state office 16824  
or any federal or county office. 16825

Protests against the candidacy of any person filing a 16826  
declaration of intent to be a write-in candidate may be filed by 16827  
any qualified elector who is eligible to vote in the election at 16828  
which the candidacy is to be considered. The protest shall be in 16829  
writing and shall be filed not later than four p.m. of the 16830  
~~fifty-seventh~~ sixty-seventh day before the day of the election. 16831  
The protest shall be filed with the board of elections with which 16832  
the declaration of intent to be a write-in candidate was filed. 16833  
Upon the filing of the protest, the board with which it is filed 16834  
shall promptly fix the time for hearing it and shall proceed in 16835  
regard to the hearing in the same manner as for hearings set for 16836  
protests filed under section 3513.05 of the Revised Code. At the 16837  
time fixed, the board shall hear the protest and determine the 16838  
validity or invalidity of the declaration of intent to be a 16839  
write-in candidate. If the board finds that the candidate is not 16840  
an elector of the state, district, county, or political 16841  
subdivision in which the candidate seeks election to office or has 16842  
not fully complied with the requirements of Title XXXV of the 16843  
Revised Code in regard to the candidate's candidacy, the 16844  
candidate's declaration of intent to be a write-in candidate shall 16845  
be determined to be invalid and shall be rejected; otherwise, it 16846  
shall be determined to be valid. The determination of the board is 16847  
final. 16848

The secretary of state shall prescribe the form of the 16849  
declaration of intent to be a write-in candidate. 16850

Sec. 3513.05. Each person desiring to become a candidate for 16851  
a party nomination or for election to an office or position to be 16852  
voted for at a primary election, except persons desiring to become 16853  
joint candidates for the offices of governor and lieutenant 16854  
governor and except as otherwise provided in section 3513.051 of 16855  
the Revised Code, shall, not later than four p.m. of the 16856  
~~seventy-fifth~~ eighty-fifth day before the day of the primary 16857  
election, ~~or if the primary election is a presidential primary~~ 16858  
~~election, not later than four p.m. of the sixtieth day before the~~ 16859  
~~day of the presidential primary election,~~ file a declaration of 16860  
candidacy and petition and pay the fees required under divisions 16861  
(A) and (B) of section 3513.10 of the Revised Code. The 16862  
declaration of candidacy and all separate petition papers shall be 16863  
filed at the same time as one instrument. When the offices are to 16864  
be voted for at a primary election, persons desiring to become 16865  
joint candidates for the offices of governor and lieutenant 16866  
governor shall, not later than four p.m. of the ~~seventy-fifth~~ 16867  
eighty-fifth day before the day of the primary election, comply 16868  
with section 3513.04 of the Revised Code. The prospective joint 16869  
candidates' declaration of candidacy and all separate petition 16870  
papers of candidacies shall be filed at the same time as one 16871  
instrument. The secretary of state or a board of elections shall 16872  
not accept for filing a declaration of candidacy and petition of a 16873  
person seeking to become a candidate if that person, for the same 16874  
election, has already filed a declaration of candidacy or a 16875  
declaration of intent to be a write-in candidate, or has become a 16876  
candidate by the filling of a vacancy under section 3513.30 of the 16877  
Revised Code for any federal, state, or county office, if the 16878  
declaration of candidacy is for a state or county office, or for 16879  
any municipal or township office, if the declaration of candidacy 16880  
is for a municipal or township office. 16881

If the declaration of candidacy declares a candidacy which is 16882

to be submitted to electors throughout the entire state, the 16883  
petition, including a petition for joint candidates for the 16884  
offices of governor and lieutenant governor, shall be signed by at 16885  
least one thousand qualified electors who are members of the same 16886  
political party as the candidate or joint candidates, and the 16887  
declaration of candidacy and petition shall be filed with the 16888  
secretary of state; provided that the secretary of state shall not 16889  
accept or file any such petition appearing on its face to contain 16890  
signatures of more than three thousand electors. 16891

Except as otherwise provided in this paragraph, if the 16892  
declaration of candidacy is of one that is to be submitted only to 16893  
electors within a district, political subdivision, or portion 16894  
thereof, the petition shall be signed by not less than fifty 16895  
qualified electors who are members of the same political party as 16896  
the political party of which the candidate is a member. If the 16897  
declaration of candidacy is for party nomination as a candidate 16898  
for member of the legislative authority of a municipal corporation 16899  
elected by ward, the petition shall be signed by not less than 16900  
twenty-five qualified electors who are members of the political 16901  
party of which the candidate is a member. 16902

No such petition, except the petition for a candidacy that is 16903  
to be submitted to electors throughout the entire state, shall be 16904  
accepted for filing if it appears to contain on its face 16905  
signatures of more than three times the minimum number of 16906  
signatures. When a petition of a candidate has been accepted for 16907  
filing by a board of elections, the petition shall not be deemed 16908  
invalid if, upon verification of signatures contained in the 16909  
petition, the board of elections finds the number of signatures 16910  
accepted exceeds three times the minimum number of signatures 16911  
required. A board of elections may discontinue verifying 16912  
signatures on petitions when the number of verified signatures 16913  
equals the minimum required number of qualified signatures. 16914

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

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

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

If the declaration of candidacy is of one that is to be submitted only to electors within a county, or within a district or subdivision or part thereof smaller than a county, the petition shall be filed with the board of elections of the county. If the declaration of candidacy is of one that is to be submitted only to electors of a district or subdivision or part thereof that is situated in more than one county, the petition shall be filed with the board of elections of the county within which the major portion of the population thereof, as ascertained by the next preceding federal census, is located.

A petition shall consist of separate petition papers, each of

which shall contain signatures of electors of only one county. 16947  
Petitions or separate petition papers containing signatures of 16948  
electors of more than one county shall not thereby be declared 16949  
invalid. In case petitions or separate petition papers containing 16950  
signatures of electors of more than one county are filed, the 16951  
board shall determine the county from which the majority of 16952  
signatures came, and only signatures from such county shall be 16953  
counted. Signatures from any other county shall be invalid. 16954

Each separate petition paper shall be circulated by one 16955  
person only, who shall be the candidate or a joint candidate or a 16956  
member of the same political party as the candidate or joint 16957  
candidates, and each separate petition paper shall be governed by 16958  
the rules set forth in section 3501.38 of the Revised Code. 16959

The secretary of state shall promptly transmit to each board 16960  
such separate petition papers of each petition accompanying a 16961  
declaration of candidacy filed with the secretary of state as 16962  
purport to contain signatures of electors of the county of such 16963  
board. The board of the most populous county of a district shall 16964  
promptly transmit to each board within such district such separate 16965  
petition papers of each petition accompanying a declaration of 16966  
candidacy filed with it as purport to contain signatures of 16967  
electors of the county of each such board. The board of a county 16968  
within which the major portion of the population of a subdivision, 16969  
situated in more than one county, is located, shall promptly 16970  
transmit to the board of each other county within which a portion 16971  
of such subdivision is located such separate petition papers of 16972  
each petition accompanying a declaration of candidacy filed with 16973  
it as purport to contain signatures of electors of the portion of 16974  
such subdivision in the county of each such board. 16975

All petition papers so transmitted to a board and all 16976  
petitions accompanying declarations of candidacy filed with a 16977  
board shall, under proper regulations, be open to public 16978



inspection until four p.m. of the ~~seventieth~~ eightieth day before 16979  
the day of the next primary election, ~~or if that next primary~~ 16980  
~~election is a presidential primary election, the fifty-fifth day~~ 16981  
~~before that presidential primary election.~~ Each board shall, not 16982  
later than the ~~sixty-eighth~~ seventy-eighth day before the day of 16983  
that primary election, ~~or if the primary election is a~~ 16984  
~~presidential primary election, not later than the fifty-third day~~ 16985  
~~before such presidential primary election,~~ examine and determine 16986  
the validity or invalidity of the signatures on the petition 16987  
papers so transmitted to or filed with it and shall return to the 16988  
secretary of state all petition papers transmitted to it by the 16989  
secretary of state, together with its certification of its 16990  
determination as to the validity or invalidity of signatures 16991  
thereon, and shall return to each other board all petition papers 16992  
transmitted to it by such board, together with its certification 16993  
of its determination as to the validity or invalidity of the 16994  
signatures thereon. All other matters affecting the validity or 16995  
invalidity of such petition papers shall be determined by the 16996  
secretary of state or the board with whom such petition papers 16997  
were filed. 16998

Protests against the candidacy of any person filing a 16999  
declaration of candidacy for party nomination or for election to 17000  
an office or position, as provided in this section, may be filed 17001  
by any qualified elector who is a member of the same political 17002  
party as the candidate and who is eligible to vote at the primary 17003  
election for the candidate whose declaration of candidacy the 17004  
elector objects to, or by the controlling committee of that 17005  
political party. The protest shall be in writing, and shall be 17006  
filed not later than four p.m. of the ~~sixty-fourth~~ seventy-fourth 17007  
day before the day of the primary election, ~~or if the primary~~ 17008  
~~election is a presidential primary election, not later than four~~ 17009  
~~p.m. of the forty-ninth day before the day of the presidential~~ 17010  
~~primary election.~~ The protest shall be filed with the election 17011

officials with whom the declaration of candidacy and petition was filed. Upon the filing of the protest, the election officials with whom it is filed shall promptly fix the time for hearing it, and shall forthwith mail notice of the filing of the protest and the time fixed for hearing to the person whose candidacy is so protested. They shall also forthwith mail notice of the time fixed for such hearing to the person who filed the protest. At the time fixed, such election officials shall hear the protest and determine the validity or invalidity of the declaration of candidacy and petition. If they find that such candidate is not an elector of the state, district, county, or political subdivision in which the candidate seeks a party nomination or election to an office or position, or has not fully complied with this chapter, the candidate's declaration of candidacy and petition shall be determined to be invalid and shall be rejected; otherwise, it shall be determined to be valid. That determination shall be final.

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

The secretary of state shall, on the ~~sixtieth~~ seventieth day before the day of a primary election, ~~or if the primary election is a presidential primary election, on the forty-fifth day before the day of the presidential primary election,~~ certify to each board in the state the forms of the official ballots to be used at the primary election, together with the names of the candidates to be printed on the ballots whose nomination or election is to be determined by electors throughout the entire state and who filed valid declarations of candidacy and petitions.

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The board of the most populous county in a district comprised 17044  
of more than one county but less than all of the counties of the 17045  
state shall, on the ~~sixtieth~~ seventieth day before the day of a 17046  
primary election, ~~or if the primary election is a presidential~~ 17047  
~~primary election, on the forty fifth day before the day of a~~ 17048  
~~presidential primary election,~~ certify to the board of each county 17049  
in the district the names of the candidates to be printed on the 17050  
official ballots to be used at the primary election, whose 17051  
nomination or election is to be determined only by electors within 17052  
the district and who filed valid declarations of candidacy and 17053  
petitions. 17054

The board of a county within which the major portion of the 17055  
population of a subdivision smaller than the county and situated 17056  
in more than one county is located shall, on the ~~sixtieth~~ 17057  
seventieth day before the day of a primary election, ~~or if the~~ 17058  
~~primary election is a presidential primary election, on the~~ 17059  
~~forty fifth day before the day of a presidential primary election,~~ 17060  
certify to the board of each county in which a portion of that 17061  
subdivision is located the names of the candidates to be printed 17062  
on the official ballots to be used at the primary election, whose 17063  
nomination or election is to be determined only by electors within 17064  
that subdivision and who filed valid declarations of candidacy and 17065  
petitions. 17066

**Sec. 3513.052.** (A) No person shall seek nomination or 17067  
election to any of the following offices or positions at the same 17068  
election by filing a declaration of candidacy and petition, a 17069  
declaration of intent to be a write-in candidate, or a nominating 17070  
petition, or by becoming a candidate through party nomination in a 17071  
primary election, or by the filling of a vacancy under section 17072  
3513.30 or 3513.31 of the Revised Code: 17073

(1) Two or more state offices; 17074

(2) Two or more county offices;	17075
(3) A state office and a county office;	17076
(4) A federal office and a state or county office;	17077
(5) Any combination of two or more municipal or township offices, positions as a member of a city, local, or exempted village board of education, or positions as a member of a governing board of an educational service center.	17078 17079 17080 17081
(B) The secretary of state or a board of elections shall not accept for filing a declaration of candidacy and petition, a declaration of intent to be a write-in candidate, or a nominating petition of a person seeking to become a candidate if that person, for the same election, has already filed a declaration of candidacy, a declaration of intent to be a write-in candidate, or a nominating petition, or has become a candidate through party nomination at a primary election or by the filling of a vacancy under section 3513.30 or 3513.31 of the Revised Code for:	17082 17083 17084 17085 17086 17087 17088 17089 17090
(1) Any federal, state, or county office, if the declaration of candidacy, declaration of intent to be a write-in candidate, or nominating petition is for a state or county office;	17091 17092 17093
(2) Any municipal or township office, or for member of a city, local, or exempted village board of education, or for member of a governing board of an educational service center, if the declaration of candidacy, declaration of intent to be a write-in candidate, or nominating petition is for a municipal or township office, or for member of a city, local, or exempted village board of education, or for member of a governing board of an educational service center.	17094 17095 17096 17097 17098 17099 17100 17101
(C)(1) If the secretary of state determines, before the day of the primary election, that a person is seeking nomination to more than one office at that election in violation of division (A) of this section, the secretary of state shall do one of the	17102 17103 17104 17105

following: 171106

(a) If each office or the district for each office for which 171107  
the person is seeking nomination is wholly within a single county 171108  
and none of those offices is a federal office, the secretary of 171109  
state shall notify the board of elections of that county. The 171110  
board then shall determine the date on which the person first 171111  
sought to become a candidate for each of those offices by filing a 171112  
declaration of candidacy or a declaration of intent to be a 171113  
write-in candidate or by the filling of a vacancy under section 171114  
3513.30 of the Revised Code. The board shall vote promptly to 171115  
disqualify that person as a candidate for each office for which 171116  
the person sought to become a candidate after the date on which 171117  
the person first sought to become a candidate for any of those 171118  
offices. If the board determines that the person sought to become 171119  
a candidate for more than one of those offices on the same date, 171120  
the board shall vote promptly to disqualify that person as a 171121  
candidate for each office that would be listed on the ballot below 171122  
the highest office for which that person seeks nomination, 171123  
according to the ballot order prescribed under section 3505.03 of 171124  
the Revised Code. 171125

(b) If one or more of the offices for which the person is 171126  
seeking nomination is a state office or an office with a district 171127  
larger than a single county and none of the offices for which the 171128  
person is seeking nomination is a federal office, the secretary of 171129  
state shall determine the date on which the person first sought to 171130  
become a candidate for each of those offices by filing a 171131  
declaration of candidacy or a declaration of intent to be a 171132  
write-in candidate or by the filling of a vacancy under section 171133  
3513.30 of the Revised Code. The secretary of state shall order 171134  
the board of elections of each county in which the person is 171135  
seeking to appear on the ballot to disqualify that person as a 171136  
candidate for each office for which the person sought to become a 171137

candidate after the date on which the person first sought to 17138  
become a candidate for any of those offices. If the secretary of 17139  
state determines that the person sought to become a candidate for 17140  
more than one of those offices on the same date, the secretary of 17141  
state shall order the board of elections of each county in which 17142  
the person is seeking to appear on the ballot to disqualify that 17143  
person as a candidate for each office that would be listed on the 17144  
ballot below the highest office for which that person seeks 17145  
nomination, according to the ballot order prescribed under section 17146  
3505.03 of the Revised Code. Each board of elections so notified 17147  
shall vote promptly to disqualify the person as a candidate in 17148  
accordance with the order of the secretary of state. 17149

(c) If each office or the district for each office for which 17150  
the person is seeking nomination is wholly within a single county 17151  
and any of those offices is a federal office, the secretary of 17152  
state shall notify the board of elections of that county. The 17153  
board then shall vote promptly to disqualify that person as a 17154  
candidate for each office that is not a federal office. 17155

(d) If one or more of the offices for which the person is 17156  
seeking nomination is a state office and any of the offices for 17157  
which the person is seeking nomination is a federal office, the 17158  
secretary of state shall order the board of elections of each 17159  
county in which the person is seeking to appear on the ballot to 17160  
disqualify that person as a candidate for each office that is not 17161  
a federal office. Each board of elections so notified shall vote 17162  
promptly to disqualify the person as a candidate in accordance 17163  
with the order of the secretary of state. 17164

(2) If a board of elections determines, before the day of the 17165  
primary election, that a person is seeking nomination to more than 17166  
one office at that election in violation of division (A) of this 17167  
section, the board shall do one of the following: 17168

(a) If each office or the district for each office for which 17169

the person is seeking nomination is wholly within that county and 17170  
none of those offices is a federal office, the board shall 17171  
determine the date on which the person first sought to become a 17172  
candidate for each of those offices by filing a declaration of 17173  
candidacy or a declaration of intent to be a write-in candidate or 17174  
by the filling of a vacancy under section 3513.30 of the Revised 17175  
Code. The board shall vote promptly to disqualify that person as a 17176  
candidate for each office for which the person sought to become a 17177  
candidate after the date on which the person first sought to 17178  
become a candidate for any of those offices. If the board 17179  
determines that the person sought to become a candidate for more 17180  
than one of those offices on the same date, the board shall vote 17181  
promptly to disqualify that person as a candidate for each office 17182  
that would be listed on the ballot below the highest office for 17183  
which that person seeks nomination, according to the ballot order 17184  
prescribed under section 3505.03 of the Revised Code. 17185

(b) If one or more of the offices for which the person is 17186  
seeking nomination is a state office or an office with a district 17187  
larger than a single county and none of the offices for which the 17188  
person is seeking nomination is a federal office, the board shall 17189  
notify the secretary of state. The secretary of state then shall 17190  
determine the date on which the person first sought to become a 17191  
candidate for each of those offices by filing a declaration of 17192  
candidacy or a declaration of intent to be a write-in candidate or 17193  
by the filling of a vacancy under section 3513.30 of the Revised 17194  
Code. The secretary of state shall order the board of elections of 17195  
each county in which the person is seeking to appear on the ballot 17196  
to disqualify that person as a candidate for each office for which 17197  
the person sought to become a candidate after the date on which 17198  
the person first sought to become a candidate for any of those 17199  
offices. If the secretary of state determines that the person 17200  
sought to become a candidate for more than one of those offices on 17201  
the same date, the secretary of state shall order the board of 17202

elections of each county in which the person is seeking to appear 17203  
on the ballot to disqualify that person as a candidate for each 17204  
office that would be listed on the ballot below the highest office 17205  
for which that person seeks nomination, according to the ballot 17206  
order prescribed under section 3505.03 of the Revised Code. Each 17207  
board of elections so notified shall vote promptly to disqualify 17208  
the person as a candidate in accordance with the order of the 17209  
secretary of state. 17210

(c) If each office or the district for each office for which 17211  
the person is seeking nomination is wholly within a single county 17212  
and any of those offices is a federal office, the board shall vote 17213  
promptly to disqualify that person as a candidate for each office 17214  
that is not a federal office. 17215

(d) If one or more of the offices for which the person is 17216  
seeking nomination is a state office and any of the offices for 17217  
which the person is seeking nomination is a federal office, the 17218  
board shall notify the secretary of state. The secretary of state 17219  
then shall order the board of elections of each county in which 17220  
the person is seeking to appear on the ballot to disqualify that 17221  
person as a candidate for each office that is not a federal 17222  
office. Each board of elections so notified shall vote promptly to 17223  
disqualify the person as a candidate in accordance with the order 17224  
of the secretary of state. 17225

(D)(1) If the secretary of state determines, after the day of 17226  
the primary election and before the day of the general election, 17227  
that a person is seeking election to more than one office at that 17228  
election in violation of division (A) of this section, the 17229  
secretary of state shall do one of the following: 17230

(a) If each office or the district for each office for which 17231  
the person is seeking election is wholly within a single county 17232  
and none of those offices is a federal office, the secretary of 17233  
state shall notify the board of elections of that county. The 17234



board then shall determine the offices for which the person seeks 17235  
to appear as a candidate on the ballot. The board shall vote 17236  
promptly to disqualify that person as a candidate for each office 17237  
that would be listed on the ballot below the highest office for 17238  
which that person seeks election, according to the ballot order 17239  
prescribed under section 3505.03 of the Revised Code. If the 17240  
person sought nomination at a primary election and has not yet 17241  
been issued a certificate of nomination, the board shall not issue 17242  
that certificate for that person for any office that would be 17243  
listed on the ballot below the highest office for which that 17244  
person seeks election, according to the ballot order prescribed 17245  
under section 3505.03 of the Revised Code. 17246

(b) If one or more of the offices for which the person is 17247  
seeking election is a state office or an office with a district 17248  
larger than a single county and none of the offices for which the 17249  
person is seeking election is a federal office, the secretary of 17250  
state shall promptly investigate and determine the offices for 17251  
which the person seeks to appear as a candidate on the ballot. The 17252  
secretary of state shall order the board of elections of each 17253  
county in which the person is seeking to appear on the ballot to 17254  
disqualify that person as a candidate for each office that would 17255  
be listed on the ballot below the highest office for which that 17256  
person seeks election, according to the ballot order prescribed 17257  
under section 3505.03 of the Revised Code. Each board of elections 17258  
so notified shall vote promptly to disqualify the person as a 17259  
candidate in accordance with the order of the secretary of state. 17260  
If the person sought nomination at a primary election and has not 17261  
yet been issued a certificate of nomination, the board shall not 17262  
issue that certificate for that person for any office that would 17263  
be listed on the ballot below the highest office for which that 17264  
person seeks election, according to the ballot order prescribed 17265  
under section 3505.03 of the Revised Code. 17266

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

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

(2) If a board of elections determines, after the day of the primary election and before the day of the general election, that a person is seeking election to more than one office at that election in violation of division (A) of this section, the board of elections shall do one of the following:

(a) If each office or the district for each office for which the person is seeking election is wholly within that county and none of those offices is a federal office, the board shall determine the offices for which the person seeks to appear as a

candidate on the ballot. The board shall vote promptly to 17299  
disqualify that person as a candidate for each office that would 17300  
be listed on the ballot below the highest office for which that 17301  
person seeks election, according to the ballot order prescribed 17302  
under section 3505.03 of the Revised Code. If the person sought 17303  
nomination at a primary election and has not yet been issued a 17304  
certificate of nomination, the board shall not issue that 17305  
certificate for that person for any office that would be listed on 17306  
the ballot below the highest office for which that person seeks 17307  
election, according to the ballot order prescribed under section 17308  
3505.03 of the Revised Code. 17309

(b) If one or more of the offices for which the person is 17310  
seeking election is a state office or an office with a district 17311  
larger than a single county and none of the offices for which the 17312  
person is seeking election is a federal office, the board shall 17313  
notify the secretary of state. The secretary of state promptly 17314  
shall investigate and determine the offices for which the person 17315  
seeks to appear as a candidate on the ballot. The secretary of 17316  
state shall order the board of elections of each county in which 17317  
the person is seeking to appear on the ballot to disqualify that 17318  
person as a candidate for each office that would be listed on the 17319  
ballot below the highest office for which that person seeks 17320  
election, according to the ballot order prescribed under section 17321  
3505.03 of the Revised Code. Each board of elections so notified 17322  
shall vote promptly to disqualify the person as a candidate in 17323  
accordance with the order of the secretary of state. If the person 17324  
sought nomination at a primary election and has not yet been 17325  
issued a certificate of nomination, the board shall not issue that 17326  
certificate for that person for any office that would be listed on 17327  
the ballot below the highest office for which that person seeks 17328  
election, according to the ballot order prescribed under section 17329  
3505.03 of the Revised Code. 17330

(c) If each office or the district for each office for which 17331  
the person is seeking election is wholly within that county and 17332  
any of those offices is a federal office, the board shall vote 17333  
promptly to disqualify that person as a candidate for each office 17334  
that is not a federal office. If the person sought nomination at a 17335  
primary election and has not yet been issued a certificate of 17336  
nomination, the board shall not issue that certificate for that 17337  
person for any office that is not a federal office. 17338

(d) If one or more of the offices for which the person is 17339  
seeking election is a state office and any of the offices for 17340  
which the person is seeking election is a federal office, the 17341  
board shall notify the secretary of state. The secretary of state 17342  
shall order the board of elections of each county in which the 17343  
person is seeking to appear on the ballot to disqualify that 17344  
person as a candidate for each office that is not a federal 17345  
office. Each board of elections so notified shall vote promptly to 17346  
disqualify the person as a candidate in accordance with the order 17347  
of the secretary of state. If the person sought nomination at a 17348  
primary election and has not yet been issued a certificate of 17349  
nomination, the board shall not issue that certificate for that 17350  
person for any office that is not a federal office. 17351

(E) When a person is disqualified as a candidate under 17352  
division (C) or (D) of this section, on or before the ~~sixtieth~~ 17353  
seventieth day before the day of the applicable election, ~~or, if~~ 17354  
~~the election is a presidential primary election, on or before the~~ 17355  
~~forty fifth day before the day of the presidential primary~~ 17356  
~~election,~~ the board of elections shall remove the person's name 17357  
from the ballot for any office for which that person has been 17358  
disqualified as a candidate according to the directions of the 17359  
secretary of state. When a person is disqualified as a candidate 17360  
under division (C) or (D) of this section after the ~~sixtieth~~ 17361  
seventieth day before the day of the applicable election, ~~or, if~~ 17362

~~the election is a presidential primary election, after the~~ 17363  
~~forty fifth day before the day of the presidential primary~~ 17364  
~~election,~~ the board of elections shall not remove the person's 17365  
name from the ballot for any office for which that person has been 17366  
disqualified as a candidate. The board of elections shall post a 17367  
notice at each polling location on the day of the applicable 17368  
election, and shall enclose with each absent voter's ballot given 17369  
or mailed after the candidate is disqualified, a notice that votes 17370  
for the person for the office for which the person has been 17371  
disqualified as a candidate will be void and will not be counted. 17372  
If the name is not removed from the ballots before the day of the 17373  
election, the votes for the disqualified candidate are void and 17374  
shall not be counted. 17375

(F) Any vacancy created by the disqualification of a person 17376  
as a candidate under division (C) or (D) of this section may be 17377  
filled in the manner provided for in sections 3513.30 and 3513.31 17378  
of the Revised Code. 17379

(G) Nothing in this section or section 3513.04, 3513.041, 17380  
3513.05, 3513.251, 3513.253, 3513.254, 3513.255, 3513.257, 17381  
3513.259, or 3513.261 of the Revised Code prohibits, and the 17382  
secretary of state or a board of elections shall not disqualify, a 17383  
person from being a candidate for an office, if that person timely 17384  
withdraws as a candidate for any offices specified in division (A) 17385  
of this section for which that person first sought to become a 17386  
candidate by filing a declaration of candidacy and petition, a 17387  
declaration of intent to be a write-in candidate, or a nominating 17388  
petition, by party nomination in a primary election, or by the 17389  
filling of a vacancy under section 3513.30 or 3513.31 of the 17390  
Revised Code. 17391

(H) As used in this section: 17392

(1) "State office" means the offices of governor, lieutenant 17393  
governor, secretary of state, auditor of state, treasurer of 17394

state, attorney general, member of the state board of education, 17395  
member of the general assembly, chief justice of the supreme 17396  
court, and justice of the supreme court. 17397

(2) "Timely withdraws" means either of the following: 17398

(a) Withdrawing as a candidate before the applicable deadline 17399  
for filing a declaration of candidacy, declaration of intent to be 17400  
a write-in candidate, or nominating petition for the subsequent 17401  
office for which the person is seeking to become a candidate at 17402  
the same election; 17403

(b) Withdrawing as a candidate before the applicable deadline 17404  
for the filling of a vacancy under section 3513.30 or 3513.31 of 17405  
the Revised Code, if the person is seeking to become a candidate 17406  
for a subsequent office at the same election under either of those 17407  
sections. 17408

**Sec. 3513.121.** (A) Any candidate for the presidency of the 17409  
United States who is eligible to receive payments under the 17410  
"Presidential Primary Matching Payment Account Act," 88 Stat. 1297 17411  
(1974), 26 U.S.C.A. 9031, et seq., as amended, may file with the 17412  
secretary of state a declaration of candidacy not later than four 17413  
p.m. of the ~~sixtieth~~ eighty-fifth day before the presidential 17414  
primary election held in the same year the candidate is eligible 17415  
to receive such payments. The candidate shall indicate on ~~his~~ the 17416  
candidate's declaration of candidacy the congressional districts 17417  
in this state where ~~his~~ the candidate's candidacy is to be 17418  
submitted to the electors. Any candidate who files a declaration 17419  
of candidacy pursuant to this division shall also file, or shall 17420  
cause to be filed by a person authorized in writing to represent 17421  
~~him~~ the candidate, not later than four p.m. of the ~~sixtieth~~ 17422  
eighty-fifth day before the same primary election, a list of 17423  
candidates for district delegate and alternate to the national 17424  
convention of ~~his~~ the candidate's political party who have been 17425

selected in accordance with rules adopted by the state central 17426  
committee of ~~his~~ the candidate's political party. The candidates 17427  
for district delegate and alternate whose names appear on this 17428  
list shall be represented on the ballot in accordance with section 17429  
3513.151 of the Revised Code in every congressional district that 17430  
the presidential candidate named in ~~his~~ the presidential  
candidate's declaration of candidacy, provided that such 17431  
candidates meet the other requirements of this section. 17432  
17433

(B) Candidates for delegate at large and alternate at large 17434  
to the national convention of a political party for a presidential 17435  
candidate who submits a declaration of candidacy in accordance 17436  
with division (A) of this section shall be selected in accordance 17437  
with rules adopted by the state central committee of the 17438  
presidential candidate's political party. 17439

(C) Each candidate for district delegate and alternate to the 17440  
national convention of a political party selected pursuant to 17441  
division (A) of this section shall file or shall cause to be filed 17442  
with the secretary of state, not later than four p.m. of the 17443  
~~sixtieth~~ eighty-fifth day before the presidential primary election 17444  
in which ~~he~~ the person is a candidate, both of the following: 17445

(1) A declaration of candidacy in the form prescribed in 17446  
section 3513.07 of the Revised Code, but not the petition 17447  
prescribed in that section; 17448

(2) A statement in writing signed by the candidate in which 17449  
~~he~~ the candidate states ~~his~~ the candidate's first and second 17450  
choices for nomination as the candidate of ~~his~~ the candidate's  
party for the presidency of the United States. 17451  
17452

(D) A declaration of candidacy filed pursuant to division (A) 17453  
of this section shall be in substantially the form prescribed in 17454  
section 3513.07 of the Revised Code except that the secretary of 17455  
state shall modify that form to include spaces for a presidential 17456

candidate to indicate in which congressional districts ~~he~~ the 17457  
candidate wishes ~~his~~ the candidate's candidacy to be submitted to 17458  
the electors and shall modify it in any other ways necessary to 17459  
adapt it to use by presidential candidates. A candidate who files 17460  
a declaration of candidacy pursuant to division (A) of this 17461  
section shall not file the petition prescribed in section 3513.07 17462  
of the Revised Code. 17463

(E) Section 3513.151 of the Revised Code applies in regard to 17464  
candidates for delegate and alternate to the national convention 17465  
of a political party selected pursuant to this section. The state 17466  
central committee of the political party of any presidential 17467  
candidate who files a declaration of candidacy pursuant to 17468  
division (A) of this section shall file with the secretary of 17469  
state the rules of its political party in accordance with division 17470  
(E) of section 3513.151 of the Revised Code. 17471

(F) The procedures for the selection of candidates for 17472  
delegate and alternate to the national convention of a political 17473  
party set forth in this section and in section 3513.12 of the 17474  
Revised Code are alternative procedures, and if the procedures of 17475  
this section are followed, the procedures of section 3513.12 of 17476  
the Revised Code need not be followed. 17477

**Sec. 3513.122.** Political parties shall be eligible to elect 17478  
delegates and alternates to national conventions or conferences of 17479  
their respective political parties, other than conventions 17480  
provided for in section 3513.12 of the Revised Code, if they 17481  
notify the secretary of state that they will elect such delegates. 17482  
Such notification must be made prior to the ~~ninetieth~~ one 17483  
hundredth day before the day of the primary election which occurs 17484  
in any year at which national convention or conference delegates 17485  
and alternates are elected. 17486

Petitions of candidacy for such delegates shall be filed in 17487



the form and manner provided by the secretary of state. 17488

Any political party electing delegates to a national 17489  
convention or conference under this section in an odd-numbered 17490  
year in which a statewide primary election is not otherwise 17491  
required shall pay all expenses of that election. 17492

**Sec. 3513.151.** (A) Candidates for delegate and alternate to 17493  
the national convention of a political party shall be represented 17494  
on the ballot, or their names shall appear on the ballot, in 17495  
accordance with this section, but only in a manner that enables an 17496  
elector to record the vote in the space provided for it by the 17497  
name of the first choice for president so that the recording of 17498  
the vote is counted as a vote cast for each candidate for delegate 17499  
or alternate who has declared such person as that candidate's 17500  
first choice for president. 17501

(B) The names of candidates for delegate at large and 17502  
alternate at large to the national convention of a political party 17503  
shall not appear on the ballot. Such candidates shall be 17504  
represented on the ballot by their stated first choice for 17505  
president. 17506

(C) The state central committee of each major political 17507  
party, through its chairperson, not later than ~~sixty~~ eighty-five 17508  
days prior to the date of the presidential primary election, shall 17509  
file with the secretary of state a statement that stipulates, in 17510  
accordance with rules adopted by each state central committee at a 17511  
meeting open to all members of the committee's party, whether or 17512  
not the names of candidates for district delegate and district 17513  
alternate to the national convention of that ~~chairpersons's~~ 17514  
chairperson's party are to be printed on the ballot. The secretary 17515  
of state shall prescribe the form of the ballot for the election 17516  
of district delegates and district alternates of each political 17517  
party in accordance with such statement. If the state central 17518

committee of a political party fails to so provide such statement, 17519  
the secretary of state shall prescribe a form of ballot on which 17520  
the names of candidates for delegate and alternate to such 17521  
national convention do not appear on the ballot. Only the names of 17522  
the presidential first choices of such candidates for delegates 17523  
and alternates shall appear on the ballot. If only the names of 17524  
presidential first choices are printed, the ballot shall provide 17525  
the opportunity for an elector to record the vote in the 17526  
appropriate space provided beside such names and such a vote cast 17527  
shall be counted as a vote for each candidate for delegate and 17528  
alternate who has declared such person as that candidate's first 17529  
choice for president. 17530

If the number of candidates for district delegate or for 17531  
district alternate to the national convention of a political party 17532  
exceeds the number to be elected, the names of such candidates, 17533  
when required to appear on the ballot, shall not be rotated, but 17534  
shall be printed in a group on the ballot in alphabetical order 17535  
immediately below or beside first choice for president. This form 17536  
of the ballot shall be prescribed by the secretary so that the 17537  
recording of the vote in the space provided beside the name of 17538  
such choice for president shall be a vote for each candidate whose 17539  
name is included in the grouping. 17540

(D) Candidates, grouped by first choice for president, shall 17541  
be rotated in the same manner as though each grouping were a 17542  
separate candidate. As many series of ballots shall be printed as 17543  
the number of groups to be rotated, with the total number of 17544  
ballots to be printed divided by the number of series to be 17545  
printed in order to determine the number of ballots to be printed 17546  
of each series. On the first series of ballots, the candidates 17547  
shall be alphabetically grouped by their first choice for 17548  
president. On each succeeding series, the group of candidates that 17549  
was the first in the preceding series shall be last and each of 17550

the other groups shall be moved up one place. The ballots shall be 17551  
rotated and printed as provided in section 3505.03 of the Revised 17552  
Code, except that no indication of membership in or affiliation 17553  
with a political party shall be printed after or under the 17554  
candidate's name. 17555

(E) The state central committee of each major political 17556  
party, through its chairperson, not later than the fifteenth day 17557  
prior to the date of the presidential primary election, shall file 17558  
with the secretary of state the rules of its political party 17559  
adopted by the state central committee at a meeting open to all 17560  
members of the committee's party, which affect the issuance of 17561  
certificates of election to candidates for delegate or alternate 17562  
to its party nominating convention, and the secretary of state 17563  
shall issue certificates of election in accordance with such 17564  
rules. 17565

(F) If party rules prescribe that fewer than all such 17566  
candidates for delegate and alternate are to be elected, 17567  
certificates of election shall be issued in the order preferred by 17568  
the first choice for president and in such numbers that the number 17569  
of delegates and alternates certified as elected reflects, as 17570  
nearly as possible, the proportion to be elected under the party 17571  
rules. 17572

(G) If the state central committee of a political party fails 17573  
to file the rules with the secretary of state pursuant to this 17574  
section, certificates of election shall be issued to the 17575  
candidates for delegate and alternate receiving the highest number 17576  
of votes. 17577

**Sec. 3513.19.** (A) ~~It is the duty of any judge of elections,~~ 17578  
~~whenever any judge of elections doubts that a person attempting to~~ 17579  
~~vote at a primary election is legally entitled to vote at that~~ 17580  
~~election, to challenge the right of that person to vote. The right~~ 17581

~~of a~~ Any person offering to vote at a primary election may be 17582  
challenged upon at the polling place by any judge of elections on 17583  
any of the following grounds: 17584

~~(1) That the person whose right to vote is challenged is not~~ 17585  
~~a legally qualified elector;~~ 17586

~~(2) That the person has received or has been promised some~~ 17587  
~~valuable reward or consideration for the person's vote;~~ 17588

~~(3) That the person is not a citizen of the United States;~~ 17589

(2) That the person is not a resident of the precinct in 17590  
which the person offers to vote; 17591

(3) That the person is not eighteen years of age or older; 17592

(4) That the person is not a qualified elector for that 17593  
election; 17594

(5) That the person is not affiliated with or is not a member 17595  
of the political party whose ballot the person desires to vote; 17596

(6) That the person is not the elector that the person 17597  
purports to be. Such 17598

Challenges shall be made only if the challenger knows or 17599  
reasonably believes that the challenged elector is not qualified 17600  
and entitled to vote. 17601

If the board of elections has ruled on the question presented 17602  
by a challenge prior to election day, its finding and decision 17603  
shall be final, the presiding judge shall be notified in writing, 17604  
and the judges of elections shall not challenge the elector on 17605  
that ground. If any person is challenged as unqualified to vote, 17606  
the presiding judge shall tender the person the following oath: 17607  
"You do swear or affirm under penalty of election falsification 17608  
that you will fully and truly answer all of the following 17609  
questions put to you concerning your qualifications as an elector 17610  
at this election." 17611

A challenge may only be upheld if a majority of the judges of elections for the precinct at which the person offers to vote find by clear and convincing evidence that the person challenged is not eligible to vote a regular ballot on the grounds so challenged.

(B) If the person is challenged as unqualified on the ground that the person is not a citizen, the judges shall put the question: "Are you a citizen of the United States?"

If the person answers in the affirmative, the challenge shall be denied. 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.

(C) If the person is challenged as unqualified on the ground that the person is not a resident of the precinct where the person offers to vote, the judges shall put the following questions:

(1) Do you reside in this precinct?

(2) When did you move into this precinct?

(3) When you came into this precinct, did you come for a temporary purpose merely or for the purpose of making it your home?

(4) What is your current mailing address?

(5) Do you have some official identification containing your current address in this precinct? Please provide that identification.

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

(7) Have you applied for any absent voter's ballot in any state for this election?

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.

(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:

(1) Are you eighteen years of age or more?

(2) What is your date of birth?

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

If the judges are unable to verify the person's age and eligibility to cast a ballot in the election, the judges shall provide to the person, and the person may vote, a provisional ballot under section 3505.181 of the Revised Code.

(E) If the person is challenged as unqualified on the ground that the person is not a qualified elector for the applicable election, the judges shall put the following questions:

(1) Have you resided in this state for thirty days immediately preceding the day of this election? If so, where have you resided?

(2) Did you properly register to vote?

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

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

(5) Have you applied for an absent voter's ballot in any

state for this election? 17672

If the judges are unable to verify the person's eligibility 17673  
to cast a ballot in the election, the judges shall provide to the 17674  
person, and the person may vote, a provisional ballot under 17675  
section 3505.181 of the Revised Code. 17676

(F) If the person is challenged as unqualified on the ground 17677  
that the person is not affiliated with or is not a member of the 17678  
political party whose ballot the person has requested, the 17679  
person's party affiliation shall be determined by examining the 17680  
elector's voting record for the current year and in the 17681  
immediately preceding two calendar years as shown on the voter's 17682  
registration card, using the standards of affiliation specified in 17683  
the seventh paragraph of section 3513.05 of the Revised Code 17684  
record. Division (A)(3) of this section and the seventh paragraph 17685  
of section 3513.05 of the Revised Code do not prohibit a person 17686  
who holds an elective office for which candidates are nominated at 17687  
a party primary election from doing any of the following: 17688

(a) If the person voted as a member of a different political 17689  
party at any primary election within the current year and the 17690  
immediately preceding two calendar years, being a candidate for 17691  
nomination at a party primary held during the times specified in 17692  
division (C)(2) of section 3513.191 of the Revised Code provided 17693  
that the person complies with the requirements of that section; 17694

(b) Circulating the person's own petition of candidacy for 17695  
party nomination in the primary election. 17696

(B) When the right of a person to vote is challenged upon the 17697  
ground set forth in division (A)(3) of this section, membership in 17698  
or political affiliation with a political party shall be 17699  
determined by the person's statement, made under penalty of 17700  
election falsification, that the person desires to be affiliated 17701  
with and supports the principles of the political party whose 17702

primary ballot the person desires to vote. If the challenge is not 17703  
denied upon examination of the person's voting record, membership 17704  
in or political affiliation with a political party shall be 17705  
determined by the person's statement, made under penalty of 17706  
election falsification, that the person desires to be affiliated 17707  
with and supports the principles of the political party whose 17708  
primary election ballot the person desires to vote. If the person 17709  
refuses to make such a statement, the judges shall provide to the 17710  
person, and the person may vote, a provisional ballot under 17711  
section 3505.181 of the Revised Code. 17712

(G) If the person is challenged as unqualified on the ground 17713  
that the person is not the elector that the person purports to be, 17714  
the judges shall put the following questions: 17715

(1) What is your full name, date of birth, and address for 17716  
voting purposes? 17717

(2) Can you sign your name on this paper so that we can 17718  
compare it with the voter registration records? Please sign this 17719  
paper. 17720

If the judges are unable to verify the person's eligibility 17721  
to cast a ballot in the election, the judges shall provide to the 17722  
person, and the person may vote, a provisional ballot under 17723  
section 3505.181 of the Revised Code. 17724

(H) The person challenging an elector's right to vote bears 17725  
the burden of proving, by clear and convincing evidence, that the 17726  
challenged elector's registration should be canceled. 17727

**Sec. 3513.251.** Nominations of candidates for election as 17728  
officers of a municipal corporation having a population of less 17729  
than two thousand as ascertained by the next preceding federal 17730  
census shall be made only by nominating petition and their 17731  
election shall occur only in nonpartisan elections, unless a 17732



majority of the electors of such municipal corporation have 17733  
petitioned for a primary election. Nominations of candidates for 17734  
election as officers of a municipal corporation having a 17735  
population of two thousand or more shall be made either by primary 17736  
election in conjunction with a partisan general election or by 17737  
nominating petition in conjunction with a nonpartisan general 17738  
election, as determined under section 3513.01 of the Revised Code. 17739

The nominating petitions of nonpartisan candidates for 17740  
election as officers of a municipal corporation having a 17741  
population of less than two thousand, as ascertained by the most 17742  
recent federal census, shall be signed by not less than ten 17743  
qualified electors of the municipal corporation. Any nominating 17744  
petition filed under this section shall be filed with the board of 17745  
elections not later than four p.m. of the ~~seventy-fifth~~ 17746  
eighty-fifth day before the day of the general election, provided 17747  
that no such nominating petition shall be accepted for filing if 17748  
it appears to contain signatures aggregating in number more than 17749  
three times the minimum number of signatures required by this 17750  
section. A board of elections shall not accept for filing a 17751  
nominating petition of a person if that person, for the same 17752  
election, has already filed a declaration of candidacy, a 17753  
declaration of intent to be a write-in candidate, or a nominating 17754  
petition, or has become a candidate through party nomination at a 17755  
primary election or by the filling of a vacancy under section 17756  
3513.30 or 3513.31 of the Revised Code for any other municipal 17757  
office, or for a township office, for member of a city, local, or 17758  
exempted village board of education, or for member of a governing 17759  
board of an educational service center. When a petition of a 17760  
candidate has been accepted for filing by a board of elections, 17761  
the petition shall not be deemed invalid if, upon verification of 17762  
signatures contained in the petition, the board of elections finds 17763  
the number of signatures accepted exceeds three times the minimum 17764  
number of signatures required. A board of elections may 17765

discontinue verifying signatures when the number of verified 17766  
signatures on a petition equals the minimum required number of 17767  
qualified signatures. 17768

Nomination of nonpartisan candidates for election as officers 17769  
of a municipal corporation having a population of two thousand or 17770  
more, as ascertained by the next preceding federal census, shall 17771  
be made only by nominating petition. Nominating petitions of 17772  
nonpartisan candidates for election as officers of a municipal 17773  
corporation having a population of two thousand or more but less 17774  
than five thousand, as ascertained by the next preceding federal 17775  
census, shall be signed by not less than fifty qualified electors 17776  
of the municipal corporation or ward thereof in the case of the 17777  
nominating petition of a candidate for election as ~~councilman~~ 17778  
councilperson from such ward. Nominating petitions of nonpartisan 17779  
candidates for election as officers of a municipal corporation 17780  
having a population of five thousand or more, as ascertained by 17781  
the next preceding federal census, shall be signed by not less 17782  
than fifty qualified electors of the municipal corporation or ward 17783  
thereof in the case of the nominating petition of a candidate for 17784  
election as councilperson from such ward. 17785

**Sec. 3513.253.** Nominations of candidates for election as 17786  
officers of a township shall be made only by nominating petitions, 17787  
unless a majority of the electors of such township have petitioned 17788  
for a primary election. The nominating petitions of nonpartisan 17789  
candidates for township trustee and township fiscal officer shall 17790  
be signed by not less than twenty-five qualified electors of the 17791  
township. Such petition shall be filed with the board of elections 17792  
not later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day 17793  
before the day of the general election, provided that no such 17794  
nominating petition shall be accepted for filing if it appears to 17795  
contain signatures aggregating in number more than three times the 17796  
minimum number of signatures required by this section. A board of 17797

elections shall not accept for filing a nominating petition of a 17798  
person if that person, for the same election, has already filed a 17799  
declaration of candidacy, a declaration of intent to be a write-in 17800  
candidate, or a nominating petition, or has become a candidate 17801  
through party nomination at a primary election or by the filling 17802  
of a vacancy under section 3513.30 or 3513.31 of the Revised Code 17803  
for any other township office, or for a municipal office, for 17804  
member of a city, local, or exempted village board of education, 17805  
or for member of a governing board of an educational service 17806  
center. When a petition of a candidate has been accepted for 17807  
filing by a board of elections, the petition shall not be deemed 17808  
invalid if, upon verification of signatures contained in the 17809  
petition, the board of elections finds the number of signatures 17810  
accepted exceeds three times the minimum number of signatures 17811  
required. A board of elections may discontinue verifying 17812  
signatures when the number of verified signatures on a petition 17813  
equals the minimum required number of qualified signatures. 17814

**Sec. 3513.254.** (A) The name of each candidate for member of a 17815  
city, local, or exempted village board of education shall appear 17816  
on the nonpartisan ballot. Nominating petitions of candidates for 17817  
member of a board of education of a local or exempted village 17818  
school district shall be signed by twenty-five qualified electors 17819  
of the school district. Nominating petitions for candidates for 17820  
member of a board of education of a city school district having a 17821  
population of less than twenty thousand, as ascertained by the 17822  
next preceding federal census, shall be signed by twenty-five 17823  
qualified electors of the school district. Nominating petitions 17824  
for candidates for member of a board of education of a city school 17825  
district having a population of twenty thousand or more but less 17826  
than fifty thousand, as ascertained by the next preceding federal 17827  
census, shall be signed by seventy-five qualified electors of the 17828  
school district. Nominating petitions for candidates for member of 17829

a board of education of a city school district having a population 17830  
of fifty thousand or more but less than one hundred thousand, as 17831  
ascertained by the next preceding federal census, shall be signed 17832  
by one hundred fifty qualified electors of the school district. 17833  
Nominating petitions for candidates for member of a board of 17834  
education of a city school district having a population of one 17835  
hundred thousand or more, as ascertained by the next preceding 17836  
federal census, shall be signed by three hundred qualified 17837  
electors of the school district. 17838

(B) Nominating petitions shall be filed with the board of 17839  
elections not later than four p.m. of the ~~seventy-fifth~~ 17840  
eighty-fifth day before the day of the general election, provided 17841  
that no such petition shall be accepted for filing if it appears 17842  
to contain signatures aggregating in number more than three times 17843  
the minimum number of signatures required by this section. A board 17844  
of elections shall not accept for filing a nominating petition of 17845  
a person if that person, for the same election, has already filed 17846  
a declaration of candidacy, a declaration of intent to be a 17847  
write-in candidate, or a nominating petition, or has become a 17848  
candidate through party nomination at a primary election or by the 17849  
filling of a vacancy under section 3513.30 or 3513.31 of the 17850  
Revised Code for any other position as a member of a city, local, 17851  
or exempted village board of education or position as a member of 17852  
a governing board of an educational service center, or for a 17853  
municipal or township office. When a petition of a candidate has 17854  
been accepted for filing by a board of elections, the petition 17855  
shall not be deemed invalid if, upon verification of signatures 17856  
contained in the petition, the board of elections finds the number 17857  
of signatures accepted exceeds three times the minimum number of 17858  
signatures required. A board of elections may discontinue 17859  
verifying petitions when the number of verified signatures equals 17860  
the minimum required number of qualified signatures. 17861

(C) This section is subject to section 3513.256 of the Revised Code. 17862  
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**Sec. 3513.255.** This section is subject to section 3513.256 of the Revised Code. The name of each candidate for election as a member of a governing board of an educational service center shall appear on the nonpartisan ballot. Each nominating petition shall be signed by fifty qualified electors who reside in one of the following, as applicable: 17864  
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(A) The school districts over which the educational service center governing board has jurisdiction, in the case of any candidate running for a position on any educational service center governing board other than a governing board established in accordance with section 3311.054 of the Revised Code; 17870  
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(B) The subdistrict in which the candidate is running, in the case of a position on a governing board of an educational service center established in accordance with section 3311.054 of the Revised Code. 17875  
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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 17879  
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for any other position as a member of a governing board of an 17893  
educational service center or position as a member of a city, 17894  
local, or exempted village board of education, or for a municipal 17895  
or township office. When a petition of a candidate has been 17896  
accepted for filing by a board of elections, the petition shall 17897  
not be deemed invalid if, upon verification of signatures 17898  
contained in the petition, the board of elections finds the number 17899  
of signatures accepted exceeds three times the minimum signatures 17900  
required. A board of elections may discontinue verifying petitions 17901  
when the number of verified signatures equals the minimum required 17902  
number of qualified signatures. 17903

**Sec. 3513.256.** (A) Notwithstanding any provision of the 17904  
Revised Code to the contrary, for the purpose of nominating 17905  
candidates for a position as a member of the board of education of 17906  
a city, local, or exempted village school district or a position 17907  
as a member of a governing board of an educational service center, 17908  
the board may adopt, by resolution upon a three-fifths majority 17909  
vote of its total membership, procedures for a nonpartisan primary 17910  
election. Such procedures shall specify the following: 17911

(1) That the primary election for nominating candidates for a 17912  
position as a member of that board shall be held on the same day 17913  
as the primary election for nominating all other candidates for 17914  
public office in that year; 17915

(2) That nominating petitions shall be filed with the board 17916  
of elections not later than four p.m. of the ~~seventy-fifth~~ 17917  
eighty-fifth day before the day of the primary election; 17918

(3) That the primary election shall take place only if the 17919  
number of candidates for nomination for a position on that board, 17920  
as verified by the board of elections, is at least one more than 17921  
two times the number of available positions on that board at the 17922  
general election; 17923

(4) That the number of candidates advancing from the primary election to the general election shall equal two times the number of available positions on that board at the general election.

The board shall notify the board of elections upon adoption of a resolution under this division. No such resolution shall apply for a particular election unless the resolution is adopted at least one hundred twenty days prior to the deadline specified in the resolution to become a candidate for nomination at that election. Subject to division (B) of this section, the resolution shall apply to all subsequent nominations for a position as a member of that board.

(B) Not earlier than five years after the adoption of a resolution under division (A) of this section, the board of education of a city, local, or exempted village school district or the governing board of an educational service center may rescind that resolution by subsequent resolution upon a three-fifths majority vote of its total membership.

The board shall notify the board of elections of any resolution adopted under this division. No such resolution shall apply to a particular election unless the resolution is adopted at least one hundred twenty days prior to the deadline to become a candidate for nomination at that election under the nomination procedures the resolution is rescinding. Subject to division (D) of this section, the requirements of Chapter 3513. of the Revised Code shall apply to all subsequent nominations for a position as a member of that board.

(C) Any candidate nominated pursuant to a resolution adopted under division (A) of this section shall appear on the nonpartisan ballot at the general election as prescribed in sections 3505.04, 3513.254, and 3513.255 of the Revised Code.

(D) Nothing in this section prohibits or shall be construed

to prohibit the board of education of a city, local, or exempted 17955  
village school district or the governing board of an educational 17956  
service center that has rescinded a resolution under division (B) 17957  
of this section from subsequently adopting the same or different 17958  
procedures for a nonpartisan primary election by adopting a 17959  
resolution under division (A) of this section. 17960

**Sec. 3513.257.** Each person desiring to become an independent 17961  
candidate for an office for which candidates may be nominated at a 17962  
primary election, except persons desiring to become independent 17963  
joint candidates for the offices of governor and lieutenant 17964  
governor and for the offices of president and vice-president of 17965  
the United States, shall file no later than four p.m. of the day 17966  
before the day of the primary election immediately preceding the 17967  
general election at which such candidacy is to be voted for by the 17968  
voters, a statement of candidacy and nominating petition as 17969  
provided in section 3513.261 of the Revised Code. Persons desiring 17970  
to become independent joint candidates for the offices of governor 17971  
and lieutenant governor shall file, not later than four p.m. of 17972  
the day before the day of the primary election, one statement of 17973  
candidacy and one nominating petition for the two of them. Persons 17974  
desiring to become independent joint candidates for the offices of 17975  
president and vice-president of the United States shall file, not 17976  
later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before 17977  
the day of the general election at which the president and 17978  
vice-president are to be elected, one statement of candidacy and 17979  
one nominating petition for the two of them. The prospective 17980  
independent joint candidates' statement of candidacy shall be 17981  
filed with the nominating petition as one instrument. 17982

The statement of candidacy and separate petition papers of 17983  
each candidate or pair of joint candidates shall be filed at the 17984  
same time as one instrument. 17985



The nominating petition shall contain signatures of qualified electors of the district, political subdivision, or portion of a political subdivision in which the candidacy is to be voted on in an amount to be determined as follows:

(A) If the candidacy is to be voted on by electors throughout the entire state, the nominating petition, including the nominating petition of independent joint candidates for the offices of governor and lieutenant governor, shall be signed by no less than five thousand qualified electors, provided that no petition shall be accepted for filing if it purports to contain more than fifteen thousand signatures.

(B) If the candidacy is to be voted on by electors in any district, political subdivision, or part thereof in which less than five thousand electors voted for the office of governor at the most recent election for that office, the nominating petition shall contain signatures of not less than twenty-five qualified electors of the district, political subdivision, or part thereof, or a number of qualified signatures equal to at least five per cent of that vote, if this number is less than twenty-five.

(C) If the candidacy is to be voted on by electors in any district, political subdivision, or part thereof in which five thousand or more electors voted for the office of governor at the most recent election for that office, the nominating petition shall contain a number of signatures equal to at least one per cent of those electors.

All nominating petitions of candidates for offices to be voted on by electors throughout the entire state shall be filed in the office of the secretary of state. No nominating petition for the offices of president and vice-president of the United States shall be accepted for filing unless there is submitted to the secretary of state, at the time of filing the petition, a slate of presidential electors sufficient in number to satisfy the

requirement of the United States Constitution. The secretary of 18018  
state shall not accept for filing the statement of candidacy of a 18019  
person who desires to be an independent candidate for the office 18020  
of governor unless it also shows the joint candidacy of a person 18021  
who desires to be an independent candidate for the office of 18022  
lieutenant governor, shall not accept for filing the statement of 18023  
candidacy of a person who desires to be an independent candidate 18024  
for the office of lieutenant governor unless it also shows the 18025  
joint candidacy of a person who desires to be an independent 18026  
candidate for the office of governor, and shall not accept for 18027  
filing the statement of candidacy of a person who desires to be an 18028  
independent candidate to the office of governor or lieutenant 18029  
governor who, for the same election, has already filed a 18030  
declaration of candidacy, a declaration of intent to be a write-in 18031  
candidate, or a statement of candidacy, or has become a candidate 18032  
by the filling of a vacancy under section 3513.30 of the Revised 18033  
Code for any other state office or any federal or county office. 18034

Nominating petitions of candidates for offices to be voted on 18035  
by electors within a district or political subdivision comprised 18036  
of more than one county but less than all counties of the state 18037  
shall be filed with the boards of elections of that county or part 18038  
of a county within the district or political subdivision which had 18039  
a population greater than that of any other county or part of a 18040  
county within the district or political subdivision according to 18041  
the last federal decennial census. 18042

Nominating petitions for offices to be voted on by electors 18043  
within a county or district smaller than a county shall be filed 18044  
with the board of elections for such county. 18045

No petition other than the petition of a candidate whose 18046  
candidacy is to be considered by electors throughout the entire 18047  
state shall be accepted for filing if it appears on its face to 18048  
contain more than three times the minimum required number of 18049

signatures. A board of elections shall not accept for filing a 18050  
nominating petition of a person seeking to become a candidate if 18051  
that person, for the same election, has already filed a 18052  
declaration of candidacy, a declaration of intent to be a write-in 18053  
candidate, or a nominating petition, or has become a candidate by 18054  
the filling of a vacancy under section 3513.30 of the Revised Code 18055  
for any federal, state, or county office, if the nominating 18056  
petition is for a state or county office, or for any municipal or 18057  
township office, for member of a city, local, or exempted village 18058  
board of education, or for member of a governing board of an 18059  
educational service center, if the nominating petition is for a 18060  
municipal or township office, or for member of a city, local, or 18061  
exempted village board of education, or for member of a governing 18062  
board of an educational service center. When a petition of a 18063  
candidate has been accepted for filing by a board of elections, 18064  
the petition shall not be deemed invalid if, upon verification of 18065  
signatures contained in the petition, the board of elections finds 18066  
the number of signatures accepted exceeds three times the minimum 18067  
number of signatures required. A board of elections may 18068  
discontinue verifying signatures when the number of verified 18069  
signatures on a petition equals the minimum required number of 18070  
qualified signatures. 18071

Any nonjudicial candidate who files a nominating petition may 18072  
request, at the time of filing, that the candidate be designated 18073  
on the ballot as a nonparty candidate or as an other-party 18074  
candidate, or may request that the candidate's name be placed on 18075  
the ballot without any designation. Any such candidate who fails 18076  
to request a designation either as a nonparty candidate or as an 18077  
other-party candidate shall have the candidate's name placed on 18078  
the ballot without any designation. 18079

The purpose of establishing a filing deadline for independent 18080  
candidates prior to the primary election immediately preceding the 18081

general election at which the candidacy is to be voted on by the voters is to recognize that the state has a substantial and compelling interest in protecting its electoral process by encouraging political stability, ensuring that the winner of the election will represent a majority of the community, providing the electorate with an understandable ballot, and enhancing voter education, thus fostering informed and educated expressions of the popular will in a general election. The filing deadline for independent candidates required in this section prevents splintered parties and unrestrained factionalism, avoids political fragmentation, and maintains the integrity of the ballot. The deadline, one day prior to the primary election, is the least drastic or restrictive means of protecting these state interests. The general assembly finds that the filing deadline for independent candidates in primary elections required in this section is reasonably related to the state's purpose of ensuring fair and honest elections while leaving unimpaired the political, voting, and associational rights secured by the first and fourteenth amendments to the United States Constitution.

**Sec. 3513.259.** Nominations of candidates for the office of member of the state board of education shall be made only by nominating petition. The nominating petition of a candidate for the office of member of the state board of education shall be signed by not less than one hundred qualified electors.

No such nominating petition shall be accepted for filing if it appears on its face 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 18114  
3513.30 or 3513.31 of the Revised Code, to be a candidate for any 18115  
other state office or any federal or county office. When a 18116  
petition of a candidate has been accepted for filing by a board of 18117  
elections, the petition shall not be deemed invalid if, upon 18118  
verification of signatures contained in the petition, the board of 18119  
elections finds the number of signatures accepted exceeds three 18120  
times the minimum number of signatures required. A board of 18121  
elections may discontinue verifying signatures when the number of 18122  
verified signatures equals the minimum required number of 18123  
signatures. Such petition shall be filed with the board of 18124  
elections of the most populous county in such district not later 18125  
than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before the 18126  
day of the general election at which state board of education 18127  
members are elected. 18128

Each nominating petition shall be signed by qualified 18129  
electors residing in the district in which the candidate 18130  
designated therein would be a candidate for election to the office 18131  
of member of the state board of education. Each candidate shall be 18132  
a qualified elector residing in the district in which the 18133  
candidate seeks election to such office. 18134

As the word "district" is used in this section, it refers to 18135  
a district created under section 3301.01 of the Revised Code. 18136

**Sec. 3513.263.** The nominating petitions of all candidates 18137  
required to be filed before four p.m. of the ~~seventy-fifth~~ 18138  
eighty-fifth day before the day of the general election, shall be 18139  
processed as follows: 18140

If such petition is filed with the secretary of state, ~~he~~ the 18141  
secretary of state shall promptly transmit to each board such 18142  
separate petition papers as purports to contain signatures of 18143  
electors of the county of such board. 18144

If such petition is filed with the board of a county in which 18145  
the major portion of the population of a subdivision is located, 18146  
such board shall promptly transmit to the board of each county in 18147  
which other portions of such subdivision are located such separate 18148  
petition papers of the petition as purport to contain signatures 18149  
of electors of such county. 18150

All petition papers so transmitted to a board of elections, 18151  
and all nominating petitions filed with a board of elections 18152  
shall, under proper regulation, be open to public inspection until 18153  
four p.m. of the ~~seventieth~~ eightieth day before the day of such 18154  
general election. Each board shall, not later than the 18155  
~~sixty-eighth~~ seventy-eighth day before the day of such general 18156  
election examine and determine the sufficiency of the signatures 18157  
on the petition papers transmitted to or filed with it and the 18158  
validity or invalidity of petitions filed with it, and shall 18159  
return to each other board all petition papers transmitted to it 18160  
by such other board, together with its certification of its 18161  
determination as to the validity or invalidity of signatures 18162  
thereon. All other matters affecting the validity or invalidity of 18163  
such petition papers shall be determined by the board with whom 18164  
such petition papers were filed. 18165

Written protests against such nominating petitions may be 18166  
filed by any qualified elector eligible to vote for the candidate 18167  
whose nominating petition ~~he~~ the elector objects to, not later 18168  
than the ~~sixty-fourth~~ seventy-fourth day before the general 18169  
election. Such protests shall be filed with the election officials 18170  
with whom the nominating petition was filed. Upon the filing of 18171  
such protests, the election officials with whom it is filed shall 18172  
promptly fix the time and place for hearing it, and shall 18173  
forthwith mail notice of the filing of such protest and the time 18174  
and place for hearing it to the person whose nomination is 18175  
protested. They shall also forthwith mail notice of the time and 18176

place fixed for the hearing to the person who filed the protest. 18177  
At the time and place fixed, such election officials shall hear 18178  
the protest and determine the ~~validity~~ validity or invalidity of 18179  
the petition. Such determination shall be final. 18180

**Sec. 3513.30.** (A)(1) If only one valid declaration of 18181  
candidacy is filed for nomination as a candidate of a political 18182  
party for an office and that candidate dies prior to the tenth day 18183  
before the primary election, both of the following may occur: 18184

(a) The political party whose candidate died may fill the 18185  
vacancy so created as provided in division (A)(2) of this section. 18186

(b) Any ~~major~~ political party other than the one whose 18187  
candidate died may select a candidate as provided in division 18188  
(A)(2) of this section under either of the following 18189  
circumstances: 18190

(i) No person has filed a valid declaration of candidacy for 18191  
nomination as that party's candidate at the primary election. 18192

(ii) Only one person has filed a valid declaration of 18193  
candidacy for nomination as that party's candidate at the primary 18194  
election, that person has withdrawn, died, or been disqualified 18195  
under section 3513.052 of the Revised Code, and the vacancy so 18196  
created has not been filled. 18197

(2) A vacancy may be filled under division (A)(1)(a) and a 18198  
selection may be made under division (A)(1)(b) of this section by 18199  
the appropriate committee of the political party in the same 18200  
manner as provided in divisions (A) to (E) of section 3513.31 of 18201  
the Revised Code for the filling of similar vacancies created by 18202  
withdrawals or disqualifications under section 3513.052 of the 18203  
Revised Code after the primary election, except that the 18204  
certification required under that section may not be filed with 18205  
the secretary of state, or with a board of the most populous 18206

county of a district, or with the board of a county in which the 18207  
major portion of the population of a subdivision is located, later 18208  
than four p.m. of the tenth day before the day of such primary 18209  
election, or with any other board later than four p.m. of the 18210  
fifth day before the day of such primary election. 18211

(3) If only one valid declaration of candidacy is filed for 18212  
nomination as a candidate of a political party for an office and 18213  
that candidate dies on or after the tenth day before the day of 18214  
the primary election, that candidate is considered to have 18215  
received the nomination of that candidate's political party at 18216  
that primary election, and, for purposes of filling the vacancy so 18217  
created, that candidate's death shall be treated as if that 18218  
candidate died on the day after the day of the primary election. 18219

(B) Any person filing a declaration of candidacy may withdraw 18220  
as such candidate at any time prior to the primary election, ~~or,~~ 18221  
~~if the primary election is a presidential primary election, at any~~ 18222  
~~time prior to the fiftieth day before the presidential primary~~ 18223  
~~election.~~ The withdrawal shall be effected and the statement of 18224  
withdrawal shall be filed in accordance with the procedures 18225  
prescribed in division (D) of this section for the withdrawal of 18226  
persons nominated in a primary election or by nominating petition. 18227

(C) A person who is the first choice for president of the 18228  
United States by a candidate for delegate or alternate to a 18229  
national convention of a political party may withdraw consent for 18230  
the selection of the person as such first choice no later than 18231  
four p.m. of the ~~thirtieth~~ fortieth day before the day of the 18232  
presidential primary election. Withdrawal of consent shall be for 18233  
the entire slate of candidates for delegates and alternates who 18234  
named such person as their presidential first choice and shall 18235  
constitute withdrawal from the primary election by such delegates 18236  
and alternates. The withdrawal shall be made in writing and 18237  
delivered to the secretary of state. If the withdrawal is 18238



delivered to the secretary of state on or before the ~~sixtieth~~ 18239  
seventieth day before the day of the primary election, ~~or, if the~~ 18240  
~~election is a presidential primary election, on or before the~~ 18241  
~~forty-fifth day before the day of the presidential primary~~ 18242  
~~election,~~ the boards of elections shall remove both the name of 18243  
the withdrawn first choice and the names of such withdrawn 18244  
candidates from the ballots according to the directions of the 18245  
secretary of state. If the withdrawal is delivered to the 18246  
secretary of state after the ~~sixtieth~~ seventieth day before the 18247  
day of the primary election, ~~or, if the election is a presidential~~ 18248  
~~primary election, after the forty-fifth day before the day of the~~ 18249  
~~presidential primary election,~~ the board of elections shall not 18250  
remove the name of the withdrawn first choice and the names of the 18251  
withdrawn candidates from the ballots. The board of elections 18252  
shall post a notice at each polling location on the day of the 18253  
primary election, and shall enclose with each absent voter's 18254  
ballot given or mailed after the candidate withdraws, a notice 18255  
that votes for the withdrawn first choice or the withdrawn 18256  
candidates will be void and will not be counted. If such names are 18257  
not removed from all ballots before the day of the election, the 18258  
votes for the withdrawn first choice or the withdrawn candidates 18259  
are void and shall not be counted. 18260

(D) Any person nominated in a primary election, pursuant to 18261  
section 3513.02 of the Revised Code, or by nominating petition as 18262  
a candidate for election at the next general election may withdraw 18263  
as such candidate at any time prior to the general election. Such 18264  
withdrawal may be effected by the filing of a written statement by 18265  
such candidate announcing the candidate's withdrawal and 18266  
requesting that the candidate's name not be printed on the 18267  
ballots. If such candidate's declaration of candidacy or 18268  
nominating petition was filed with the secretary of state, the 18269  
candidate's statement of withdrawal shall be addressed to and 18270  
filed with the secretary of state. If such candidate's declaration 18271

of candidacy or nominating petition was filed with a board of 18272  
elections, the candidate's statement of withdrawal shall be 18273  
addressed to and filed with such board. 18274

(E) When a person withdraws under division (B) or (D) of this 18275  
section on or before the ~~sixtieth~~ seventieth day before the day of 18276  
the primary election or the general election, ~~or, if the election~~ 18277  
~~is a presidential primary election, on or before the forty-fifth~~ 18278  
~~day before the day of the presidential primary election,~~ the board 18279  
of elections shall remove the name of the withdrawn candidate from 18280  
the ballots according to the directions of the secretary of state. 18281  
When a person withdraws under division (B) or (D) of this section 18282  
after the ~~sixtieth~~ seventieth day before the day of the primary 18283  
election or the general election, ~~or, if the election is a~~ 18284  
~~presidential primary election, after the forty-fifth day before~~ 18285  
~~the day of the presidential primary election,~~ the board of 18286  
elections shall not remove the name of the withdrawn candidate 18287  
from the ballots. The board of elections shall post a notice at 18288  
each polling place on the day of the ~~primary~~ election, and shall 18289  
enclose with each absent voter's ballot given or mailed after the 18290  
candidate withdraws, a notice that votes for the withdrawn 18291  
candidate will be void and will not be counted. If the name is not 18292  
removed from all ballots before the day of the election, the votes 18293  
for the withdrawn candidate are void and shall not be counted. 18294

18295

**Sec. 3513.31.** (A) If a person nominated in a primary election 18296  
as a candidate for election at the next general election, whose 18297  
candidacy is to be submitted to the electors of the entire state, 18298  
withdraws as that candidate or is disqualified as that candidate 18299  
under section 3513.052 of the Revised Code, the vacancy in the 18300  
party nomination so created may be filled by the state central 18301  
committee of the major political party that made the nomination at 18302  
the primary election, if the committee's chairperson and secretary 18303

certify the name of the person selected to fill the vacancy by the 18304  
time specified in this division, at a meeting called for that 18305  
purpose. The meeting shall be called by the chairperson of that 18306  
committee, who shall give each member of the committee at least 18307  
two days' notice of the time, place, and purpose of the meeting. 18308  
If a majority of the members of the committee are present at the 18309  
meeting, a majority of those present may select a person to fill 18310  
the vacancy. The chairperson and secretary of the meeting shall 18311  
certify in writing and under oath to the secretary of state, not 18312  
later than the ~~seventy-sixth~~ eighty-sixth day before the day of 18313  
the general election, the name of the person selected to fill the 18314  
vacancy. The certification must be accompanied by the written 18315  
acceptance of the nomination by the person whose name is 18316  
certified. A vacancy that may be filled by ~~an intermediate or a~~ 18317  
minor political party shall be filled in accordance with the 18318  
party's rules by authorized officials of the party. Certification 18319  
must be made as in the manner provided for a major political 18320  
party. 18321

(B) If a person nominated in a primary election as a party 18322  
candidate for election at the next general election, whose 18323  
candidacy is to be submitted to the electors of a district 18324  
comprised of more than one county but less than all of the 18325  
counties of the state, withdraws as that candidate or is 18326  
disqualified as that candidate under section 3513.052 of the 18327  
Revised Code, the vacancy in the party nomination so created may 18328  
be filled by a district committee of the major political party 18329  
that made the nomination at the primary election, if the 18330  
committee's chairperson and secretary certify the name of the 18331  
person selected to fill the vacancy by the time specified in this 18332  
division, at a meeting called for that purpose. The district 18333  
committee shall consist of the chairperson and secretary of the 18334  
county central committee of such political party in each county in 18335  
the district. The district committee shall be called by the 18336

chairperson of the county central committee of such political 18337  
party of the most populous county in the district, who shall give 18338  
each member of the district committee at least two days' notice of 18339  
the time, place, and purpose of the meeting. If a majority of the 18340  
members of the district committee are present at the district 18341  
committee meeting, a majority of those present may select a person 18342  
to fill the vacancy. The chairperson and secretary of the meeting 18343  
shall certify in writing and under oath to the board of elections 18344  
of the most populous county in the district, not later than four 18345  
p.m. of the ~~seventy-sixth~~ eighty-sixth day before the day of the 18346  
general election, the name of the person selected to fill the 18347  
vacancy. The certification must be accompanied by the written 18348  
acceptance of the nomination by the person whose name is 18349  
certified. A vacancy that may be filled by ~~an intermediate or a~~ 18350  
minor political party shall be filled in accordance with the 18351  
party's rules by authorized officials of the party. Certification 18352  
must be made as in the manner provided for a major political 18353  
party. 18354

(C) If a person nominated in a primary election as a party 18355  
candidate for election at the next general election, whose 18356  
candidacy is to be submitted to the electors of a county, 18357  
withdraws as that candidate or is disqualified as that candidate 18358  
under section 3513.052 of the Revised Code, the vacancy in the 18359  
party nomination so created may be filled by the county central 18360  
committee of the major political party that made the nomination at 18361  
the primary election, or by the county executive committee if so 18362  
authorized, if the committee's chairperson and secretary certify 18363  
the name of the person selected to fill the vacancy by the time 18364  
specified in this division, at a meeting called for that purpose. 18365  
The meeting shall be called by the chairperson of that committee, 18366  
who shall give each member of the committee at least two days' 18367  
notice of the time, place, and purpose of the meeting. If a 18368  
majority of the members of the committee are present at the 18369

meeting, a majority of those present may select a person to fill 18370  
the vacancy. The chairperson and secretary of the meeting shall 18371  
certify in writing and under oath to the board of that county, not 18372  
later than four p.m. of the ~~seventy-sixth~~ eighty-sixth day before 18373  
the day of the general election, the name of the person selected 18374  
to fill the vacancy. The certification must be accompanied by the 18375  
written acceptance of the nomination by the person whose name is 18376  
certified. A vacancy that may be filled by ~~an intermediate or a~~ 18377  
minor political party shall be filled in accordance with the 18378  
party's rules by authorized officials of the party. Certification 18379  
must be made as in the manner provided for a major political 18380  
party. 18381

(D) If a person nominated in a primary election or pursuant 18382  
to section 3513.02 of the Revised Code as a party candidate for 18383  
election at the next general election, whose candidacy is to be 18384  
submitted to the electors of a district within a county, withdraws 18385  
as that candidate or is disqualified as that candidate under 18386  
section 3513.052 of the Revised Code, the vacancy in the party 18387  
nomination so created may be filled by a district committee 18388  
consisting of those members of the county central committee or, if 18389  
so authorized, those members of the county executive committee in 18390  
that county of the major political party that made the nomination 18391  
at the primary election who represent the precincts or the wards 18392  
and townships within the district, if the committee's chairperson 18393  
and secretary certify the name of the person selected to fill the 18394  
vacancy by the time specified in this division, at a meeting 18395  
called for that purpose. The district committee meeting shall be 18396  
called by the chairperson of the county central committee or 18397  
executive committee, as appropriate, who shall give each member of 18398  
the district committee at least two days' notice of the time, 18399  
place, and purpose of the meeting. If a majority of the members of 18400  
the district committee are present at the district committee 18401  
meeting, a majority of those present may select a person to fill 18402

the vacancy. The chairperson and secretary of the district 18403  
committee meeting shall certify in writing and under oath to the 18404  
board of the county, not later than four p.m. of the ~~seventy-sixth~~ 18405  
eighty-sixth day before the day of the general election, the name 18406  
of the person selected to fill the vacancy. The certification must 18407  
be accompanied by the written acceptance of the nomination by the 18408  
person whose name is certified. A vacancy that may be filled by ~~an~~ 18409  
~~intermediate~~ or a minor political party shall be filled in 18410  
accordance with the party's rules by authorized officials of the 18411  
party. Certification must be made as in the manner provided for a 18412  
major political party. 18413

(E) If a person nominated in a primary election or pursuant 18414  
to section 3513.02 of the Revised Code as a party candidate for 18415  
election at the next general election, whose candidacy is to be 18416  
submitted to the electors of a subdivision within a county, 18417  
withdraws as that candidate or is disqualified as that candidate 18418  
under section 3513.052 of the Revised Code, the vacancy in the 18419  
party nomination so created may be filled by a subdivision 18420  
committee consisting of those members of the county central 18421  
committee or, if so authorized, those members of the county 18422  
executive committee in that county of the major political party 18423  
that made the nomination at that primary election who represent 18424  
the precincts or the wards and townships within that subdivision, 18425  
if the committee's chairperson and secretary certify the name of 18426  
the person selected to fill the vacancy by the time specified in 18427  
this division, at a meeting called for that purpose. 18428

The subdivision committee meeting shall be called by the 18429  
chairperson of the county central committee or executive 18430  
committee, as appropriate, who shall give each member of the 18431  
subdivision committee at least two days' notice of the time, 18432  
place, and purpose of the meeting. If a majority of the members of 18433  
the subdivision committee are present at the subdivision committee 18434

meeting, a majority of those present may select a person to fill 18435  
the vacancy. The chairperson and secretary of the subdivision 18436  
committee meeting shall certify in writing and under oath to the 18437  
board of the county, not later than four p.m. of the ~~seventy-sixth~~ 18438  
eighty-sixth day before the day of the general election, the name 18439  
of the person selected to fill the vacancy. The certification must 18440  
be accompanied by the written acceptance of the nomination by the 18441  
person whose name is certified. A vacancy that may be filled by ~~an~~ 18442  
~~intermediate or~~ a minor political party shall be filled in 18443  
accordance with the party's rules by authorized officials of the 18444  
party. Certification must be made in the manner provided for a 18445  
major political party. 18446

(F) If a person nominated by petition as an independent or 18447  
nonpartisan candidate for election at the next general election 18448  
withdraws as that candidate or is disqualified as that candidate 18449  
under section 3513.052 of the Revised Code, the vacancy so created 18450  
may be filled by a majority of the committee of five, as 18451  
designated on the candidate's nominating petition, if a member of 18452  
that committee certifies in writing and under oath to the election 18453  
officials with whom the candidate filed the candidate's nominating 18454  
petition, not later than the ~~seventy-sixth~~ eighty-sixth day before 18455  
the day of the general election, the name of the person selected 18456  
to fill the vacancy. The certification shall be accompanied by the 18457  
written acceptance of the nomination by the person whose name is 18458  
certified and shall be made in the manner provided for a major 18459  
political party. 18460

(G) If a person nominated in a primary election or pursuant 18461  
to section 3513.02 of the Revised Code as a party candidate for 18462  
election at the next general election dies, the vacancy so created 18463  
may be filled by the same committee in the same manner as provided 18464  
in this section for the filling of similar vacancies created by 18465  
withdrawals or disqualifications under section 3513.052 of the 18466

Revised Code, except that the certification, when filling a 18467  
vacancy created by death, may not be filed with the secretary of 18468  
state, or with a board of the most populous county of a district, 18469  
or with the board of a county in which the major portion of the 18470  
population of a subdivision is located, later than four p.m. of 18471  
the tenth day before the day of such general election, or with any 18472  
other board later than four p.m. of the fifth day before the day 18473  
of such general election. 18474

(H) If a person nominated by petition as an independent or 18475  
nonpartisan candidate for election at the next general election 18476  
dies prior to the tenth day before the day of that general 18477  
election, the vacancy so created may be filled by a majority of 18478  
the committee of five designated in the nominating petition to 18479  
represent the candidate named in it. To fill the vacancy a member 18480  
of the committee shall, not later than four p.m. of the fifth day 18481  
before the day of the general election, file with the election 18482  
officials with whom the petition nominating the person was filed, 18483  
a certificate signed and sworn to under oath by a majority of the 18484  
members, designating the person they select to fill the vacancy. 18485  
The certification must be accompanied by the written acceptance of 18486  
the nomination by the person whose name is so certified. 18487

(I) If a person holding an elective office for which a 18488  
candidate may be nominated by a political party at a primary 18489  
election or pursuant to section 3513.02 of the Revised Code dies 18490  
or resigns subsequent to the ~~one-hundredth~~ one hundred tenth day 18491  
before the day of a primary election and prior to the 18492  
~~seventy-sixth~~ eighty-sixth day before the day of the next general 18493  
election, and if, under the laws of this state, a person may be 18494  
elected at that general election to fill the unexpired term of the 18495  
person who has died or resigned, the appropriate committee of each 18496  
political party, acting as in the case of a vacancy in a party 18497  
nomination, as provided in divisions (A) to (D) of this section, 18498



may select a person as the party candidate for election for such 18499  
unexpired term at that general election, and certify the person's 18500  
name to the appropriate election official not later than four p.m. 18501  
on the ~~seventy-sixth~~ eighty-sixth day before the day of that 18502  
general election, or on the tenth day following the day on which 18503  
the vacancy occurs, whichever is later. When the vacancy occurs on 18504  
or subsequent to the ~~seventy-sixth~~ eighty-sixth day and six or 18505  
more days prior to the ~~fortieth~~ fiftieth day before the general 18506  
election, the appropriate committee may select a person as the 18507  
party candidate and certify the person's name, as provided in the 18508  
preceding sentence, not later than four p.m. on the tenth day 18509  
following the day on which the vacancy occurs. When the vacancy 18510  
occurs fewer than six days before the ~~fortieth~~ fiftieth day before 18511  
the general election, the deadline for filing shall be four p.m. 18512  
on the ~~thirty-sixth~~ forty-sixth day before the general election. 18513  
Thereupon the name shall be printed as the party candidate under 18514  
proper titles and in the proper place on the proper ballots for 18515  
use at the election. If a person has been nominated in a primary 18516  
election, the authorized committee of that political party shall 18517  
not select and certify a person as the party candidate. 18518

18519

(J) Each person desiring to become an independent candidate 18520  
to fill the unexpired term for an office for which a candidate may 18521  
be nominated by a political party at a primary election or 18522  
pursuant to section 3513.02 of the Revised Code shall file a 18523  
statement of candidacy and nominating petition, as provided in 18524  
section 3513.261 of the Revised Code, with the appropriate 18525  
election official not later than four p.m. on the tenth day 18526  
following the day on which the vacancy occurs, provided that when 18527  
the vacancy occurs fewer than six days before the ~~fortieth~~ 18528  
fiftieth day before the general election, the deadline for filing 18529  
shall be four p.m. on the ~~thirty-sixth~~ forty-sixth day before the 18530  
general election. The nominating petition shall contain at least 18531

seven hundred fifty signatures and no more than one thousand five hundred signatures of qualified electors of the district, political subdivision, or portion of a political subdivision in which the office is to be voted upon, or the amount provided for in section 3513.257 of the Revised Code, whichever is less.

(K) When a person nominated as a candidate by a political party in a primary election, pursuant to section 3513.02 of the Revised Code, or by nominating petition for an elective office for which candidates are nominated at a party primary election withdraws, dies, or is disqualified under section 3513.052 of the Revised Code prior to the general election, the appropriate committee of any other ~~major~~ political party or committee of five that has not nominated a candidate for that office, or whose nominee as a candidate for that office has withdrawn, died, or been disqualified without the vacancy so created having been filled, may, acting as in the case of a vacancy in a party nomination or nomination by petition as provided in divisions (A) to (F) of this section, whichever is appropriate, select a person as a candidate of that party or of that committee of five for election to the office.

**Sec. 3513.311.** (A) If a candidate for lieutenant governor dies, withdraws, or is disqualified as a candidate prior to the ~~sixtieth~~ seventieth day before the day of a primary election, the vacancy on the ballot shall be filled by appointment by the joint candidate for the office of governor. Such candidate for governor shall certify in writing and under oath to the secretary of state not later than the ~~fifty-fifth~~ sixty-fifth day before the day of such election the name and residence address of the person selected to fill such vacancy.

(B) If a candidate for governor dies, withdraws, or is disqualified as a candidate prior to the ~~sixtieth~~ seventieth day

before the day of a primary election, the vacancy on the ballot 18563  
shall be filled by appointment by the joint candidate for the 18564  
office of lieutenant governor. Such candidate for lieutenant 18565  
governor shall certify in writing and under oath to the secretary 18566  
of state not later than the ~~fifty-fifth~~ sixty-fifth day before the 18567  
day of such election the name and residence address of the person 18568  
selected to fill such vacancy. 18569

(C) If a candidate for the office of lieutenant governor dies 18570  
on or after the ~~sixtieth~~ seventieth day, but prior to the tenth 18571  
day, before a primary election, the vacancy so created shall be 18572  
filled by appointment by the joint candidate for the office of 18573  
governor. Such candidate for governor shall certify in writing and 18574  
under oath to the secretary of state not later than the fifth day 18575  
before the day of such election the name and residence address of 18576  
the person selected to fill such vacancy. 18577

(D) If a candidate for the office of governor dies on or 18578  
after the ~~sixtieth~~ seventieth day, but prior to the tenth day, 18579  
before a primary election, the vacancy so created shall be filled 18580  
by appointment by the joint candidate for the office of lieutenant 18581  
governor. Such candidate for lieutenant governor shall certify in 18582  
writing and under oath to the secretary of state not later than 18583  
the fifth day before the day of such election the name and 18584  
residence address of the person selected to fill such vacancy. 18585

(E) If a person nominated in a primary election as a 18586  
candidate for election to the office of governor or lieutenant 18587  
governor at the next general election withdraws as such candidate 18588  
prior to the ~~eightieth~~ ninetieth day before the day of the general 18589  
election or dies prior to the tenth day before the day of such 18590  
general election, the vacancy so created shall be filled in the 18591  
manner provided for by section 3513.31 of the Revised Code. 18592

(F) If a person nominated by petition as a candidate for 18593  
election to the office of governor or lieutenant governor 18594

withdraws as such candidate prior to the ~~eightieth~~ ninetieth day 18595  
before the day of the general election or dies prior to the tenth 18596  
day before the day of such general election, the vacancy so 18597  
created shall be filled by the candidates' committee in the manner 18598  
provided for, as in the case of death, by section 3513.31 of the 18599  
Revised Code, except that, in the case of withdrawal of candidacy, 18600  
the name and residence address of the replacement candidate shall 18601  
be certified in writing and under oath to the secretary of state 18602  
not later than the ~~seventy-sixth~~ eighty-sixth day before the day 18603  
of the general election. 18604

(G) If the vacancy in a joint candidacy for governor and 18605  
lieutenant governor can be filled in accordance with this section 18606  
and is not so filled, the joint candidacy which has not been 18607  
vacated shall be invalidated and shall not be presented for 18608  
election. 18609

(H) Any replacement candidate appointed or selected pursuant 18610  
to this section shall be one who has the qualifications of an 18611  
elector. 18612

**Sec. 3513.312.** (A) Notwithstanding section 3513.31 of the 18613  
Revised Code, if a person nominated in a primary election as a 18614  
party candidate for the office of representative to congress for 18615  
election at the next general election withdraws as such candidate 18616  
prior to the ~~eightieth~~ ninetieth day before the day of such 18617  
general election, or dies prior to the ~~eightieth~~ ninetieth day 18618  
before the day of such general election, the vacancy in the party 18619  
nomination so created shall be filled by a special election held 18620  
in accordance with division (B) of this section. 18621

(B) The boards of elections of all the counties contained in 18622  
whole or in part within the congressional district in which a 18623  
vacancy occurs as described in division (A) of this section shall, 18624  
as soon as reasonably practicable, conduct the special election 18625

and give notice of the time and places of holding such election as 18626  
provided in section 3501.03 of the Revised Code. Such election 18627  
shall be held and conducted and returns thereof made as in the 18628  
case of a primary election. 18629

(C) The state shall pay all costs of any special election 18630  
held pursuant to this section. 18631

**Sec. 3517.01.** (A)(1) A political party within the meaning of 18632  
Title XXXV of the Revised Code is any group of voters that, at 18633  
either of the two most recent regular state election elections, 18634  
polled for its candidate for any of the offices of governor, 18635  
secretary of state, auditor of state, treasurer of state, attorney 18636  
general, or United States senator in the this state or nominees 18637  
for presidential electors at least five one per cent of the entire 18638  
vote cast for ~~that office~~ any of those offices or that filed with 18639  
the secretary of state, subsequent to any ~~election~~ two successive 18640  
regular state elections in which it received less than five one 18641  
per cent of ~~that~~ the vote for any of those offices, a petition 18642  
signed by qualified electors equal in number to at least 18643  
one-quarter of one per cent of the total vote for governor ~~or~~ 18644  
~~nominees for presidential electors~~ at the most recent regular 18645  
state election, declaring their intention of organizing a 18646  
political party, the name of which shall be stated in the 18647  
declaration, and of participating in the succeeding primary 18648  
election, held in even-numbered years, that occurs more than ~~one~~ 18649  
~~hundred twenty~~ seventy-five days after the date of filing. No such 18650  
group of electors shall assume a name or designation that is 18651  
similar, in the opinion of the secretary of state, to that of an 18652  
existing political party as to confuse or mislead the voters at an 18653  
election. If any political party fails to cast five one per cent 18654  
of the total vote cast at ~~an election~~ two successive regular state 18655  
elections for one of the office of governor or president offices 18656  
specified in this division, it shall cease to be a political 18657

party. 18658

(2) A campaign committee shall be legally liable for any 18659  
debts, contracts, or expenditures incurred or executed in its 18660  
name. 18661

(B) Notwithstanding the definitions found in section 3501.01 18662  
of the Revised Code, as used in this section and sections 3517.08 18663  
to 3517.14, 3517.99, and 3517.992 of the Revised Code: 18664

(1) "Campaign committee" means a candidate or a combination 18665  
of two or more persons authorized by a candidate under section 18666  
3517.081 of the Revised Code to receive contributions and make 18667  
expenditures. 18668

(2) "Campaign treasurer" means an individual appointed by a 18669  
candidate under section 3517.081 of the Revised Code. 18670

(3) "Candidate" has the same meaning as in division (H) of 18671  
section 3501.01 of the Revised Code and also includes any person 18672  
who, at any time before or after an election, receives 18673  
contributions or makes expenditures or other use of contributions, 18674  
has given consent for another to receive contributions or make 18675  
expenditures or other use of contributions, or appoints a campaign 18676  
treasurer, for the purpose of bringing about the person's 18677  
nomination or election to public office. When two persons jointly 18678  
seek the offices of governor and lieutenant governor, "candidate" 18679  
means the pair of candidates jointly. "Candidate" does not include 18680  
candidates for election to the offices of member of a county or 18681  
state central committee, presidential elector, and delegate to a 18682  
national convention or conference of a political party. 18683

(4) "Continuing association" means an association, other than 18684  
a campaign committee, political party, legislative campaign fund, 18685  
political contributing entity, or labor organization, that is 18686  
intended to be a permanent organization that has a primary purpose 18687  
other than supporting or opposing specific candidates, political 18688

parties, or ballot issues, and that functions on a regular basis 18689  
throughout the year. "Continuing association" includes 18690  
organizations that are determined to be not organized for profit 18691  
under subsection 501 and that are described in subsection 18692  
501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code. 18693

(5) "Contribution" means a loan, gift, deposit, forgiveness 18694  
of indebtedness, donation, advance, payment, or transfer of funds 18695  
or anything of value, including a transfer of funds from an inter 18696  
vivos or testamentary trust or decedent's estate, and the payment 18697  
by any person other than the person to whom the services are 18698  
rendered for the personal services of another person, which 18699  
contribution is made, received, or used for the purpose of 18700  
influencing the results of an election. Any loan, gift, deposit, 18701  
forgiveness of indebtedness, donation, advance, payment, or 18702  
transfer of funds or of anything of value, including a transfer of 18703  
funds from an inter vivos or testamentary trust or decedent's 18704  
estate, and the payment by any campaign committee, political 18705  
action committee, legislative campaign fund, political party, 18706  
political contributing entity, or person other than the person to 18707  
whom the services are rendered for the personal services of 18708  
another person, that is made, received, or used by a state or 18709  
county political party, other than moneys a state or county 18710  
political party receives from the Ohio political party fund 18711  
pursuant to section 3517.17 of the Revised Code and the moneys a 18712  
state or county political party may receive under sections 18713  
3517.101, 3517.1012, and 3517.1013 of the Revised Code, shall be 18714  
considered to be a "contribution" for the purpose of section 18715  
3517.10 of the Revised Code and shall be included on a statement 18716  
of contributions filed under that section. 18717

"Contribution" does not include any of the following: 18718

(a) Services provided without compensation by individuals 18719  
volunteering a portion or all of their time on behalf of a person; 18720

(b) Ordinary home hospitality;	18721
(c) The personal expenses of a volunteer paid for by that volunteer campaign worker;	18722 18723
(d) Any gift given to a state or county political party pursuant to section 3517.101 of the Revised Code. As used in division (B)(5)(d) of this section, "political party" means only a major political party;	18724 18725 18726 18727
(e) Any contribution as defined in section 3517.1011 of the Revised Code that is made, received, or used to pay the direct costs of producing or airing an electioneering communication;	18728 18729 18730
(f) Any gift given to a state or county political party for the party's restricted fund under division (A)(2) of section 3517.1012 of the Revised Code;	18731 18732 18733
(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.	18734 18735 18736 18737
(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	18738 18739 18740 18741 18742 18743 18744 18745 18746 18747 18748 18749 18750 18751



influencing the results of that election and shall be reported as 18752  
an expenditure or as an independent expenditure under section 18753  
3517.10 or 3517.105 of the Revised Code, as applicable, except 18754  
that the information required to be reported regarding 18755  
contributors for those expenditures or independent expenditures 18756  
shall be the same as the information required to be reported under 18757  
divisions (D)(1) and (2) of section 3517.1011 of the Revised Code. 18758

As used in this division, "broadcast, cable, or satellite 18759  
communication" and "refers to a clearly identified candidate" have 18760  
the same meanings as in section 3517.1011 of the Revised Code. 18761

(7) "Personal expenses" includes, but is not limited to, 18762  
ordinary expenses for accommodations, clothing, food, personal 18763  
motor vehicle or airplane, and home telephone. 18764

(8) "Political action committee" means a combination of two 18765  
or more persons, the primary or major purpose of which is to 18766  
support or oppose any candidate, political party, or issue, or to 18767  
influence the result of any election through express advocacy, and 18768  
that is not a political party, a campaign committee, a political 18769  
contributing entity, or a legislative campaign fund. "Political 18770  
action committee" does not include either of the following: 18771

(a) A continuing association that makes disbursements for the 18772  
direct costs of producing or airing electioneering communications 18773  
and that does not engage in express advocacy; 18774

(b) A political club that is formed primarily for social 18775  
purposes and that consists of one hundred members or less, has 18776  
officers and periodic meetings, has less than two thousand five 18777  
hundred dollars in its treasury at all times, and makes an 18778  
aggregate total contribution of one thousand dollars or less per 18779  
calendar year. 18780

(9) "Public office" means any state, county, municipal, 18781  
township, or district office, except an office of a political 18782

party, that is filled by an election and the offices of United States senator and representative.

(10) "Anything of value" has the same meaning as in section 1.03 of the Revised Code.

(11) "Beneficiary of a campaign fund" means a candidate, a public official or employee for whose benefit a campaign fund exists, and any other person who has ever been a candidate or public official or employee and for whose benefit a campaign fund exists.

(12) "Campaign fund" means money or other property, including contributions.

(13) "Public official or employee" has the same meaning as in section 102.01 of the Revised Code.

(14) "Caucus" means all of the members of the house of representatives or all of the members of the senate of the general assembly who are members of the same political party.

(15) "Legislative campaign fund" means a fund that is established as an auxiliary of a state political party and associated with one of the houses of the general assembly.

(16) "In-kind contribution" means anything of value other than money that is used to influence the results of an election or is transferred to or used in support of or in opposition to a candidate, campaign committee, legislative campaign fund, political party, political action committee, or political contributing entity and that is made with the consent of, in coordination, cooperation, or consultation with, or at the request or suggestion of the benefited candidate, committee, fund, party, or entity. The financing of the dissemination, distribution, or republication, in whole or part, of any broadcast or of any written, graphic, or other form of campaign materials prepared by the candidate, the candidate's campaign committee, or their

authorized agents is an in-kind contribution to the candidate and 18814  
an expenditure by the candidate. 18815

(17) "Independent expenditure" means an expenditure by a 18816  
person advocating the election or defeat of an identified 18817  
candidate or candidates, that is not made with the consent of, in 18818  
coordination, cooperation, or consultation with, or at the request 18819  
or suggestion of any candidate or candidates or of the campaign 18820  
committee or agent of the candidate or candidates. As used in 18821  
division (B)(17) of this section: 18822

(a) "Person" means an individual, partnership, unincorporated 18823  
business organization or association, political action committee, 18824  
political contributing entity, separate segregated fund, 18825  
association, or other organization or group of persons, but not a 18826  
labor organization or a corporation unless the labor organization 18827  
or corporation is a political contributing entity. 18828

(b) "Advocating" means any communication containing a message 18829  
advocating election or defeat. 18830

(c) "Identified candidate" means that the name of the 18831  
candidate appears, a photograph or drawing of the candidate 18832  
appears, or the identity of the candidate is otherwise apparent by 18833  
unambiguous reference. 18834

(d) "Made in coordination, cooperation, or consultation with, 18835  
or at the request or suggestion of, any candidate or the campaign 18836  
committee or agent of the candidate" means made pursuant to any 18837  
arrangement, coordination, or direction by the candidate, the 18838  
candidate's campaign committee, or the candidate's agent prior to 18839  
the publication, distribution, display, or broadcast of the 18840  
communication. An expenditure is presumed to be so made when it is 18841  
any of the following: 18842

(i) Based on information about the candidate's plans, 18843  
projects, or needs provided to the person making the expenditure 18844

by the candidate, or by the candidate's campaign committee or agent, with a view toward having an expenditure made; 18845  
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(ii) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of the candidate's campaign committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate or the candidate's campaign committee or agent; 18847  
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(iii) Except as otherwise provided in division (D) of section 3517.105 of the Revised Code, made by a political party in support of a candidate, unless the expenditure is made by a political party to conduct voter registration or voter education efforts. 18852  
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(e) "Agent" means any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or means any person who has been placed in a position with the candidate's campaign committee or organization such that it would reasonably appear that in the ordinary course of campaign-related activities the person may authorize expenditures. 18856  
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(18) "Labor organization" means a labor union; an employee organization; a federation of labor unions, groups, locals, or other employee organizations; an auxiliary of a labor union, employee organization, or federation of labor unions, groups, locals, or other employee organizations; or any other bona fide organization in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, hours, and other terms and conditions of employment. 18863  
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(19) "Separate segregated fund" means a separate segregated fund established pursuant to the Federal Election Campaign Act. 18872  
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(20) "Federal Election Campaign Act" means the "Federal Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et 18874  
18875

seq., as amended. 18876

(21) "Restricted fund" means the fund a state or county 18877  
political party must establish under division (A)(1) of section 18878  
3517.1012 of the Revised Code. 18879

(22) "Electioneering communication" has the same meaning as 18880  
in section 3517.1011 of the Revised Code. 18881

(23) "Express advocacy" means a communication that contains 18882  
express words advocating the nomination, election, or defeat of a 18883  
candidate or that contains express words advocating the adoption 18884  
or defeat of a question or issue, as determined by a final 18885  
judgment of a court of competent jurisdiction. 18886

(24) "Political committee" has the same meaning as in section 18887  
3517.1011 of the Revised Code. 18888

(25) "Political contributing entity" means any entity, 18889  
including a corporation or labor organization, that may lawfully 18890  
make contributions and expenditures and that is not an individual 18891  
or a political action committee, continuing association, campaign 18892  
committee, political party, legislative campaign fund, designated 18893  
state campaign committee, or state candidate fund. For purposes of 18894  
this division, "lawfully" means not prohibited by any section of 18895  
the Revised Code, or authorized by a final judgment of a court of 18896  
competent jurisdiction. 18897

**Sec. 3517.012.** When a petition meeting the requirements of 18898  
section 3517.01 of the Revised Code declaring the intention to 18899  
organize a political party is filed with the secretary of state, 18900  
the new party comes into legal existence on the date of filing and 18901  
is entitled to hold a primary election as set out in section 18902  
3513.01 of the Revised Code, at the primary election, held in 18903  
even-numbered years that occurs more than ~~one hundred twenty~~ 18904  
seventy-five days after the date of filing. If the secretary of 18905

state determines that the petition is invalid or insufficient, no 18906  
primary election shall be held for the political party named in 18907  
the petition, and any declaration of candidacy that was filed by 18908  
any candidate seeking that party's nomination at the primary 18909  
election shall be invalid. 18910

**Sec. 3517.02.** All members of controlling committees of a 18911  
major ~~or intermediate~~ political party shall be elected by direct 18912  
vote of the members of the party, except as otherwise provided in 18913  
section 3517.05 of the Revised Code. Their names shall be placed 18914  
upon the official ballot, and, notwithstanding division (B) of 18915  
section 3513.23 of the Revised Code, the persons receiving the 18916  
highest number of votes for committee persons shall be the members 18917  
of those controlling committees. Each member of a controlling 18918  
committee shall be a resident and qualified elector of the 18919  
district, ward, or precinct that the member is elected to 18920  
represent. All members of controlling committees of a minor 18921  
political party shall be determined in accordance with party 18922  
rules. 18923

Each political party shall file with the office of the 18924  
secretary of state a copy of its constitution and bylaws, if any, 18925  
within thirty days of adoption or amendment. Each party shall also 18926  
file with the office of the secretary of state a list of members 18927  
of its controlling committees and other party officials within 18928  
thirty days of their election or appointment. 18929

**Sec. 3517.03.** The controlling committees of each major 18930  
political party or organization shall be a state central committee 18931  
consisting of two members, one a man and one a woman, representing 18932  
either each congressional district in the state or each senatorial 18933  
district in the state, as the outgoing committee determines; a 18934  
county central committee consisting of one member from each 18935  
election precinct in the county, or of one member from each ward 18936

in each city and from each township in the county, as the outgoing 18937  
committee determines; and such district, city, township, or other 18938  
committees as the rules of the party provide. 18939

All the members of such committees shall be members of the 18940  
party and shall be elected for terms of either two or four years, 18941  
as determined by party rules, by direct vote at the primary held 18942  
in an even-numbered year. Except as otherwise provided in section 18943  
3517.02 of the Revised Code, candidates for election as state 18944  
central committee members shall be elected at primaries in the 18945  
same manner as provided in sections 3513.01 to 3513.32 of the 18946  
Revised Code for the nomination of candidates for office in a 18947  
county. Candidates for election as members of the county central 18948  
committee shall be elected at primaries in the same manner as 18949  
provided in those sections for the nomination of candidates for 18950  
county offices, except as otherwise provided in sections 3513.051 18951  
and 3517.02 of the Revised Code. 18952

Each major party controlling committee shall elect an 18953  
executive committee that shall have the powers granted to it by 18954  
the party controlling committee, and provided to it by law. When a 18955  
judicial, senatorial, or congressional district is comprised of 18956  
more than one county, the chairperson and secretary of the county 18957  
central committee from each county in that district shall 18958  
constitute the judicial, senatorial, or congressional committee of 18959  
the district. When a judicial, senatorial, or congressional 18960  
district is included within a county, the county central committee 18961  
shall constitute the judicial, senatorial, or congressional 18962  
committee of the district. 18963

~~The controlling committee of each intermediate political 18964  
party or organization shall be a state central committee 18965  
consisting of two members, one a man and one a woman, from each 18966  
congressional district in the state. All members of the committee 18967  
shall be members of the party and shall be elected by direct vote 18968~~

~~at the primary held in the even numbered years. Except as 18969  
otherwise provided in section 3517.02 of the Revised Code, 18970  
candidates for election shall be elected at the primary in the 18971  
same manner as provided in sections 3513.01 to 3513.32 of the 18972  
Revised Code. An intermediate political party may have such other 18973  
party organization as its rules provide. Each intermediate party 18974  
shall file the names and addresses of its officers with the 18975  
secretary of state. 18976~~

A minor political party may elect controlling committees at a 18977  
primary election in the even-numbered year by filing a plan for 18978  
party organization with the secretary of state on or before the 18979  
ninetieth day before the day of the primary election. The plan 18980  
shall specify which offices are to be elected and provide the 18981  
procedure for qualification of candidates for those offices. 18982  
Candidates to be elected pursuant to the plan shall be designated 18983  
and qualified on or before the ninetieth day before the day of the 18984  
election. Such parties may, in lieu of electing a controlling 18985  
committee or other officials, choose such committee or other 18986  
officials in accordance with party rules. Each such party shall 18987  
file the names and addresses of members of its controlling 18988  
committee and party officers with the secretary of state. 18989

**Sec. 3519.08.** (A) Notwithstanding division (I)(2) of section 18990  
3501.38 of the Revised Code, at any time prior to the ~~sixtieth~~ 18991  
seventieth day before the day of an election at which an 18992  
initiative or referendum is scheduled to appear on the ballot, a 18993  
majority of the members of the committee named to represent the 18994  
petitioners in the petition proposing that initiative or 18995  
referendum under section 3519.02 of the Revised Code may withdraw 18996  
the petition by giving written notice of the withdrawal to the 18997  
secretary of state. 18998

(B) After a majority of the members of the committee named to 18999



represent the petitioners gives notice to the secretary of state 19000  
that the petition proposing the initiative or referendum is 19001  
withdrawn under division (A) of this section, all of the following 19002  
shall apply: 19003

(1) If the Ohio ballot board has not already certified the 19004  
ballot language at the time a majority of the members of the 19005  
committee gives the written notice of withdrawal, the board shall 19006  
not certify ballot language for that proposed initiative or 19007  
referendum to the secretary of state. 19008

(2) The secretary of state shall not certify a ballot form or 19009  
wording to the boards of elections under sections 3501.05 and 19010  
3505.01 of the Revised Code that includes ballot language for that 19011  
proposed initiative or referendum. 19012

(3) The proposed initiative or referendum shall not appear on 19013  
the ballot. 19014

(C) No petition that has been filed, and subsequently 19015  
withdrawn under this section, may be resubmitted. 19016

**Sec. 3519.16.** The circulator of any part-petition, the 19017  
committee interested in the petition, or any elector may file with 19018  
the board of elections a protest against the board's findings made 19019  
pursuant to section 3519.15 of the Revised Code. Protests shall be 19020  
in writing and shall specify reasons for the protest. Protests for 19021  
all initiative and referendum petitions other than those to be 19022  
voted on by electors throughout the entire state shall be filed 19023  
not later than four p.m. of the ~~sixty-fourth~~ seventy-fourth day 19024  
before the day of the election. Once a protest is filed, the board 19025  
shall proceed to establish the sufficiency or insufficiency of the 19026  
signatures and of the verification of those signatures in an 19027  
action before the court of common pleas in the county. The action 19028  
shall be brought within three days after the protest is filed, and 19029  
it shall be heard forthwith by a judge of that court, whose 19030

decision shall be certified to the board. The signatures that are 19031  
adjudged sufficient or the part-petitions that are adjudged 19032  
properly verified shall be included with the others by the board, 19033  
and those found insufficient and all those part-petitions that are 19034  
adjudged not properly verified shall not be included. 19035

The properly verified part-petitions, together with the 19036  
report of the board, shall be returned to the secretary of state 19037  
not less than ~~fifty~~ sixty days before the election, provided that, 19038  
in the case of an initiated law to be presented to the general 19039  
assembly, the boards shall promptly check and return the petitions 19040  
together with their report. The secretary of state shall notify 19041  
the chairperson of the committee in charge of the circulation as 19042  
to the sufficiency or insufficiency of the petition and the extent 19043  
of the insufficiency. 19044

If the petition is found insufficient because of an 19045  
insufficient number of valid signatures, the committee shall be 19046  
allowed ten additional days after the notification by the 19047  
secretary of state for the filing of additional signatures to the 19048  
petition. The part-petitions of the supplementary petition that 19049  
appear to the secretary of state to be properly verified, upon 19050  
their receipt by the secretary of state, shall forthwith be 19051  
forwarded to the boards of the several counties together with the 19052  
part-petitions of the original petition that have been properly 19053  
verified. They shall be immediately examined and passed upon as to 19054  
the validity and sufficiency of the signatures on them by each of 19055  
the boards and returned within five days to the secretary of state 19056  
with the report of each board. No signature on a supplementary 19057  
part-petition that is the same as a signature on an original 19058  
part-petition shall be counted. The number of signatures in both 19059  
the original and supplementary petitions, properly verified, shall 19060  
be used by the secretary of state in determining the total number 19061  
of signatures to the petition that the secretary of state shall 19062

record and announce. If they are sufficient, the amendment, 19063  
proposed law, or law shall be placed on the ballot as required by 19064  
law. If the petition is found insufficient, the secretary of state 19065  
shall notify the committee in charge of the circulation of the 19066  
petition. 19067

**Sec. 3521.03.** When a vacancy in the office of representative 19068  
to congress occurs, the governor, upon satisfactory information 19069  
thereof, shall issue a writ of election directing that a special 19070  
election be held to fill such vacancy in the territory entitled to 19071  
fill it on a day specified in the writ. Such writ shall be 19072  
directed to the board of elections within such territory which 19073  
shall give notice of the time and places of holding such election 19074  
as provided in section 3501.03 of the Revised Code. Such election 19075  
shall be held and conducted and returns thereof made as in case of 19076  
a regular state election or may be conducted as an election by 19077  
mail under Chapter 3507. of the Revised Code. The state shall pay 19078  
all costs of any special election held under this section. 19079  
19080

**Sec. 3599.30.** (A) No person, organization, or political party 19081  
shall compile lists of voters to challenge on the sole basis of 19082  
any of the following: 19083

(1) Mail that was returned as undeliverable; 19084

(2) In the case of registered, certified, or other tracked 19085  
delivery, mail the receipt of which was not acknowledged by the 19086  
intended recipient; 19087

(3) Locations that have been the subject of foreclosure; 19088

(4) Discrepancies identified by means of comparing, matching, 19089  
or otherwise analyzing a voter registration list with any other 19090  
database other than those expressly prescribed by Title XXXV of 19091  
the Revised Code or federal law. 19092

(B) Whoever violates division (A) of this section is guilty of a felony of the fourth degree. If the violator is an organization or political party, the organization or political party shall be fined five hundred dollars per name compiled in violation of that division, in addition to any other penalties that may be imposed. The fine imposed under this division shall be remitted to the treasurer of state for use of the office of the secretary of state. 19093  
19094  
19095  
19096  
19097  
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19099  
19100

(C) As used in this section: 19101

(1) "Organization" means any for-profit or nonprofit entity that is not a political party. 19102  
19103

(2) "Political party" means any local, state, or national affiliate of a major or minor political party, as well as any subcontractor, vendor, or other individual acting on behalf of a political party. 19104  
19105  
19106  
19107

**Sec. 3709.051.** Two or more contiguous city health districts may be united to form a single city health district by a majority affirmative vote of the legislative authority of each city affected by the union. 19108  
19109  
19110  
19111

If at least three per cent of the qualified electors residing within each of two or more contiguous city health districts sign a petition proposing a union into a single city health district, an election shall be held as provided in this section to determine whether a single city health district shall be formed. The petition for union may specify regarding the board of health of the new district: 19112  
19113  
19114  
19115  
19116  
19117  
19118

(A) The qualifications for membership; 19119

(B) The term of office; 19120

(C) The number of members or a method by which the number may be determined from time to time; 19121  
19122

(D) The method of appointment. 19123

Such petition shall be filed with the boards of county 19124  
commissioners of the respective counties affected, subject to 19125  
approval of the director of health, and such boards shall promptly 19126  
certify the text of the proposal to the boards of election for the 19127  
purpose of having the proposal placed on the ballot at the next 19128  
general election occurring more than ~~seventy-five~~ eighty-five days 19129  
after such certification. The election procedures provided in 19130  
Chapter 3505. of the Revised Code for questions and issues shall 19131  
apply to the election. If a majority of the electors voting on the 19132  
proposal in each of the health districts affected vote in favor 19133  
thereof, the union of such districts into a single city health 19134  
district shall be established on the second succeeding first day 19135  
of January. 19136

**Sec. 3709.071.** If at least three per cent of the qualified 19137  
electors residing within each of one or more city health districts 19138  
and a general health district sign a petition for union into a 19139  
single general health district, an election shall be held as 19140  
provided in this section to determine whether a single general 19141  
health district shall be formed. The petition for union may 19142  
specify regarding the board of health of the new district: 19143

(A) The qualifications for membership; 19144

(B) The term of office; 19145

(C) The number of members or a method by which the number may 19146  
be determined from time to time; 19147

(D) The method of appointment. 19148

Such petition shall be filed with the boards of county 19149  
commissioners of the respective counties affected, subject to 19150  
approval of the director of health, and such boards shall promptly 19151  
certify the text of the proposal to the boards of election for the 19152

purpose of having the proposal placed on the ballot at the next 19153  
general election occurring more than ~~seventy-five~~ eighty-five days 19154  
after the filing of the petition with the boards of election. The 19155  
election procedures provided in Chapter 3505. of the Revised Code 19156  
for questions and issues shall be followed. If a majority of the 19157  
electors voting on the proposal in each of the health districts 19158  
affected vote in favor thereof, the union of such districts into a 19159  
single general health district shall be established on the second 19160  
succeeding January 1. 19161

When the establishment of a combined health district has been 19162  
approved by the electors of a general health district and one or 19163  
more city health districts, the ~~chairman~~ chairperson of the 19164  
district advisory council and the chief executive of each city 19165  
uniting with the general health district shall enter into a 19166  
contract for the administration of health affairs in the combined 19167  
district. Such contract shall conform to the provisions of section 19168  
3709.07 of the Revised Code regarding the contract for the 19169  
administration of health affairs in a combined district, except 19170  
that the date of the change of administration shall be as provided 19171  
in this section and except for the specifications as to the board 19172  
of health of the new district contained in the petition and 19173  
submitted to the electors in the proposal to establish such 19174  
district. 19175

**Sec. 3709.29.** If the estimated amount of money necessary to 19176  
meet the expenses of a general health district program will not be 19177  
forthcoming to the board of health of such district out of the 19178  
district health fund because the taxes within the ten-mill 19179  
limitation will be insufficient, the board of health shall certify 19180  
the fact of such insufficiency to the board of county 19181  
commissioners of the county in which such district is located. 19182  
Such board of county commissioners is hereby ordained to be a 19183  
special taxing authority for the purposes of this section only, 19184

and, notwithstanding any other law to the contrary, the board of 19185  
county commissioners of any county in which a general health 19186  
district is located is the taxing authority for such special levy 19187  
outside the ten-mill limitation. The board of county commissioners 19188  
shall thereupon, in the year preceding that in which such health 19189  
program will be effective, by vote of two-thirds of all the 19190  
members of that body, declare by resolution that the amount of 19191  
taxes which may be raised within the ten-mill limitation will be 19192  
insufficient to provide an adequate amount for the necessary 19193  
requirements of such district within the county, and that it is 19194  
necessary to levy a tax in excess of such limitation in order to 19195  
provide the board of health with sufficient funds to carry out 19196  
such health program. Such resolution shall be filed with the board 19197  
of elections not later than four p.m. of the ~~seventy-fifth~~ 19198  
eighty-fifth day before the day of election. 19199

Such resolution shall specify the amount of increase in rate 19200  
which it is necessary to levy and the number of years during which 19201  
such increase shall be in effect, which shall not be for a longer 19202  
period than ten years. 19203

The resolution shall conform to section 5705.191 of the 19204  
Revised Code and be certified and submitted in the manner provided 19205  
in section 5705.25 of the Revised Code, provided that the proposal 19206  
shall be placed on the ballot at the next primary or general 19207  
election occurring more than ~~seventy-five~~ eighty-five days after 19208  
the resolution is filed with the board of elections. 19209

**Sec. 3767.05.** (A) The civil action provided for in section 19210  
3767.03 of the Revised Code shall be set down for trial at the 19211  
earliest possible time and shall have precedence over all other 19212  
cases except those involving crimes, election contests, or 19213  
injunctions regardless of the position of the proceedings on the 19214  
calendar of the court. In the civil action, evidence of the 19215

general reputation of the place where the nuisance is alleged to exist or an admission or finding of guilt of any person under the criminal laws against prostitution, lewdness, assignation, or other prohibited conduct at the place is admissible for the purpose of proving the existence of the nuisance and is prima-facie evidence of the nuisance and of knowledge of and of acquiescence and participation in the nuisance on the part of the person charged with maintaining it.

(B) If the complaint for the permanent injunction is filed by a person who is a citizen of the county, it shall not be dismissed unless the complainant and the complainant's attorney submit a sworn statement setting forth the reasons why the civil action should be dismissed and the dismissal is approved by the prosecuting attorney in writing or in open court. If the person who files the complaint for the permanent ~~injunction~~ injunction is a citizen of the county, if that person refuses or otherwise fails to prosecute the complaint to judgment, and if the civil action is not dismissed pursuant to this division, then, with the approval of the court, the attorney general, the prosecuting attorney of the county in which the nuisance exists, or the village solicitor, city director of law, or other similar chief legal officer of the municipal corporation in which the nuisance exists, may be substituted for the complainant and prosecute the civil action to judgment.

(C) If the civil action is commenced by a person who is a citizen of the county where the nuisance is alleged to exist and the court finds that there were no reasonable grounds or cause for the civil action, the costs may be taxed to that person.

(D) If the existence of the nuisance is established upon the trial of the civil action, a judgment shall be entered that perpetually enjoins the defendant and any other person from further maintaining the nuisance at the place complained of and



the defendant from maintaining the nuisance elsewhere. 19248

(E) If the court finds that a nuisance described in division 19249  
(C)(3) of section 3767.01 of the Revised Code exists, the court 19250  
shall order the nuisance to be abated, and, in entering judgment 19251  
for nuisance, the court shall do all of the following: 19252

(1) Specify that judgment is entered pursuant to division (E) 19253  
of this section; 19254

(2) Order that no beer or intoxicating liquor may be 19255  
manufactured, sold, bartered, possessed, kept, or stored in the 19256  
room, house, building, structure, place, boat, or vehicle or any 19257  
part thereof. The court need not find that the property was being 19258  
unlawfully used at the time of the hearing on the matter if the 19259  
court finds there existed a nuisance as described in division 19260  
(C)(3) of section 3767.01 of the Revised Code. 19261

(3) Order that the room, house, building, boat, vehicle, 19262  
structure, or place not be occupied or used for one year after the 19263  
judgment is rendered. The court may permit the premises to be 19264  
occupied by a person other than the defendant or a business 19265  
affiliate of the defendant in the nuisance action, or an agent of, 19266  
or entity owned in whole or part by, the defendant, if the person, 19267  
lessee, tenant, or occupant of the location posts a bond with 19268  
sufficient surety, to be approved by the court issuing the order, 19269  
in the sum of not less than one thousand nor more than five 19270  
thousand dollars, payable to the state of Ohio, on the condition 19271  
that no beer or intoxicating liquor thereafter shall be 19272  
manufactured, sold, bartered, possessed, kept, stored, 19273  
transported, or otherwise disposed of on the premises, and the 19274  
person agrees to pay all fines, costs, and damages that may be 19275  
assessed for a violation. A reasonable sum shall be allowed an 19276  
officer by the issuing court for the cost of closing and keeping 19277  
closed the premises that is the subject of the nuisance action. 19278

(4) Send notice of the judgment entered to the division of 19279  
liquor control, the liquor control commission, and the liquor 19280  
enforcement division of the department of public safety. 19281

(F) A defendant found to have maintained a nuisance as 19282  
described in division (C)(3) of section 3767.01 of the Revised 19283  
Code also is subject to liability and penalties under sections 19284  
4301.74 and 4399.09 of the Revised Code. The abatement of a 19285  
nuisance under section 4399.09 of the Revised Code is in addition 19286  
to and does not prevent the abatement of a nuisance under division 19287  
(D) or (E) of this section. 19288

(G) If a court enters judgment pursuant to division (D) or 19289  
(E) of this section finding that a nuisance exists at a liquor 19290  
permit premises or as a result of the operation of a liquor permit 19291  
premises, except in the case of a nuisance found as a result of a 19292  
violation of a local zoning ordinance or resolution, the certified 19293  
copy of the judgment required under division (A) of section 19294  
4301.331 of the Revised Code shall be filed with the board of 19295  
elections in the county in which the nuisance exists, not later 19296  
than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before the 19297  
day of the next general or primary election. However, no election 19298  
shall be conducted on sales at the liquor permit premises under 19299  
section 4301.352 of the Revised Code until all appeals on the 19300  
judgment are resolved. The court of appeals shall render a 19301  
decision on any appeal of the judgment within six months after the 19302  
date of the filing of the appeal of the judgment with the clerk of 19303  
the court of appeals, and the supreme court shall render a 19304  
decision on any appeal of the judgment within six months after the 19305  
date of the filing of the appeal of the judgment with the clerk of 19306  
the supreme court. 19307

**Sec. 3769.27.** (A) If a petition is presented, not later than 19308  
four p.m. of the ~~seventy-fifth~~ eighty-fifth day before the day of 19309

a general or primary election, to the board of elections of any 19310  
county, signed by qualified electors of the county equal in number 19311  
to at least ten per cent of the total number of votes cast in the 19312  
county for the office of governor at the preceding general 19313  
election for that office, but signed by at least five hundred 19314  
electors, requesting that there be submitted the question "shall 19315  
satellite facilities that receive simulcasts of live horse races 19316  
and that conduct wagering on those simulcasts be prohibited 19317  
throughout this county for a period of ..... (not to exceed 19318  
five) years?", the board of elections shall submit this question 19319  
to the electors of the county on the day of the next general or 19320  
primary election, whichever occurs first, in the manner provided 19321  
by law for the submission of questions and issues. The board of 19322  
elections shall notify the state racing commission of the results 19323  
of the election on the question. 19324

(B) If a majority of the electors voting on the question set 19325  
forth in division (A) of this section vote "yes," the state racing 19326  
commission shall have no jurisdiction thereafter to approve 19327  
satellite facilities in that county for the number of years, not 19328  
exceeding five, specified in the petition. If a majority of the 19329  
electors voting on the question set forth in division (A) of this 19330  
section vote "no," this question shall not again be submitted to a 19331  
vote in the county until the expiration of the time set forth in 19332  
the petition. When the board of elections of any county has 19333  
received a petition and accepted it as valid, it shall so notify 19334  
the commission and the commission shall not approve a satellite 19335  
facility in that county between this notification and the day of 19336  
the general or primary election. 19337

(C) Once a proposed satellite facility receives the approval 19338  
of the appropriate local legislative authority, a petition seeking 19339  
an election under this section in the county where the proposed 19340  
satellite facility will be located is invalid unless the date of 19341

signing of each signature on the petition that is counted by the 19342  
board of elections to meet the number of signatures required by 19343  
division (A) of this section is a date within ninety days after 19344  
the date of the approval of the appropriate local legislative 19345  
authority for the proposed satellite facility. 19346

**Sec. 4301.33.** (A) The board of elections shall provide to a 19347  
petitioner circulating a petition for an election for the 19348  
submission of one or more of the questions specified in divisions 19349  
(A) to (D) of section 4301.35 or section 4301.351 of the Revised 19350  
Code, at the time of taking out the petition, the names of the 19351  
streets and, if appropriate, the address numbers of residences and 19352  
business establishments within the precinct in which the election 19353  
is sought, and a form prescribed by the secretary of state for 19354  
notifying affected permit holders and liquor agency stores of the 19355  
circulation of a petition for an election for the submission of 19356  
one or more of the questions specified in divisions (A) to (D) of 19357  
section 4301.35 or section 4301.351 of the Revised Code. The 19358  
petitioner shall, not less than ~~forty-five~~ fifty-five days before 19359  
the petition-filing deadline for the election, as provided in this 19360  
section, file with the division of liquor control the information 19361  
regarding names of streets and, if appropriate, address numbers of 19362  
residences and business establishments provided by the board of 19363  
elections, and specify to the division the precinct that is 19364  
concerned and that would be affected by the results of the 19365  
election and the filing deadline. The division shall, within a 19366  
reasonable period of time and not later than ~~fifteen~~ twenty-five 19367  
days before the filing deadline, supply the petitioner with a list 19368  
of the names and addresses of permit holders and liquor agency 19369  
stores, if any, that would be affected by the election. The list 19370  
shall contain a heading with the following words: "Liquor permit 19371  
holders and liquor agency stores that would be affected by the 19372  
question(s) set forth on petition for a local option election." 19373

Within five days after a petitioner has received from the 19374  
division the list of liquor permit holders and liquor agency 19375  
stores, if any, that would be affected by the question or 19376  
questions set forth on a petition for local option election, the 19377  
petitioner shall, using the form provided by the board of 19378  
elections, notify by certified mail each permit holder and liquor 19379  
agency store whose name appears on that list. The form for 19380  
notifying affected permit holders and liquor agency stores shall 19381  
require the petitioner to state the petitioner's name and street 19382  
address and shall contain a statement that a petition is being 19383  
circulated for an election for the submission of the question or 19384  
questions specified in divisions (A) to (D) of section 4301.35 or 19385  
section 4301.351 of the Revised Code. The form shall require the 19386  
petitioner to state the question or questions to be submitted as 19387  
they appear on the petition. 19388

The petitioner shall attach a copy of the list provided by 19389  
the division to each petition paper. A part petition paper 19390  
circulated at any time without the list of affected permit holders 19391  
and liquor agency stores attached to it is invalid. 19392

At the time the petitioner files the petition with the board 19393  
of elections, the petitioner shall provide to the board the list 19394  
supplied by the division and an affidavit certifying that the 19395  
petitioner notified all affected permit holders and liquor agency 19396  
stores, if any, on the list in the manner and within the time 19397  
required in this section and that, at the time each signer of the 19398  
petition affixed the signer's signature to the petition, the 19399  
petition paper contained a copy of the list of affected permit 19400  
holders and liquor agency stores. 19401

Within five days after receiving a petition calling for an 19402  
election for the submission of one or more of the questions 19403  
specified in divisions (A) to (D) of section 4301.35 or section 19404  
4301.351 of the Revised Code, the board shall give notice by 19405

certified mail that it has received the petition to all liquor 19406  
permit holders and liquor agency stores, if any, whose names 19407  
appear on the list of affected permit holders and liquor agency 19408  
stores filed by the petitioner. Failure of the petitioner to 19409  
supply the affidavit required by this section and a complete and 19410  
accurate list of liquor permit holders and liquor agency stores, 19411  
if any, invalidates the entire petition. The board of elections 19412  
shall provide to a permit holder or liquor agency store that would 19413  
be affected by a proposed local option election, on the permit 19414  
holder's or liquor agency store's request, the names of the 19415  
streets, and, if appropriate, the address numbers of residences 19416  
and business establishments within the precinct in which the 19417  
election is sought that would be affected by the results of the 19418  
election. The board may charge a reasonable fee for this 19419  
information when provided to the petitioner and the permit holder 19420  
or liquor agency store. 19421

(B) Upon the presentation of a petition, not later than four 19422  
p.m. of the ~~seventy-fifth~~ eighty-fifth day before the day of a 19423  
general or primary election, to the board of elections of the 19424  
county where the precinct is located, designating whether it is a 19425  
petition for an election for the submission of one or more of the 19426  
questions specified in section 4301.35 of the Revised Code, or a 19427  
petition for the submission of one or more of the questions 19428  
specified in section 4301.351 of the Revised Code, designating the 19429  
particular question or questions specified in section 4301.35 or 19430  
4301.351 of the Revised Code that are to be submitted, and signed 19431  
by the qualified electors of the precinct concerned, equal in 19432  
number to thirty-five per cent of the total number of votes cast 19433  
in the precinct concerned for the office of governor at the 19434  
preceding general election for that office, the board shall submit 19435  
the question or questions specified in the petition to the 19436  
electors of the precinct concerned, on the day of the next general 19437  
or primary election, whichever occurs first and shall proceed as 19438

follows: 19439

(1) Such board shall, not later than the ~~sixty-eighth~~ 19440  
seventy-eighth day before the day of the election for which the 19441  
question or questions on the petition would qualify for submission 19442  
to the electors of the precinct, examine and determine the 19443  
sufficiency of the signatures and review, examine, and determine 19444  
the validity of the petition and, in case of overlapping precinct 19445  
petitions presented within that period, determine which of the 19446  
petitions shall govern the further proceedings of the board. In 19447  
the case where the board determines that two or more overlapping 19448  
petitions are valid, the earlier filed petition shall govern. The 19449  
board shall certify the sufficiency and validity of any petition 19450  
determined to be valid. The board shall determine the validity of 19451  
the petition as of the time of certification as described in this 19452  
division. 19453

(2) If a petition is sufficient, and, in case of overlapping 19454  
precinct petitions, after the board has determined the governing 19455  
petition, the board to which the petition has been presented shall 19456  
order the holding of a special election in the precinct for the 19457  
submission of whichever of the questions specified in section 19458  
4301.35 or 4301.351 of the Revised Code are designated in the 19459  
petition, on the day of the next general or primary election, 19460  
whichever occurs first. 19461

(3) All petitions filed with a board of elections under this 19462  
section shall be open to public inspection under rules adopted by 19463  
the board. 19464

(4) Protest against local option petitions may be filed by 19465  
any elector eligible to vote on the question or questions 19466  
described in the petitions or by a permit holder or liquor agency 19467  
store in the precinct as described in the petitions, not later 19468  
than four p.m. of the ~~sixty-fourth~~ seventy-fourth day before the 19469  
day of the general or primary election for which the petition 19470

qualified. The protest shall be in writing and shall be filed with 19471  
the election officials with whom the petition was filed. Upon 19472  
filing of the protest, the election officials with whom it is 19473  
filed shall promptly fix the time for hearing it, and shall mail 19474  
notice of the filing of the protest and the time and place for 19475  
hearing it to the person who filed the petition and to the person 19476  
who filed the protest. At the time and place fixed, the election 19477  
officials shall hear the protest and determine the validity of the 19478  
petition. 19479

**Sec. 4301.331.** (A) The privilege of local option conferred by 19480  
section 4301.321 of the Revised Code shall be exercised if a 19481  
certified copy of the judgment issued pursuant to division (D) or 19482  
(E) of section 3767.05 of the Revised Code that is the basis for 19483  
the exercise of the local option privilege is filed pursuant to 19484  
division (G) of section 3767.05 of the Revised Code indicating 19485  
that a liquor permit premises has been adjudged a nuisance. The 19486  
certified copy of the judgment shall be filed in accordance with 19487  
this section by the person or public official who brought the 19488  
action under section 3763.03 of the Revised Code. 19489

(B) The certified copy of the judgment prescribed under 19490  
division (A) of this section shall be filed with the board of 19491  
elections of the county in which the nuisance was adjudged to 19492  
exist pursuant to division (D) or (E) of section 3767.05 of the 19493  
Revised Code not later than four p.m. of the ~~seventy-fifth~~ 19494  
eighty-fifth day before the day of the next general or primary 19495  
election. 19496

(C) The statement prescribed under division (A) of this 19497  
section shall contain both of the following: 19498

(1) A notice that the statement is for the submission of the 19499  
question set forth in section 4301.352 of the Revised Code; 19500

(2) The name of a class C or D permit holder and the address 19501



of the permit holder's permit premises. If the business conducted 19502  
by a class C or D permit holder at the permit premises has a name 19503  
different from the permit holder's personal or corporate name, the 19504  
name of the permit holder's business shall be stated along with 19505  
the permit holder's personal or corporate name. 19506

(D) Not later than five days after the certified copy of the 19507  
judgment prescribed under division (A) of this section is filed, 19508  
the board shall give notice by certified mail that it has received 19509  
the certified copy of the judgment to the liquor permit holder 19510  
whose permit would be affected by the results of the election 19511  
required by the filing of the certified copy of the judgment. 19512  
Failure of the petitioner to supply a complete and accurate 19513  
address of the liquor permit holder to the board of elections 19514  
invalidates the election. 19515

For purposes of this section, "complete and accurate address" 19516  
means all of the following: 19517

(1) The address of the liquor permit premises; 19518

(2) The address of the statutory agent of the liquor permit 19519  
holder, if applicable; 19520

(3) The address of the liquor permit holder if different from 19521  
the liquor permit premises address. 19522

(E) Not later than the ~~sixty-eighth~~ seventy-eighth day before 19523  
the day of the next general or primary election, whichever occurs 19524  
first, the board shall certify the sufficiency and validity of the 19525  
certified copy of the judgment, make such determination as of the 19526  
time of certification, and order the holding of an election in the 19527  
precinct on the day of that general or primary election for the 19528  
submission of the question set forth in section 4301.352 of the 19529  
Revised Code. 19530

(F) A certified copy of the judgment filed with the board of 19531  
elections under division (A) of this section shall be open to 19532

public inspection under rules adopted by the board. 19533

An elector who is eligible to vote on the question set forth 19534  
in section 4301.352 of the Revised Code or the permit holder named 19535  
on the certified copy of the judgment, not later than four p.m. of 19536  
the ~~sixty-fourth~~ seventy-fourth day before the day of the election 19537  
at which the question will be submitted to the electors, may file 19538  
a protest against a local option petition. The protest shall be in 19539  
writing and shall be filed with the election officials with whom 19540  
the certified copy of the judgment was filed. Upon the filing of 19541  
the protest, the election officials with whom it is filed shall 19542  
promptly fix a time and place for hearing the protest, and shall 19543  
mail notice of the time and place for hearing it to the person who 19544  
filed the certified copy of the judgment and to the person who 19545  
filed the protest. At the time and place fixed, the election 19546  
officials shall hear the protest and determine the validity of the 19547  
certified copy of the judgment. 19548

**Sec. 4301.332.** (A) The board of elections shall provide to a 19549  
petitioner circulating a petition for an election for the 19550  
submission of one or more of the questions specified in section 19551  
4301.353 or 4301.354 of the Revised Code, at the time of taking 19552  
out the petition, the names of the streets and, if appropriate, 19553  
the address numbers of residences and business establishments 19554  
within the precinct that would be affected by the results of the 19555  
election, and a form prescribed by the secretary of state for 19556  
notifying affected permit holders of the circulation of a petition 19557  
for an election for the submission of one or more of the questions 19558  
specified in section 4301.353 or 4301.354 of the Revised Code. The 19559  
petitioner shall, not less than ~~forty-five~~ fifty-five days before 19560  
the petition-filing deadline for the election, as provided in this 19561  
section, file with the division of liquor control the information 19562  
regarding names of streets and, if appropriate, address numbers of 19563  
residences and business establishments provided by the board of 19564

elections, and specify to the division the portion of the precinct 19565  
that would be affected by the results of the election and the 19566  
filing deadline. The division shall, within a reasonable period of 19567  
time and not later than ~~fifteen~~ twenty-five days before the filing 19568  
deadline, supply the petitioner with a list of the names and 19569  
addresses of permit holders, if any, who would be affected by the 19570  
election. The list shall contain a heading with the following 19571  
words: "Liquor permit holders who would be affected by the 19572  
question(s) set forth on petition for a local option election." 19573  
19574

Within five days after a petitioner has received from the 19575  
division the list of liquor permit holders, if any, who would be 19576  
affected by the question or questions set forth on a petition for 19577  
local option election, the petitioner, using the form provided by 19578  
the board of elections, shall notify by certified mail each permit 19579  
holder whose name appears on that list. The form for notifying 19580  
affected permit holders shall require the petitioner to state the 19581  
petitioner's name and street address and shall contain a statement 19582  
that a petition is being circulated for an election for the 19583  
submission of the question or questions specified in section 19584  
4301.353 or 4301.354 of the Revised Code. The form shall require 19585  
the petitioner to state the question or questions to be submitted 19586  
as they appear on the petition. 19587

The petitioner shall attach a copy of the list provided by 19588  
the division to each petition paper. A part petition paper 19589  
circulated at any time without the list of affected permit holders 19590  
attached to it is invalid. 19591

At the time the petitioner files the petition with the board 19592  
of elections, the petitioner shall provide to the board the list 19593  
supplied by the division and an affidavit certifying that the 19594  
petitioner notified all affected permit holders, if any, on the 19595  
list in the manner and within the time required in this section 19596

and that, at the time each signer of the petition affixed the  
signer's signature to the petition, the petition paper contained a  
copy of the list of affected permit holders.

Within five days after receiving a petition calling for an  
election for the submission of one or more of the questions  
specified in section 4301.353 or 4301.354 of the Revised Code, the  
board shall give notice by certified mail that it has received the  
petition to all liquor permit holders, if any, whose names appear  
on the list of affected permit holders filed by the petitioner as  
furnished by the division. Failure of the petitioner to supply the  
affidavit required by this section and a complete and accurate  
list of liquor permit holders as furnished by the division  
invalidates the entire petition. The board of elections shall  
provide to a permit holder who would be affected by a proposed  
local option election, on the permit holder's request, the names  
of the streets, and, if appropriate, the address numbers of  
residences and business establishments within the portion of the  
precinct that would be affected by the results of the election.  
The board may charge a reasonable fee for this information when  
provided to the petitioner and the permit holder.

This division does not apply to an election held under  
section 4301.353 or 4301.354 of the Revised Code if the results of  
the election would not affect any permit holder.

(B) Upon the presentation of a petition, not later than four  
p.m. of the ~~seventy-fifth~~ eighty-fifth day before the day of a  
general or primary election, to the board of elections of the  
county where the precinct is located, designating whether it is a  
petition for an election for the submission of one or both of the  
questions specified in section 4301.353 of the Revised Code, or a  
petition for the submission of one or more of the questions  
specified in section 4301.354 of the Revised Code, designating the  
particular question or questions specified in section 4301.353 or

4301.354 of the Revised Code that are to be submitted, and signed 19629  
by the qualified electors of the precinct concerned, equal in 19630  
number to thirty-five per cent of the total number of votes cast 19631  
in the precinct concerned for the office of governor at the 19632  
preceding general election for that office, the board shall submit 19633  
the question or questions specified in the petition to the 19634  
electors of the precinct concerned, on the day of the next general 19635  
or primary election, whichever occurs first and shall proceed as 19636  
follows: 19637

(1) Such board shall, not later than the ~~sixty-eighth~~ 19638  
seventy-eighth day before the day of the election for which the 19639  
question or questions on the petition would qualify for submission 19640  
to the electors of the precinct, examine and determine the 19641  
sufficiency of the signatures and review, examine, and determine 19642  
the validity of the petition and, in case of overlapping precinct 19643  
petitions presented within that period, determine which of the 19644  
petitions shall govern the further proceedings of the board. In 19645  
the case where the board determines that two or more overlapping 19646  
petitions are valid, the earlier filed petition shall govern. The 19647  
board shall certify the sufficiency and validity of any petition 19648  
determined to be valid. The board shall determine the validity of 19649  
the petition as of the time of certification as described in this 19650  
division. 19651

(2) If a petition is sufficient, and, in case of overlapping 19652  
precinct petitions, after the board has determined the governing 19653  
petition, the board to which the petition has been presented shall 19654  
order the holding of a special election in the precinct for the 19655  
submission of whichever of the questions specified in section 19656  
4301.353 or 4301.354 of the Revised Code are designated in the 19657  
petition, on the day of the next general or primary election, 19658  
whichever occurs first. 19659

(C) All petitions filed with a board of elections under this 19660

section shall be open to public inspection under rules adopted by the board.

(D) Protest against local option petitions may be filed by any elector eligible to vote on the question or questions described in the petitions or by a permit holder in the precinct as described in the petitions, not later than four p.m. of the ~~sixty-fourth~~ seventy-fourth day before the day of the general or primary election for which the petition qualified. The protest shall be in writing and shall be filed with the election officials with whom the petition was filed. Upon filing of the protest, the election officials with whom it is filed shall promptly fix the time for hearing it, and shall mail notice of the filing of the protest and the time and place for hearing it to the person who filed the petition and to the person who filed the protest. At the time and place fixed, the election officials shall hear the protest and determine the validity of the petition.

**Sec. 4301.333.** (A) The privilege of local option conferred by section 4301.323 of the Revised Code may be exercised if, not later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before the day of a general or primary election, a petition is presented to the board of elections of the county in which the precinct is situated by a petitioner who is one of the following:

(1) An applicant for the issuance or transfer of a liquor permit at, or to, a particular location within the precinct;

(2) The holder of a liquor permit at a particular location within the precinct;

(3) A person who operates or seeks to operate a liquor agency store at a particular location within the precinct;

(4) The designated agent for an applicant, liquor permit holder, or liquor agency store described in division (A)(1), (2),

or (3) of this section. 19691

(B) The petition shall be signed by the electors of the 19692  
precinct equal in number to at least thirty-five per cent of the 19693  
total number of votes cast in the precinct for the office of 19694  
governor at the preceding general election for that office and 19695  
shall contain all of the following: 19696

(1) A notice that the petition is for the submission of the 19697  
question or questions set forth in section 4301.355 of the Revised 19698  
Code; 19699

(2) The name of the applicant for the issuance or transfer, 19700  
or the holder, of the liquor permit or, if applicable, the name of 19701  
the liquor agency store, including any trade or fictitious names 19702  
under which the applicant, holder, or liquor agency store either 19703  
intends to do or does business at the particular location; 19704

(3) The address and proposed use of the particular location 19705  
within the election precinct to which the results of the question 19706  
or questions specified in section 4301.355 of the Revised Code 19707  
shall apply. For purposes of this division, "use" means all of the 19708  
following: 19709

(a) The type of each liquor permit applied for by the 19710  
applicant or held by the liquor permit holder as described in 19711  
sections 4303.11 to 4303.183 of the Revised Code, including a 19712  
description of the type of beer or intoxicating liquor sales 19713  
authorized by each permit as provided in those sections; 19714

(b) If a liquor agency store, the fact that the business 19715  
operated as a liquor agency store authorized to operate by this 19716  
state; 19717

(c) A description of the general nature of the business of 19718  
the applicant, liquor permit holder, or liquor agency store. 19719

(4) If the petition seeks approval of Sunday sales under 19720

question (B)(2) as set forth in section 4301.355 of the Revised Code, a statement indicating whether the hours of sale sought are between ten a.m. and midnight or between eleven a.m. and midnight.

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(C)(1) At the time the petitioner files the petition with the board of elections, the petitioner shall provide to the board both of the following:

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(a) An affidavit that is signed by the petitioner and that states the proposed use of the location following the election held to authorize the sale of beer or intoxicating liquor authorized by each permit as provided in sections 4303.11 to 4303.183 of the Revised Code;

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(b) Written evidence of the designation of an agent by the applicant, liquor permit holder, or liquor agency store described in division (A)(1), (2), or (3) of this section for the purpose of petitioning for the local option election, if the petitioner is the designated agent of the applicant, liquor permit holder, or liquor agency store.

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(2) Failure to supply the affidavit, or the written evidence of the designation of the agent if the petitioner for the local option election is the agent of the applicant, liquor permit holder, or liquor agency store described in division (A)(1), (2), or (3) of this section, at the time the petition is filed invalidates the entire petition.

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(D) Not later than the ~~sixty-eighth~~ seventy-eighth day before the day of the next general or primary election, whichever occurs first, the board shall examine and determine the sufficiency of the signatures and the validity of the petition. If the board finds that the petition contains sufficient signatures and in other respects is valid, it shall order the holding of an election in the precinct on the day of the next general or primary

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election, whichever occurs first, for the submission of the 19752  
question or questions set forth in section 4301.355 of the Revised 19753  
Code. 19754

(E) A petition filed with the board of elections under this 19755  
section shall be open to public inspection under rules adopted by 19756  
the board. 19757

(F) An elector who is eligible to vote on the question or 19758  
questions set forth in section 4301.355 of the Revised Code may 19759  
file, not later than four p.m. of the ~~sixty-fourth~~ seventy-fourth 19760  
day before the day of the election at which the question or 19761  
questions will be submitted to the electors, a protest against a 19762  
local option petition circulated and filed pursuant to this 19763  
section. The protest shall be in writing and shall be filed with 19764  
the election officials with whom the petition was filed. Upon the 19765  
filing of the protest, the election officials with whom it is 19766  
filed shall promptly establish a time and place for hearing the 19767  
protest and shall mail notice of the time and place for the 19768  
hearing to the applicant for, or the holder of, the liquor permit 19769  
who is specified in the petition and to the elector who filed the 19770  
protest. At the time and place established in the notice, the 19771  
election officials shall hear the protest and determine the 19772  
validity of the petition. 19773

**Sec. 4301.334.** (A) The privilege of local option conferred by 19774  
section 4301.324 of the Revised Code may be exercised if, not 19775  
later than four p.m. of the ~~seventy-fifth~~ eighty-fifth day before 19776  
the day of a general or primary election, a petition and other 19777  
information required by division (B) of this section are presented 19778  
to the board of elections of the county in which the community 19779  
facility named in the petition is located. The petition shall be 19780  
signed by electors of the municipal corporation or unincorporated 19781  
area of the township in which the community facility is located 19782

equal in number to at least ten per cent of the total number of 19783  
votes cast in the municipal corporation or unincorporated area of 19784  
the township in which the community facility is located for the 19785  
office of governor at the most recent general election for that 19786  
office and shall contain both of the following: 19787  
19788

(1) A notice that the petition is for the submission of the 19789  
question set forth in section 4301.356 of the Revised Code and a 19790  
statement indicating whether the hours of Sunday sales sought in 19791  
the local option election are between ten a.m. and midnight or 19792  
between eleven a.m. and midnight; 19793

(2) The name and address of the community facility for which 19794  
the local option election is sought and, if the community facility 19795  
is a community entertainment district, the boundaries of the 19796  
district. 19797

(B) Upon the request of a petitioner, a board of elections of 19798  
a county shall furnish to the petitioner a copy of the 19799  
instructions prepared by the secretary of state under division (P) 19800  
of section 3501.05 of the Revised Code and, within fifteen days 19801  
after the request, a certificate indicating the number of valid 19802  
signatures that will be required on a petition to hold an election 19803  
in the municipal corporation or unincorporated area of the 19804  
township in which the community facility is located on the 19805  
question specified in section 4301.356 of the Revised Code. 19806

The petitioner shall, not less than thirty days before the 19807  
petition-filing deadline for an election on the question specified 19808  
in section 4301.356 of the Revised Code, specify to the division 19809  
of liquor control the name and address of the community facility 19810  
for which the election is sought and, if the community facility is 19811  
a community entertainment district, the boundaries of the 19812  
district, the municipal corporation or unincorporated area of a 19813  
township in which the election is sought, and the filing deadline. 19814

The division shall, within a reasonable period of time and not later than ten days before the filing deadline, supply the petitioner with the name and address of any permit holder for or within the community facility.

The petitioner shall file the name and address of any permit holder who would be affected by the election at the time the petitioner files the petition with the board of elections. Within five days after receiving the petition, the board shall give notice by certified mail to any permit holder within the community facility that it has received the petition. Failure of the petitioner to supply the name and address of any permit holder for or within the community facility as furnished to the petitioner by the division invalidates the petition.

(C) Not later than the ~~sixty-eighth~~ seventy-eighth day before the day of the next general or primary election, whichever occurs first, the board shall examine and determine the sufficiency of the signatures on the petition. If the board finds that the petition is valid, it shall order the holding of an election in the municipal corporation or unincorporated area of a township on the day of the next general or primary election, whichever occurs first, for the submission of the question set forth in section 4301.356 of the Revised Code.

(D) A petition filed with a board of elections under this section shall be open to public inspection under rules adopted by the board.

(E) An elector who is eligible to vote on the question set forth in section 4301.356 of the Revised Code or any permit holder for or within the community facility may, not later than four p.m. of the ~~sixty-fourth~~ seventy-fourth day before the day of the election at which the question will be submitted to the electors, file a written protest against the local option petition with the board of elections with which the petition was filed. Upon the

filing of the protest, the board shall promptly fix a time and 19847  
place for hearing the protest and shall mail notice of the time 19848  
and place to the person who filed the petition and to the person 19849  
who filed the protest. At the time and place fixed, the board 19850  
shall hear the protest and determine the validity of the petition. 19851  
19852

**Sec. 4301.356.** If a petition is filed under section 4301.334 19853  
of the Revised Code for the submission of the question set forth 19854  
in this section, an election shall be held in the municipal 19855  
corporation or unincorporated area of a township as ordered by the 19856  
board of elections under that section. 19857

Except as otherwise provided in this section, if the 19858  
legislative authority of a municipal corporation in whose 19859  
territory, or the board of township trustees of a township in 19860  
whose unincorporated area, a community facility is located 19861  
submits, not later than four p.m. of the ~~seventy-fifth~~ 19862  
eighty-fifth day before the day of a primary or general election, 19863  
to the board of elections of the county in which the community 19864  
facility is located an ordinance or resolution requesting the 19865  
submission of the question set forth in this section to the 19866  
electors of the municipal corporation or unincorporated area of 19867  
the township, the board of elections shall order that an election 19868  
be held on that question in the municipal corporation or the 19869  
unincorporated area of the township on the day of the next primary 19870  
or general election, whichever occurs first. The legislative 19871  
authority or board of township trustees shall submit the name and 19872  
address of any permit holder who would be affected by the results 19873  
of the election to the board of elections at the same time it 19874  
submits the ordinance or resolution. The board of elections, 19875  
within five days after receiving the name and address, shall give 19876  
notice by certified mail to each permit holder that it has 19877  
received the ordinance or resolution. Failure of the legislative 19878

authority or board of township trustees to supply the name and 19879  
address of each permit holder to the board of elections 19880  
invalidates the effect of the ordinance or resolution. 19881

At the election, the following question shall be submitted to 19882  
the electors of the municipal corporation or unincorporated area 19883  
of a township: 19884

"Shall the sale of beer and intoxicating liquor be permitted 19885  
on days of the week other than Sunday and between the hours of 19886  
..... (insert "ten a.m." or "eleven a.m.") and midnight on 19887  
Sunday, at ..... (insert name of community facility), a 19888  
community facility as defined by section 4301.01 of the Revised 19889  
Code, and located at ..... (insert the address of the community 19890  
facility and, if the community facility is a community 19891  
entertainment district, the boundaries of the district, as set 19892  
forth in the petition)?" 19893

The board of elections shall furnish printed ballots at the 19894  
election as provided under section 3505.06 of the Revised Code, 19895  
except that a separate ballot shall be used for the election under 19896  
this section. The question set forth in this section shall be 19897  
printed on each ballot, and the board shall insert in the question 19898  
appropriate words to complete it, subject to the approval of the 19899  
secretary of state. Votes shall be cast as provided under section 19900  
3505.06 of the Revised Code. 19901

**Sec. 4301.421.** (A) For the purposes of section 307.696 of the 19902  
Revised Code, to pay the expenses of administering the tax, and to 19903  
pay any or all of the charge the board of elections makes against 19904  
the county to hold the election on the question of levying the 19905  
tax, or for those purposes and to provide revenues to the county 19906  
for permanent improvements, the board of county commissioners may 19907  
levy a tax on the sale of beer at a rate not to exceed sixteen 19908  
cents per gallon, on the sale of cider at a rate not to exceed 19909

twenty-four cents per gallon, and on the sale of wine and mixed 19910  
beverages at a rate not to exceed thirty-two cents per gallon. The 19911  
tax shall be imposed on all beer, cider, wine, and mixed beverages 19912  
sold for resale at retail in the county, and on all beer, cider, 19913  
wine, and mixed beverages sold at retail in the county by the 19914  
manufacturer, bottler, importer, or other person upon which the 19915  
tax has not been paid. The tax shall not be levied on the sale of 19916  
wine to be used for known sacramental purposes. The tax may be 19917  
levied for any number of years not exceeding twenty. The tax shall 19918  
be in addition to the taxes imposed by sections 4301.42, 4301.43, 19919  
4301.432, and 4305.01 of the Revised Code. The tax shall not be 19920  
considered a cost in any computation required under rules of the 19921  
liquor control commission regulating minimum prices or mark-ups. 19922  
19923

Only one sale of the same article shall be used in computing, 19924  
reporting, and paying the amount of tax due. 19925

The tax shall be levied pursuant to a resolution of the 19926  
county commissioners approved by a majority of the electors in the 19927  
county voting on the question of levying the tax, which resolution 19928  
shall specify the rate of the tax, the number of years the tax 19929  
will be levied, and the purposes for which the tax is levied. The 19930  
election may be held on the date of a general election or special 19931  
election held not sooner than ~~seventy-five~~ eighty-five days after 19932  
the date the board certifies its resolution to the board of 19933  
elections. If approved by the electors, the tax shall take effect 19934  
on the first day of the month specified in the resolution but not 19935  
sooner than the first day of the month that is at least sixty days 19936  
after the certification of the election results by the board of 19937  
elections. A copy of the resolution levying the tax and the 19938  
certification of the board of elections shall be certified to the 19939  
tax commissioner at least sixty days prior to the date on which 19940  
the tax is to become effective. 19941

A resolution under this section may be joined on the ballot 19942  
as a single question with a resolution adopted under section 19943  
307.697 or 5743.024 of the Revised Code to levy a tax for the same 19944  
purposes and for the purpose of paying the expenses of 19945  
administering the tax. The form of the ballot in an election held 19946  
pursuant to this section shall be as prescribed in section 307.697 19947  
of the Revised Code. 19948

(B) The board of county commissioners of a county in which a 19949  
tax is imposed under this section on July 19, 1995, may levy a tax 19950  
for the purpose of section 307.673 of the Revised Code regardless 19951  
of whether or not the cooperative agreement authorized under that 19952  
section has been entered into prior to the day the resolution 19953  
adopted under division (B)(1) or (2) of this section is adopted, 19954  
and for the purpose of reimbursing a county for costs incurred in 19955  
the construction of a sports facility pursuant to an agreement 19956  
entered into by the county under section 307.696 of the Revised 19957  
Code. The tax shall be levied and approved in one of the manners 19958  
prescribed by division (B)(1) or (2) of this section. 19959

(1) The tax may be levied pursuant to a resolution adopted by 19960  
a majority of the members of the board of county commissioners not 19961  
later than September 2, 1995. A board of county commissioners 19962  
approving a tax under division (B)(1) of this section may approve 19963  
a tax under division (D)(1) of section 307.697 or division (C)(1) 19964  
of section 5743.024 of the Revised Code at the same time. Subject 19965  
to the resolution being submitted to a referendum under sections 19966  
305.31 to 305.41 of the Revised Code, the resolution shall take 19967  
effect immediately, but the tax levied pursuant to the resolution 19968  
shall not be levied prior to the day following the last day the 19969  
tax levied pursuant to division (A) of this section may be levied. 19970

(2) The tax may be levied pursuant to a resolution adopted by 19971  
a majority of the members of the board of county commissioners not 19972  
later than September 2, 1995, and approved by a majority of the 19973

electors of the county voting on the question of levying the tax 19974  
at the next succeeding general election following July 19, 1995. 19975  
The board of county commissioners shall certify a copy of the 19976  
resolution to the board of elections immediately upon adopting a 19977  
resolution under division (D)(2) of this section, and the board of 19978  
elections shall place the question of levying the tax on the 19979  
ballot at that election. The form of the ballot shall be as 19980  
prescribed by division (C) of section 307.697 of the Revised Code, 19981  
except that the phrase "paying not more than one-half of the costs 19982  
of providing a sports facility together with related redevelopment 19983  
and economic development projects" shall be replaced by the phrase 19984  
"paying the costs of constructing or renovating a sports facility 19985  
and reimbursing a county for costs incurred by the county in the 19986  
construction of a sports facility," and the phrase ", beginning 19987  
..... (here insert the earliest date the tax would take 19988  
effect)" shall be appended after "years." A board of county 19989  
commissioners submitting the question of a tax under division 19990  
(B)(2) of this section may submit the question of a tax under 19991  
division (D)(2) of section 307.697 or division (C)(2) of section 19992  
5743.024 of the Revised Code as a single question, and the form of 19993  
the ballot shall include each of the proposed taxes. 19994

If approved by a majority of electors voting on the question, 19995  
the tax shall take effect on the day specified on the ballot, 19996  
which shall not be earlier than the day following the last day the 19997  
tax levied pursuant to division (A) of this section may be levied. 19998

The rate of a tax levied pursuant to division (B)(1) or (2) 19999  
of this section shall not exceed the rate specified in division 20000  
(A) of this section. A tax levied pursuant to division (B)(1) or 20001  
(2) of this section may be levied for any number of years not 20002  
exceeding twenty. 20003

A board of county commissioners adopting a resolution under 20004  
division (B)(1) or (2) of this section shall certify a copy of the 20005



resolution to the tax commissioner immediately upon adoption of 20006  
the resolution. 20007

(C) No tax shall be levied under this section on or after ~~the~~ 20008  
~~effective date of the amendment of this section by ..... of the~~ 20009  
~~127th general assembly~~ September 23, 2008. This division does not 20010  
prevent the collection of any tax levied under this section before 20011  
that date so long as that tax remains effective. 20012

**Sec. 4301.424.** (A) For the purpose of section 351.26 of the 20013  
Revised Code and to pay any or all of the charge the board of 20014  
elections makes against the county to hold the election on the 20015  
question of levying the tax, the board of county commissioners, in 20016  
the manner prescribed by division (A) of section 351.26 of the 20017  
Revised Code, may levy a tax on each gallon of spirituous liquor; 20018  
on the sale of beer; and on the sale of wine and mixed beverages. 20019  
The tax on spirituous liquor shall be imposed on spirituous liquor 20020  
sold to or purchased by liquor permit holders for resale, and sold 20021  
at retail by the division of liquor control, in the county at a 20022  
rate not greater than three dollars per gallon; the tax on beer, 20023  
wine, and mixed beverages shall be imposed on all beer, wine, and 20024  
mixed beverages sold for resale at retail in the county, and on 20025  
all beer, wine, and mixed beverages sold at retail in the county 20026  
by the manufacturer, bottler, importer, or other person and upon 20027  
which the tax has not been paid. The rate of the tax on beer shall 20028  
not exceed sixteen cents per gallon, and the rate of the tax on 20029  
wine and mixed beverages shall not exceed thirty-two cents per 20030  
gallon. Only one sale of the same article shall be used in 20031  
computing, reporting, and paying the amount of tax due. The tax 20032  
may be levied for any number of years not exceeding twenty. 20033

The tax shall be levied pursuant to a resolution of the board 20034  
of county commissioners adopted as prescribed by division (A) of 20035  
section 351.26 of the Revised Code and approved by a majority of 20036

the electors in the county voting on the question of levying the 20037  
tax. The resolution shall specify the rates of the tax, the number 20038  
of years the tax will be levied, and the purposes for which the 20039  
tax is levied. Such election may be held on the date of a general 20040  
or special election held not sooner than ~~seventy-five~~ eighty-five 20041  
days after the date the board certifies its resolution to the 20042  
board of elections. If approved by the electors, the tax takes 20043  
effect on the first day of the month specified in the resolution 20044  
but not sooner than the first day of the month that is at least 20045  
sixty days after the certification of the election results by the 20046  
board of elections. A copy of the resolution levying the tax shall 20047  
be certified to the division of liquor control and the tax 20048  
commissioner at least sixty days prior to the date on which the 20049  
tax is to become effective. 20050

(B) A resolution under this section may be joined on the 20051  
ballot as a single question with a resolution adopted under 20052  
section 5743.026 of the Revised Code to levy a tax for the same 20053  
purposes, and for the purpose of paying the expenses of 20054  
administering that tax. 20055

(C) The form of the ballot in an election held on the 20056  
question of levying a tax proposed pursuant to this section shall 20057  
be as prescribed by section 351.26 of the Revised Code. 20058

(D) No tax shall be levied under this section on or after ~~the~~ 20059  
~~effective date of the amendment of this section by the capital~~ 20060  
~~appropriations act of the 127th general assembly~~ September 23, 20061  
2008. This division does not prevent the collection of any tax 20062  
levied under this section before that date so long as that tax 20063  
remains effective. 20064

**Sec. 4303.29.** (A) No permit, other than an H permit, shall be 20065  
issued to a firm or partnership unless all the members of the firm 20066  
or partnership are citizens of the United States. No permit, other 20067

than an H permit, shall be issued to an individual who is not a 20068  
citizen of the United States. No permit, other than an E or H 20069  
permit, shall be issued to any corporation organized under the 20070  
laws of any country, territory, or state other than this state 20071  
until it has furnished the division of liquor control with 20072  
evidence that it has complied with the laws of this state relating 20073  
to the transaction of business in this state. 20074

The division may refuse to issue any permit to or refuse to 20075  
renew any permit of any person convicted of any felony that is 20076  
reasonably related to the person's fitness to operate a liquor 20077  
permit business in this state. No holder of a permit shall sell, 20078  
assign, transfer, or pledge the permit without the written consent 20079  
of the division. 20080

(B)(1) No D-3 permit shall be issued to any club unless the 20081  
club has been continuously engaged in the activity specified in 20082  
section 4303.15 of the Revised Code, as a qualification for that 20083  
class of permit, for two years at the time the permit is issued. 20084

(2)(a) Subject to division (B)(2)(b) of this section, upon 20085  
application by properly qualified persons, one C-1 and C-2 permit 20086  
shall be issued for each one thousand population or part of that 20087  
population, and one D-1 and D-2 permit shall be issued for each 20088  
two thousand population or part of that population, in each 20089  
municipal corporation and in the unincorporated area of each 20090  
township. 20091

Subject to division (B)(2)(b) of this section, not more than 20092  
one D-3, D-4, or D-5 permit shall be issued for each two thousand 20093  
population or part of that population in any municipal corporation 20094  
and in the unincorporated area of any township, except that, in 20095  
any city of a population of fifty-five thousand or more, one D-3 20096  
permit may be issued for each fifteen hundred population or part 20097  
of that population. 20098

(b)(i) Division (B)(2)(a) of this section does not prohibit 20099  
the transfer of location or the transfer of ownership and location 20100  
of a C-1, C-2, D-1, D-2, D-3, or D-5 permit from a municipal 20101  
corporation or the unincorporated area of a township in which the 20102  
number of permits of that class exceeds the number of such permits 20103  
authorized to be issued under division (B)(2)(a) of this section 20104  
to an economic development project located in another municipal 20105  
corporation or the unincorporated area of another township in 20106  
which no additional permits of that class may be issued to the 20107  
applicant under division (B)(2)(a) of this section, but the 20108  
transfer of location or transfer of ownership and location of the 20109  
permit may occur only if the applicant notifies the municipal 20110  
corporation or township to which the location of the permit will 20111  
be transferred regarding the transfer and that municipal 20112  
corporation or township acknowledges in writing to the division of 20113  
liquor control, at the time the application for the transfer of 20114  
location or transfer of ownership and location of the permit is 20115  
filed, that the transfer will be to an economic development 20116  
project. This acknowledgment by the municipal corporation or 20117  
township does not prohibit it from requesting a hearing under 20118  
section 4303.26 of the Revised Code. The applicant is eligible to 20119  
apply for and receive the transfer of location of the permit under 20120  
division (B)(2)(b) of this section if all permits of that class 20121  
that may be issued under division (B)(2)(a) of this section in the 20122  
applicable municipal corporation or unincorporated area of the 20123  
township have already been issued or if the number of applications 20124  
filed for permits of that class in that municipal corporation or 20125  
the unincorporated area of that township exceed the number of 20126  
permits of that class that may be issued there under division 20127  
(B)(2)(a) of this section. 20128

A permit transferred under division (B)(2)(b) of this section 20129  
may be subsequently transferred to a different owner at the same 20130  
location, or to the same owner or a different owner at a different 20131

location in the same municipal corporation or in the 20132  
unincorporated area of the same township, as long as the same or 20133  
new location meets the economic development project criteria set 20134  
forth in this section. 20135

(ii) Factors that shall be used to determine the designation 20136  
of an economic development project include, but are not limited 20137  
to, architectural certification of the plans and the cost of the 20138  
project, the number of jobs that will be created by the project, 20139  
projected earnings of the project, projected tax revenues for the 20140  
political subdivisions in which the project will be located, and 20141  
the amount of financial investment in the project. The 20142  
superintendent of liquor control shall determine whether the 20143  
existing or proposed business that is seeking a permit described 20144  
in division (B)(2)(b) of this section qualifies as an economic 20145  
development project and, if the superintendent determines that it 20146  
so qualifies, shall designate the business as an economic 20147  
development project. 20148

(3) Nothing in this section shall be construed to restrict 20149  
the issuance of a permit to a municipal corporation for use at a 20150  
municipally owned airport at which commercial airline companies 20151  
operate regularly scheduled flights on which space is available to 20152  
the public. A municipal corporation applying for a permit for such 20153  
a municipally owned airport is exempt, in regard to that 20154  
application, from the population restrictions contained in this 20155  
section and from population quota restrictions contained in any 20156  
rule of the liquor control commission. A municipal corporation 20157  
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a 20158  
municipally owned airport is subject to section 4303.31 of the 20159  
Revised Code. 20160

(4) Nothing in this section shall be construed to prohibit 20161  
the issuance of a D permit to the board of trustees of a soldiers' 20162  
memorial for a premises located at a soldiers' memorial 20163

established pursuant to Chapter 345. of the Revised Code. An 20164  
application for a D permit by the board for those premises is 20165  
exempt from the population restrictions contained in this section 20166  
and from the population quota restrictions contained in any rule 20167  
of the liquor control commission. The location of a D permit 20168  
issued to the board for those premises shall not be transferred. A 20169  
board of trustees of a soldiers' memorial applying for a D-1, D-2, 20170  
D-3, D-4, or D-5 permit for the soldiers' memorial is subject to 20171  
section 4303.31 of the Revised Code. 20172

(5) Nothing in this section shall be construed to restrict 20173  
the issuance of a permit for a premises located at a golf course 20174  
owned by a municipal corporation, township, or county, owned by a 20175  
park district created under Chapter 1545. of the Revised Code, or 20176  
owned by the state. The location of such a permit issued on or 20177  
after September 26, 1984, for a premises located at such a golf 20178  
course shall not be transferred. Any application for such a permit 20179  
is exempt from the population quota restrictions contained in this 20180  
section and from the population quota restrictions contained in 20181  
any rule of the liquor control commission. A municipal 20182  
corporation, township, county, park district, or state agency 20183  
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a golf 20184  
course is subject to section 4303.31 of the Revised Code. 20185

(6) As used in division (B)(6) of this section, "fair" has 20186  
the same meaning as in section 991.01 of the Revised Code; "state 20187  
fairgrounds" means the property that is held by the state for the 20188  
purpose of conducting fairs, expositions, and exhibits and that is 20189  
maintained and managed by the Ohio expositions commission under 20190  
section 991.03 of the Revised Code; "capitol square" has the same 20191  
meaning as in section 105.41 of the Revised Code; and "Ohio 20192  
judicial center" means the site of the Ohio supreme court and its 20193  
grounds. 20194

Nothing in this section shall be construed to restrict the 20195

issuance of one or more D permits to one or more applicants for 20196  
all or a part of the state fairgrounds, capitol square, or the 20197  
Ohio judicial center. An application for a D permit for the state 20198  
fairgrounds, capitol square, or the Ohio judicial center is exempt 20199  
from the population quota restrictions contained in this section 20200  
and from the population quota restrictions contained in any rule 20201  
of the liquor control commission. The location of a D permit 20202  
issued for the state fairgrounds, capitol square, or the Ohio 20203  
judicial center shall not be transferred. An applicant for a D-1, 20204  
D-2, D-3, or D-5 permit for the state fairgrounds is not subject 20205  
to section 4303.31 of the Revised Code. 20206

Pursuant to section 1711.09 of the Revised Code, the holder 20207  
of a D permit issued for the state fairgrounds shall not deal in 20208  
spirituous liquor at the state fairgrounds during, or for one week 20209  
before or for three days after, any fair held at the state 20210  
fairgrounds. 20211

(7) Nothing in this section shall be construed to prohibit 20212  
the issuance of a D permit for a premises located at a zoological 20213  
park at which sales have been approved in an election held under 20214  
former section 4301.356 of the Revised Code. An application for a 20215  
D permit for such a premises is exempt from the population 20216  
restrictions contained in this section, from the population quota 20217  
restrictions contained in any rule of the liquor control 20218  
commission, and from section 4303.31 of the Revised Code. The 20219  
location of a D permit issued for a premises at such a zoological 20220  
park shall not be transferred, and no quota or other restrictions 20221  
shall be placed on the number of D permits that may be issued for 20222  
a premises at such a zoological park. 20223

(C)(1) No D-3, D-4, D-5, or D-5a permit shall be issued in 20224  
any election precinct in any municipal corporation or in any 20225  
election precinct in the unincorporated area of any township, in 20226  
which at the November, 1933, election a majority of the electors 20227

voting thereon in the municipal corporation or in the 20228  
unincorporated area of the township voted against the repeal of 20229  
Section 9 of Article XV, Ohio Constitution, unless the sale of 20230  
spirituous liquor by the glass is authorized by a majority vote of 20231  
the electors voting on the question in the precinct at an election 20232  
held pursuant to this section or by a majority vote of the 20233  
electors of the precinct voting on question (C) at a special local 20234  
option election held in the precinct pursuant to section 4301.35 20235  
of the Revised Code. Upon the request of an elector, the board of 20236  
elections of the county that encompasses the precinct shall 20237  
furnish the elector with a copy of the instructions prepared by 20238  
the secretary of state under division (P) of section 3501.05 of 20239  
the Revised Code and, within fifteen days after the request, a 20240  
certificate of the number of signatures required for a valid 20241  
petition under this section. 20242

Upon the petition of thirty-five per cent of the total number 20243  
of voters voting in any such precinct for the office of governor 20244  
at the preceding general election, filed with the board of 20245  
elections of the county in which such precinct is located not 20246  
later than ~~seventy-five~~ eighty-five days before a general 20247  
election, the board shall prepare ballots and hold an election at 20248  
such general election upon the question of allowing spirituous 20249  
liquor to be sold by the glass in such precinct. The ballots shall 20250  
be approved in form by the secretary of state. The results of the 20251  
election shall be certified by the board to the secretary of 20252  
state, who shall certify the results to the division. 20253

(2) No holder of a class D-3 permit issued for a boat or 20254  
vessel shall sell spirituous liquor in any precinct, in which the 20255  
election provided for in this section may be held, unless the sale 20256  
of spirituous liquor by the drink has been authorized by vote of 20257  
the electors as provided in this section or in section 4301.35 of 20258  
the Revised Code. 20259



(D) Any holder of a C or D permit whose permit premises were 20260  
purchased in 1986 or 1987 by the state or any state agency for 20261  
highway purposes shall be issued the same permit at another 20262  
location notwithstanding any quota restrictions contained in this 20263  
chapter or in any rule of the liquor control commission. 20264

**Sec. 4305.14.** (A) The following questions regarding the sale 20265  
of beer by holders of C or D permits may be presented to the 20266  
qualified electors of an election precinct: 20267

(1) "Shall the sale of beer as defined in section 4305.08 of 20268  
the Revised Code under permits which authorize sale for 20269  
off-premises consumption only be permitted within this precinct?" 20270

(2) "Shall the sale of beer as defined in section 4305.08 of 20271  
the Revised Code under permits which authorize sale for 20272  
on-premises consumption only, and under permits which authorize 20273  
sale for both on-premises and off-premises consumption, be 20274  
permitted in this precinct?" 20275

The exact wording of the question as submitted and form of 20276  
ballot as printed shall be determined by the board of elections in 20277  
the county wherein the election is held, subject to approval of 20278  
the secretary of state. 20279

Upon the request of an elector, a board of elections of a 20280  
county that encompasses an election precinct shall furnish to the 20281  
elector a copy of the instructions prepared by the secretary of 20282  
state under division (P) of section 3501.05 of the Revised Code 20283  
and, within fifteen days after the request, with a certificate 20284  
indicating the number of valid signatures that will be required on 20285  
a petition to hold a special election in that precinct on either 20286  
or both of the questions specified in this section. 20287

The board shall provide to a petitioner, at the time the 20288  
petitioner takes out a petition, the names of the streets and, if 20289

appropriate, the address numbers of residences and business 20290  
establishments within the precinct in which the election is 20291  
sought, and a form prescribed by the secretary of state for 20292  
notifying affected permit holders of the circulation of a petition 20293  
for an election for the submission of one or more of the questions 20294  
specified in division (A) of this section. The petitioner shall, 20295  
not less than ~~forty-five~~ fifty-five days before the 20296  
petition-filing deadline for an election provided for in this 20297  
section, file with the division of liquor control the information 20298  
regarding names of streets and, if appropriate, address numbers of 20299  
residences and business establishments provided by the board of 20300  
elections, and specify to the division the precinct that is 20301  
concerned or that would be affected by the results of the election 20302  
and the filing deadline. The division shall, within a reasonable 20303  
period of time and not later than ~~fifteen~~ twenty-five days before 20304  
the filing deadline, supply the petitioner with a list of the 20305  
names and addresses of permit holders who would be affected by the 20306  
election. The list shall contain a heading with the following 20307  
words: "liquor permit holders who would be affected by the 20308  
question(s) set forth on a petition for a local option election." 20309

Within five days after receiving from the division the list 20310  
of liquor permit holders who would be affected by the question or 20311  
questions set forth on a petition for local option election, the 20312  
petitioner shall, using the form provided by the board of 20313  
elections, notify by certified mail each permit holder whose name 20314  
appears on that list. The form for notifying affected permit 20315  
holders shall require the petitioner to state the petitioner's 20316  
name and street address and shall contain a statement that a 20317  
petition is being circulated for an election for the submission of 20318  
the question or questions specified in division (B) of this 20319  
section. The form shall require the petitioner to state the 20320  
question or questions to be submitted as they appear on the 20321  
petition. 20322

The petitioner shall attach a copy of the list provided by 20323  
the division to each petition paper. A part petition paper 20324  
circulated at any time without the list of affected permit holders 20325  
attached to it is invalid. 20326

At the time of filing the petition with the board of 20327  
elections, the petitioner shall provide to the board of elections 20328  
the list supplied by the division and an affidavit certifying that 20329  
the petitioner notified all affected permit holders on the list in 20330  
the manner and within the time required in this section and that, 20331  
at the time each signer of the petition signed the petition, the 20332  
petition paper contained a copy of the list of affected permit 20333  
holders. 20334

Within five days after receiving a petition calling for an 20335  
election for the submission of the question or questions set forth 20336  
in this section, the board of elections shall give notice by 20337  
certified mail that it has received the petition to all liquor 20338  
permit holders whose names appear on the list of affected permit 20339  
holders filed by the petitioner. Failure of the petitioner to 20340  
supply the affidavit required by this section and a complete and 20341  
accurate list of liquor permit holders invalidates the entire 20342  
petition. The board of elections shall provide to a permit holder 20343  
who would be affected by a proposed local option election, on the 20344  
permit holder's request, the names of the streets, and, if 20345  
appropriate, the address numbers of residences and business 20346  
establishments within the precinct in which the election is sought 20347  
and that would be affected by the results of the election. The 20348  
board may charge a reasonable fee for this information when 20349  
provided to the petitioner and the permit holder. 20350

Upon presentation not later than four p.m. of the 20351  
~~seventy-fifth~~ eighty-fifth day before the day of a general or 20352  
primary election, of a petition to the board of elections of the 20353  
county wherein such election is sought to be held, requesting the 20354

holding of such election on either or both of the questions 20355  
specified in this section, signed by qualified electors of the 20356  
precinct concerned equal in number to thirty-five per cent of the 20357  
total number of votes cast in the precinct concerned for the 20358  
office of governor at the preceding general election for that 20359  
office, such board shall submit the question or questions 20360  
specified in the petition to the electors of the precinct 20361  
concerned, on the day of the next general or primary election, 20362  
whichever occurs first. 20363

(B) The board shall proceed as follows: 20364

(1) Such board shall, upon the filing of a petition under 20365  
this section, but not later than the ~~sixty-eighth~~ seventy-eighth 20366  
day before the day of the election for which the question or 20367  
questions on the petition would qualify for submission to the 20368  
electors of the precinct, examine and determine the sufficiency of 20369  
the signatures and review, examine, and determine the validity of 20370  
such petition and, in case of overlapping precinct petitions 20371  
presented within that period, determine which of the petitions 20372  
shall govern the further proceedings of the board. In the case 20373  
where the board determines that two or more overlapping petitions 20374  
are valid, the earlier petition shall govern. The board shall 20375  
certify the sufficiency of signatures contained in the petition as 20376  
of the time of filing and the validity of the petition as of the 20377  
time of certification as described in division (C)(1) of this 20378  
section if the board finds the petition to be both sufficient and 20379  
valid. 20380

(2) If the petition contains sufficient signatures and is 20381  
valid, and, in case of overlapping precinct petitions, after the 20382  
board has determined the governing petition, the board shall order 20383  
the holding of a special election in the precinct for the 20384  
submission of the question or questions specified in the petition, 20385  
on the day of the next general or primary election, whichever 20386

occurs first. 20387

(3) All petitions filed with a board of elections under this 20388  
section shall be open to public inspection under rules adopted by 20389  
the board. 20390

(C) Protest against a local option petition may be filed by 20391  
any qualified elector eligible to vote on the question or 20392  
questions specified in the petition or by a permit holder in the 20393  
precinct as described in the petition, not later than four p.m. of 20394  
the ~~sixty-fourth~~ seventy-fourth day before the day of such general 20395  
or primary election for which the petition qualified. Such protest 20396  
shall be in writing and shall be filed with the election officials 20397  
with whom the petition was filed. Upon filing of such protest the 20398  
election officials with whom it is filed shall promptly fix the 20399  
time for hearing it, and shall forthwith mail notice of the filing 20400  
of the protest and the time for hearing it to the person who filed 20401  
the petition which is protested and to the person who filed the 20402  
protest. At the time and place fixed, the election officials shall 20403  
hear the protest and determine the validity of the petition. 20404

20405

(D) If a majority of the electors voting on the question in 20406  
the precinct vote "yes" on question (1) or (2) as set forth in 20407  
division (A) of this section, the sale of beer as specified in 20408  
that question shall be permitted in the precinct and no subsequent 20409  
election shall be held in the precinct under this section on the 20410  
same question for a period of at least four years from the date of 20411  
the most recent election. 20412

If a majority of the electors voting on the question in the 20413  
precinct vote "no" on question (1) or (2) as set forth in division 20414  
(A) of this section, no C or D permit holder shall sell beer as 20415  
specified in that question within the precinct during the period 20416  
the election is in effect and no subsequent election shall be held 20417  
in the precinct under this section on the same question for a 20418

period of at least four years from the date of the most recent 20419  
election. 20420

**Sec. 4504.021.** The question of repeal of a county permissive 20421  
tax adopted as an emergency measure pursuant to section 4504.02, 20422  
4504.15, or 4504.16 of the Revised Code may be initiated by filing 20423  
with the board of elections of the county not less than 20424  
~~seventy-five~~ eighty-five days before the general election in any 20425  
year a petition requesting that an election be held on such 20426  
question. Such petition shall be signed by qualified electors 20427  
residing in the county equal in number to ten per cent of those 20428  
voting for governor at the most recent gubernatorial election. 20429

After determination by it that such petition is valid, the 20430  
board of elections shall submit the question to the electors of 20431  
the county at the next general election. The election shall be 20432  
conducted, canvassed, and certified in the same manner as regular 20433  
elections for county offices in the county. Notice of the election 20434  
shall be published in a newspaper of general circulation in the 20435  
district once a week for two consecutive weeks prior to the 20436  
election and, if the board of elections operates and maintains a 20437  
web site, notice of the election also shall be posted on that web 20438  
site for thirty days prior to the election. The notice shall state 20439  
the purpose, time, and place of the election. The form of the 20440  
ballot cast at such election shall be prescribed by the secretary 20441  
of state. The question covered by such petition shall be submitted 20442  
as a separate proposition, but it may be printed on the same 20443  
ballot with any other proposition submitted at the same election 20444  
other than the election of officers. If a majority of the 20445  
qualified electors voting on the question of repeal approve the 20446  
repeal, the result of the election shall be certified immediately 20447  
after the canvass by the board of elections to the county 20448  
commissioners, who shall thereupon, after the current year, cease 20449  
to levy the tax. 20450

**Sec. 4504.15.** For the purpose of paying the costs of 20451  
enforcing and administering the tax provided for in this section; 20452  
for the various purposes stated in section 4504.02 of the Revised 20453  
Code; and to supplement revenue already available for those 20454  
purposes, any county may, by resolution adopted by its board of 20455  
county commissioners, levy an annual license tax, that shall be in 20456  
addition to the tax levied by sections 4503.02, 4503.07, and 20457  
4503.18 of the Revised Code, upon the operation of motor vehicles 20458  
upon the public roads and highways. The tax shall be at the rate 20459  
of five dollars per motor vehicle on all motor vehicles the 20460  
district of registration of which, as defined in section 4503.10 20461  
of the Revised Code, is located in the county levying the tax but 20462  
is not located within any municipal corporation levying the tax 20463  
authorized by section 4504.17 of the Revised Code, and shall be in 20464  
addition to the taxes at the rates specified in sections 4503.04 20465  
and 4503.16 of the Revised Code, subject to reductions in the 20466  
manner provided in section 4503.11 of the Revised Code and the 20467  
exemptions provided in sections 4503.16, 4503.17, 4503.171, 20468  
4503.41, and 4503.43 of the Revised Code. 20469

Prior to the adoption of any resolution under this section, 20470  
the board of county commissioners shall conduct two public 20471  
hearings thereon, the second hearing to be not less than three nor 20472  
more than ten days after the first. Notice of the date, time, and 20473  
place of such hearings shall be given by publication in a 20474  
newspaper of general circulation in the county once a week for two 20475  
consecutive weeks, the second publication being not less than ten 20476  
nor more than thirty days prior to the first hearing. 20477

No resolution under this section shall become effective 20478  
sooner than thirty days following its adoption, and such 20479  
resolution is subject to a referendum as provided in sections 20480  
305.31 to 305.41 of the Revised Code, unless the resolution is 20481  
adopted as an emergency measure necessary for the immediate 20482

preservation of the public peace, health, or safety, in which case 20483  
it shall go into immediate effect. The emergency measure must 20484  
receive an affirmative vote of all of the members of the board of 20485  
county commissioners, and shall state the reasons for the 20486  
necessity. A resolution may direct the board of elections to 20487  
submit the question of levying the tax to the electors of the 20488  
county at the next primary or general election occurring not less 20489  
than ~~seventy-five~~ eighty-five days after the resolution is 20490  
certified to the board; no such resolution shall go into effect 20491  
unless approved by a majority of those voting upon it. A county is 20492  
not required to enact the tax authorized by section 4504.02 of the 20493  
Revised Code in order to levy the tax authorized by this section, 20494  
but no county may have in effect the tax authorized by this 20495  
section if it repeals the tax authorized by section 4504.02 of the 20496  
Revised Code after April 1, 1987. 20497

**Sec. 4504.16.** For the purpose of paying the costs of 20498  
enforcing and administering the tax provided for in this section; 20499  
for the various purposes stated in section 4504.02 of the Revised 20500  
Code; and to supplement revenue already available for those 20501  
purposes, any county that currently levies the tax authorized by 20502  
section 4504.15 of the Revised Code may, by resolution adopted by 20503  
its board of county commissioners, levy an annual license tax, 20504  
that shall be in addition to the tax levied by that section and by 20505  
sections 4503.02, 4503.07, and 4503.18 of the Revised Code, upon 20506  
the operation of motor vehicles upon the public roads and 20507  
highways. The tax shall be at the rate of five dollars per motor 20508  
vehicle on all motor vehicles the district of registration of 20509  
which, as defined in section 4503.10 of the Revised Code, is 20510  
located in the county levying the tax but is not located within 20511  
any municipal corporation levying the tax authorized by section 20512  
4504.171 of the Revised Code, and shall be in addition to the 20513  
taxes at the rates specified in sections 4503.04 and 4503.16 of 20514



the Revised Code, subject to reductions in the manner provided in 20515  
section 4503.11 of the Revised Code and the exemptions provided in 20516  
sections 4503.16, 4503.17, 4503.171, 4503.41, and 4503.43 of the 20517  
Revised Code. 20518

Prior to the adoption of any resolution under this section, 20519  
the board of county commissioners shall conduct two public 20520  
hearings thereon, the second hearing to be not less than three nor 20521  
more than ten days after the first. Notice of the date, time, and 20522  
place of such hearings shall be given by publication in a 20523  
newspaper of general circulation in the county once a week for two 20524  
consecutive weeks, the second publication being not less than ten 20525  
nor more than thirty days prior to the first hearing. 20526

No resolution under this section shall become effective 20527  
sooner than thirty days following its adoption, and such 20528  
resolution is subject to a referendum as provided in sections 20529  
305.31 to 305.41 of the Revised Code, unless the resolution is 20530  
adopted as an emergency measure necessary for the immediate 20531  
preservation of the public peace, health, or safety, in which case 20532  
it shall go into immediate effect. The emergency measure must 20533  
receive an affirmative vote of all of the members of the board of 20534  
county commissioners, and shall state the reasons for the 20535  
necessity. A resolution may direct the board of elections to 20536  
submit the question of levying the tax to the electors of the 20537  
county at the next primary or general election occurring not less 20538  
than ~~seventy-five~~ eighty-five days after the resolution is 20539  
certified to the board; no such resolution shall go into effect 20540  
unless approved by a majority of those voting upon it. 20541

Nothing in this section or in section 4504.15 of the Revised 20542  
Code shall be interpreted as preventing a county from levying the 20543  
county motor vehicle license taxes authorized by such sections in 20544  
a single resolution. 20545

Sec. 4504.21. (A) For the purpose of paying the costs and 20546  
expenses of enforcing and administering the tax provided for in 20547  
this section; for planning, constructing, reconstructing, 20548  
improving, maintaining, and repairing roads, bridges, and 20549  
culverts; for purchasing, erecting, and maintaining traffic signs, 20550  
markers, lights, and signals; for paying debt service charges on 20551  
obligations issued for those purposes; and to supplement revenue 20552  
already available for those purposes, a transportation improvement 20553  
district created in accordance with section 5540.02 of the Revised 20554  
Code may levy an annual license tax upon the operation of motor 20555  
vehicles on the public roads and highways in the territory of the 20556  
district. The tax shall be levied in increments of five dollars 20557  
and shall not exceed twenty dollars per motor vehicle on all motor 20558  
vehicles the owners of which reside in the district and shall be 20559  
in addition to all other taxes levied under this chapter, subject 20560  
to reduction in the manner provided in division (B)(2) of section 20561  
4503.11 of the Revised Code. The tax may be levied in all or part 20562  
of the territory of the district. 20563

(B) The board of trustees of a transportation improvement 20564  
district proposing to levy a motor vehicle license tax under this 20565  
section shall put the question of the tax to the electors of the 20566  
district or of that part of the district in which the tax would be 20567  
levied. The election shall be held on the date of a primary or 20568  
general election held not less than ~~seventy-five~~ eighty-five days 20569  
after the board of trustees certifies to the county board of 20570  
elections its resolution proposing the tax. The resolution shall 20571  
specify the rate of the tax. The board of elections shall submit 20572  
the question of the tax to the electors at the primary or general 20573  
election. The secretary of state shall prescribe the form of the 20574  
ballot for the election. If approved by a majority of the electors 20575  
voting on the question of the tax, the board of trustees shall 20576  
levy the tax as provided in the resolution. 20577

(C) A transportation improvement district license tax levied 20578  
under this section shall continue in effect until repealed, or 20579  
until the dissolution of the transportation improvement district 20580  
that levied it. 20581

(D) Money received by the registrar of motor vehicles 20582  
pursuant to sections 4501.03 and 4504.09 of the Revised Code that 20583  
consists of the taxes levied under this section shall be deposited 20584  
in the auto registration distribution fund created by section 20585  
4501.03 of the Revised Code and distributed to the transportation 20586  
improvement district levying such tax. The registrar may assign to 20587  
the transportation improvement district a unique code to 20588  
facilitate the distribution of such money, which may be the same 20589  
unique code assigned to a county under section 4501.03 of the 20590  
Revised Code. 20591

**Sec. 4506.03.** (A) Except as provided in divisions (B) and (C) 20592  
of this section, the following shall apply: 20593

(1) No person shall drive a commercial motor vehicle on a 20594  
highway in this state unless the person holds, and has in the 20595  
person's possession, a valid commercial driver's license with 20596  
proper endorsements for the motor vehicle being driven, issued by 20597  
the registrar of motor vehicles, a valid examiner's commercial 20598  
driving permit issued under section 4506.13 of the Revised Code, a 20599  
valid restricted commercial driver's license and waiver for 20600  
farm-related service industries issued under section 4506.24 of 20601  
the Revised Code, or a valid commercial driver's license temporary 20602  
instruction permit issued by the registrar and is accompanied by 20603  
an authorized state driver's license examiner or tester or a 20604  
person who has been issued and has in the person's immediate 20605  
possession a current, valid commercial driver's license with 20606  
proper endorsements for the motor vehicle being driven. 20607

(2) No person shall be issued a commercial driver's license 20608

until the person surrenders to the registrar of motor vehicles all  
valid licenses issued to the person by another jurisdiction  
recognized by this state. The registrar shall report the surrender  
of a license to the issuing authority, together with information  
that a license is now issued in this state. The registrar shall  
destroy any such license that is not returned to the issuing  
authority.

(3) No person who has been a resident of this state for  
thirty days or longer shall drive a commercial motor vehicle under  
the authority of a commercial driver's license issued by another  
jurisdiction.

(B) Nothing in division (A) of this section applies to any  
qualified person when engaged in the operation of any of the  
following:

(1) A farm truck;

(2) Fire equipment for a fire department, volunteer or  
nonvolunteer fire company, fire district, or joint fire district;

(3) A public safety vehicle used to provide transportation or  
emergency medical service for ill or injured persons;

(4) A recreational vehicle;

(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;

(6) A vehicle operated for military purposes by any member or 20639  
uniformed employee of the armed forces of the United States or 20640  
their reserve components, including the Ohio national guard. This 20641  
exception does not apply to United States reserve technicians. 20642

(7) A commercial motor vehicle that is operated for 20643  
nonbusiness purposes. "Operated for nonbusiness purposes" means 20644  
that the commercial motor vehicle is not used in commerce as 20645  
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 20646  
regulated by the public utilities commission pursuant to Chapter 20647  
4919., 4921., or 4923. of the Revised Code. 20648

(8) A motor vehicle that is designed primarily for the 20649  
transportation of goods and not persons, while that motor vehicle 20650  
is being used for the occasional transportation of personal 20651  
property by individuals not for compensation and not in the 20652  
furtherance of a commercial enterprise; 20653

(9) A police SWAT team vehicle; 20654

(10) A police vehicle used to transport prisoners. 20655

(C) Nothing contained in division (B)(5) of this section 20656  
shall be construed as preempting or superseding any law, rule, or 20657  
regulation of this state concerning the safe operation of 20658  
commercial motor vehicles. 20659

(D) Not later than December 31, 2011, no license shall 20660  
display on its face any administrative number other than the 20661  
distinguishing number assigned to the licensee; if the registrar 20662  
requires any other administrative number to be printed on a 20663  
commercial driver's license, that number shall appear only on the 20664  
reverse side of the license. 20665

(E) Whoever violates this section is guilty of a misdemeanor 20666  
of the first degree. 20667

**Sec. 4507.13.** (A) The registrar of motor vehicles shall issue 20668

a driver's license to every person licensed as an operator of 20669  
motor vehicles other than commercial motor vehicles. No person 20670  
licensed as a commercial motor vehicle driver under Chapter 4506. 20671  
of the Revised Code need procure a driver's license, but no person 20672  
shall drive any commercial motor vehicle unless licensed as a 20673  
commercial motor vehicle driver. 20674

Every driver's license shall display on it the distinguishing 20675  
number assigned to the licensee and shall display the licensee's 20676  
name and date of birth; the licensee's residence address and 20677  
county of residence; a color photograph of the licensee; a brief 20678  
description of the licensee for the purpose of identification; a 20679  
facsimile of the signature of the licensee as it appears on the 20680  
application for the license; a notation, in a manner prescribed by 20681  
the registrar, indicating any condition described in division 20682  
(D)(3) of section 4507.08 of the Revised Code to which the 20683  
licensee is subject; if the licensee has executed a durable power 20684  
of attorney for health care or a declaration governing the use or 20685  
continuation, or the withholding or withdrawal, of life-sustaining 20686  
treatment and has specified that the licensee wishes the license 20687  
to indicate that the licensee has executed either type of 20688  
instrument, any symbol chosen by the registrar to indicate that 20689  
the licensee has executed either type of instrument; on and after 20690  
October 7, 2009, if the licensee has specified that the licensee 20691  
wishes the license to indicate that the licensee is a veteran, 20692  
active duty, or reservist of the armed forces of the United States 20693  
and has presented a copy of the licensee's DD-214 form or an 20694  
equivalent document, any symbol chosen by the registrar to 20695  
indicate that the licensee is a veteran, active duty, or reservist 20696  
of the armed forces of the United States; and any additional 20697  
information that the registrar requires by rule. No license shall 20698  
display the licensee's social security number unless the licensee 20699  
specifically requests that the licensee's social security number 20700  
be displayed on the license. If federal law requires the 20701

licensee's social security number to be displayed on the license, 20702  
the social security number shall be displayed on the license 20703  
notwithstanding this section. Not later than December 31, 2011, no 20704  
license shall display on its face any administrative number other 20705  
than the distinguishing number assigned to the licensee; if the 20706  
registrar requires any administrative number to be printed on a 20707  
driver's license, that number shall appear only on the reverse 20708  
side of the license. 20709

The driver's license for licensees under twenty-one years of 20710  
age shall have characteristics prescribed by the registrar 20711  
distinguishing it from that issued to a licensee who is twenty-one 20712  
years of age or older, except that a driver's license issued to a 20713  
person who applies no more than thirty days before the applicant's 20714  
twenty-first birthday shall have the characteristics of a license 20715  
issued to a person who is twenty-one years of age or older. 20716

The driver's license issued to a temporary resident shall 20717  
contain the word "nonrenewable" and shall have any additional 20718  
characteristics prescribed by the registrar distinguishing it from 20719  
a license issued to a resident. 20720

Every driver's or commercial driver's license displaying a 20721  
motorcycle operator's endorsement and every restricted license to 20722  
operate a motor vehicle also shall display the designation 20723  
"novice," if the endorsement or license is issued to a person who 20724  
is eighteen years of age or older and previously has not been 20725  
licensed to operate a motorcycle by this state or another 20726  
jurisdiction recognized by this state. The "novice" designation 20727  
shall be effective for one year after the date of issuance of the 20728  
motorcycle operator's endorsement or license. 20729

Each license issued under this section shall be of such 20730  
material and so designed as to prevent its reproduction or 20731  
alteration without ready detection and, to this end, shall be 20732  
laminated with a transparent plastic material. 20733

(B) Except in regard to a driver's license issued to a person 20734  
who applies no more than thirty days before the applicant's 20735  
twenty-first birthday, neither the registrar nor any deputy 20736  
registrar shall issue a driver's license to anyone under 20737  
twenty-one years of age that does not have the characteristics 20738  
prescribed by the registrar distinguishing it from the driver's 20739  
license issued to persons who are twenty-one years of age or 20740  
older. 20741

(C) Whoever violates division (B) of this section is guilty 20742  
of a minor misdemeanor. 20743

**Sec. 4507.52.** (A) Each identification card issued by the 20744  
registrar of motor vehicles or a deputy registrar shall display a 20745  
distinguishing number assigned to the cardholder, and shall 20746  
display the following inscription: 20747

"STATE OF OHIO IDENTIFICATION CARD 20748

This card is not valid for the purpose of operating a motor 20749  
vehicle. It is provided solely for the purpose of establishing the 20750  
identity of the bearer described on the card, who currently is not 20751  
licensed to operate a motor vehicle in the state of Ohio." 20752  
20753

The identification card shall display substantially the same 20754  
information as contained in the application and as described in 20755  
division (A)(1) of section 4507.51 of the Revised Code, but shall 20756  
not display the cardholder's social security number unless the 20757  
cardholder specifically requests that the cardholder's social 20758  
security number be displayed on the card. If federal law requires 20759  
the cardholder's social security number to be displayed on the 20760  
identification card, the social security number shall be displayed 20761  
on the card notwithstanding this section. The identification card 20762  
also shall display the color photograph of the cardholder. If the 20763  
cardholder has executed a durable power of attorney for health 20764



care or a declaration governing the use or continuation, or the  
withholding or withdrawal, of life-sustaining treatment and has  
specified that the cardholder wishes the identification card to  
indicate that the cardholder has executed either type of  
instrument, the card also shall display any symbol chosen by the  
registrar to indicate that the cardholder has executed either type  
of instrument. On and after October 7, 2009, if the cardholder has  
specified that the cardholder wishes the identification card to  
indicate that the cardholder is a veteran, active duty, or  
reservist of the armed forces of the United States and has  
presented a copy of the cardholder's DD-214 form or an equivalent  
document, the card also shall display any symbol chosen by the  
registrar to indicate that the cardholder is a veteran, active  
duty, or reservist of the armed forces of the United States. Not  
later than December 31, 2011, no identification card shall display  
on its face any administrative number other than a distinguishing  
number assigned to the cardholder; if the registrar requires any  
administrative number to be printed on an identification card,  
that number shall appear only on the reverse side of the card. The  
card shall be sealed in transparent plastic or similar material  
and shall be so designed as to prevent its reproduction or  
alteration without ready detection.

The identification card for persons under twenty-one years of  
age shall have characteristics prescribed by the registrar  
distinguishing it from that issued to a person who is twenty-one  
years of age or older, except that an identification card issued  
to a person who applies no more than thirty days before the  
applicant's twenty-first birthday shall have the characteristics  
of an identification card issued to a person who is twenty-one  
years of age or older.

Every identification card issued to a resident of this state

shall expire, unless canceled or surrendered earlier, on the 20797  
birthday of the cardholder in the fourth year after the date on 20798  
which it is issued. Every identification card issued to a 20799  
temporary resident shall expire in accordance with rules adopted 20800  
by the registrar and is nonrenewable, but may be replaced with a 20801  
new identification card upon the applicant's compliance with all 20802  
applicable requirements. A cardholder may renew the cardholder's 20803  
identification card within ninety days prior to the day on which 20804  
it expires by filing an application and paying the prescribed fee 20805  
in accordance with section 4507.50 of the Revised Code. 20806

If a cardholder applies for a driver's or commercial driver's 20807  
license in this state or another licensing jurisdiction, the 20808  
cardholder shall surrender the cardholder's identification card to 20809  
the registrar or any deputy registrar before the license is 20810  
issued. 20811

(B) If a card is lost, destroyed, or mutilated, the person to 20812  
whom the card was issued may obtain a duplicate by doing both of 20813  
the following: 20814

(1) Furnishing suitable proof of the loss, destruction, or 20815  
mutilation to the registrar or a deputy registrar; 20816

(2) Filing an application and presenting documentary evidence 20817  
under section 4507.51 of the Revised Code. 20818

Any person who loses a card and, after obtaining a duplicate, 20819  
finds the original, immediately shall surrender the original to 20820  
the registrar or a deputy registrar. 20821

A cardholder may obtain a replacement identification card 20822  
that reflects any change of the cardholder's name by furnishing 20823  
suitable proof of the change to the registrar or a deputy 20824  
registrar and surrendering the cardholder's existing card. 20825

When a cardholder applies for a duplicate or obtains a 20826  
replacement identification card, the cardholder shall pay a fee of 20827

two dollars and fifty cents. A deputy registrar shall be allowed 20828  
an additional fee of two dollars and seventy-five cents commencing 20829  
on July 1, 2001, three dollars and twenty-five cents commencing on 20830  
January 1, 2003, and three dollars and fifty cents commencing on 20831  
January 1, 2004, for issuing a duplicate or replacement 20832  
identification card. A disabled veteran who is a cardholder and 20833  
has a service-connected disability rated at one hundred per cent 20834  
by the veterans' administration may apply to the registrar or a 20835  
deputy registrar for the issuance of a duplicate or replacement 20836  
identification card without payment of any fee prescribed in this 20837  
section, and without payment of any lamination fee if the disabled 20838  
veteran would not be required to pay a lamination fee in 20839  
connection with the issuance of an identification card or 20840  
temporary identification card as provided in division (B) of 20841  
section 4507.50 of the Revised Code. 20842

A duplicate or replacement identification card shall expire 20843  
on the same date as the card it replaces. 20844

(C) The registrar shall cancel any card upon determining that 20845  
the card was obtained unlawfully, issued in error, or was altered. 20846  
The registrar also shall cancel any card that is surrendered to 20847  
the registrar or to a deputy registrar after the holder has 20848  
obtained a duplicate, replacement, or driver's or commercial 20849  
driver's license. 20850

(D)(1) No agent of the state or its political subdivisions 20851  
shall condition the granting of any benefit, service, right, or 20852  
privilege upon the possession by any person of an identification 20853  
card. Nothing in this section shall preclude any publicly operated 20854  
or franchised transit system from using an identification card for 20855  
the purpose of granting benefits or services of the system. 20856

(2) No person shall be required to apply for, carry, or 20858  
possess an identification card. 20859

(E) Except in regard to an identification card issued to a 20860  
person who applies no more than thirty days before the applicant's 20861  
twenty-first birthday, neither the registrar nor any deputy 20862  
registrar shall issue an identification card to a person under 20863  
twenty-one years of age that does not have the characteristics 20864  
prescribed by the registrar distinguishing it from the 20865  
identification card issued to persons who are twenty-one years of 20866  
age or older. 20867

(F) Whoever violates division (E) of this section is guilty 20868  
of a minor misdemeanor. 20869

**Sec. 4928.20.** (A) The legislative authority of a municipal 20870  
corporation may adopt an ordinance, or the board of township 20871  
trustees of a township or the board of county commissioners of a 20872  
county may adopt a resolution, under which, on or after the 20873  
starting date of competitive retail electric service, it may 20874  
aggregate in accordance with this section the retail electrical 20875  
loads located, respectively, within the municipal corporation, 20876  
township, or unincorporated area of the county and, for that 20877  
purpose, may enter into service agreements to facilitate for those 20878  
loads the sale and purchase of electricity. The legislative 20879  
authority or board also may exercise such authority jointly with 20880  
any other such legislative authority or board. For customers that 20881  
are not mercantile customers, an ordinance or resolution under 20882  
this division shall specify whether the aggregation will occur 20883  
only with the prior, affirmative consent of each person owning, 20884  
occupying, controlling, or using an electric load center proposed 20885  
to be aggregated or will occur automatically for all such persons 20886  
pursuant to the opt-out requirements of division (D) of this 20887  
section. The aggregation of mercantile customers shall occur only 20888  
with the prior, affirmative consent of each such person owning, 20889  
occupying, controlling, or using an electric load center proposed 20890  
to be aggregated. Nothing in this division, however, authorizes 20891

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 to the electors of the respective municipal corporation, township, or unincorporated area of a county at a special election on the day of the next primary or general election in the municipal corporation, township, or county. The legislative authority or board shall certify a copy of the ordinance or resolution to the board of elections not less than ~~seventy-five~~ eighty-five days before the day of the special election. No ordinance or resolution adopted under division (A) of this section that provides for an election under this division shall take effect unless approved by a majority of the electors voting upon the ordinance or resolution at the election held pursuant to this division.

(C) Upon the applicable requisite authority under divisions (A) and (B) of this section, the legislative authority or board shall develop a plan of operation and governance for the aggregation program so authorized. Before adopting a plan under this division, the legislative authority or board shall hold at least two public hearings on the plan. Before the first hearing, the legislative authority or board shall publish notice of the hearings once a week for two consecutive weeks in a newspaper of general circulation in the jurisdiction. The notice shall

summarize the plan and state the date, time, and location of each hearing. 20924  
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(D) No legislative authority or board, pursuant to an ordinance or resolution under divisions (A) and (B) of this section that provides for automatic aggregation of customers that are not mercantile customers as described in division (A) of this section, shall aggregate the electrical load of any electric load center located within its jurisdiction unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the aggregation program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the aggregation program the opportunity to opt out of the program every three years, without paying a switching fee. Any such person that opts out before the commencement of the aggregation program pursuant to the stated procedure shall default to the standard service offer provided under section 4928.14 or division (D) of section 4928.35 of the Revised Code until the person chooses an alternative supplier. 20926  
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(E)(1) With respect to a governmental aggregation for a municipal corporation that is authorized pursuant to divisions (A) to (D) of this section, resolutions may be proposed by initiative or referendum petitions in accordance with sections 731.28 to 731.41 of the Revised Code. 20946  
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(2) With respect to a governmental aggregation for a township or the unincorporated area of a county, which aggregation is authorized pursuant to divisions (A) to (D) of this section, resolutions may be proposed by initiative or referendum petitions in accordance with sections 731.28 to 731.40 of the Revised Code, 20951  
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except that: 20956

(a) The petitions shall be filed, respectively, with the 20957  
township fiscal officer or the board of county commissioners, who 20958  
shall perform those duties imposed under those sections upon the 20959  
city auditor or village clerk. 20960

(b) The petitions shall contain the signatures of not less 20961  
than ten per cent of the total number of electors in, 20962  
respectively, the township or the unincorporated area of the 20963  
county who voted for the office of governor at the preceding 20964  
general election for that office in that area. 20965

(F) A governmental aggregator under division (A) of this 20966  
section is not a public utility engaging in the wholesale purchase 20967  
and resale of electricity, and provision of the aggregated service 20968  
is not a wholesale utility transaction. A governmental aggregator 20969  
shall be subject to supervision and regulation by the public 20970  
utilities commission only to the extent of any competitive retail 20971  
electric service it provides and commission authority under this 20972  
chapter. 20973

(G) This section does not apply in the case of a municipal 20974  
corporation that supplies such aggregated service to electric load 20975  
centers to which its municipal electric utility also supplies a 20976  
noncompetitive retail electric service through transmission or 20977  
distribution facilities the utility singly or jointly owns or 20978  
operates. 20979

(H) A governmental aggregator shall not include in its 20980  
aggregation the accounts of any of the following: 20981

(1) A customer that has opted out of the aggregation; 20982

(2) A customer in contract with a certified electric services 20983  
company; 20984

(3) A customer that has a special contract with an electric 20985

distribution utility; 20986

(4) A customer that is not located within the governmental 20987  
aggregator's governmental boundaries; 20988

(5) Subject to division (C) of section 4928.21 of the Revised 20989  
Code, a customer who appears on the "do not aggregate" list 20990  
maintained under that section. 20991

(I) Customers that are part of a governmental aggregation 20992  
under this section shall be responsible only for such portion of a 20993  
surcharge under section 4928.144 of the Revised Code that is 20994  
proportionate to the benefits, as determined by the commission, 20995  
that electric load centers within the jurisdiction of the 20996  
governmental aggregation as a group receive. The proportionate 20997  
surcharge so established shall apply to each customer of the 20998  
governmental aggregation while the customer is part of that 20999  
aggregation. If a customer ceases being such a customer, the 21000  
otherwise applicable surcharge shall apply. Nothing in this 21001  
section shall result in less than full recovery by an electric 21002  
distribution utility of any surcharge authorized under section 21003  
4928.144 of the Revised Code. 21004

(J) On behalf of the customers that are part of a 21005  
governmental aggregation under this section and by filing written 21006  
notice with the public utilities commission, the legislative 21007  
authority that formed or is forming that governmental aggregation 21008  
may elect not to receive standby service within the meaning of 21009  
division (B)(2)(d) of section 4928.143 of the Revised Code from an 21010  
electric distribution utility in whose certified territory the 21011  
governmental aggregation is located and that operates under an 21012  
approved electric security plan under that section. Upon the 21013  
filing of that notice, the electric distribution utility shall not 21014  
charge any such customer to whom competitive retail electric 21015  
generation service is provided by another supplier under the 21016  
governmental aggregation for the standby service. Any such 21017



consumer that returns to the utility for competitive retail 21018  
electric service shall pay the market price of power incurred by 21019  
the utility to serve that consumer plus any amount attributable to 21020  
the utility's cost of compliance with the alternative energy 21021  
resource provisions of section 4928.64 of the Revised Code to 21022  
serve the consumer. Such market price shall include, but not be 21023  
limited to, capacity and energy charges; all charges associated 21024  
with the provision of that power supply through the regional 21025  
transmission organization, including, but not limited to, 21026  
transmission, ancillary services, congestion, and settlement and 21027  
administrative charges; and all other costs incurred by the 21028  
utility that are associated with the procurement, provision, and 21029  
administration of that power supply, as such costs may be approved 21030  
by the commission. The period of time during which the market 21031  
price and alternative energy resource amount shall be so assessed 21032  
on the consumer shall be from the time the consumer so returns to 21033  
the electric distribution utility until the expiration of the 21034  
electric security plan. However, if that period of time is 21035  
expected to be more than two years, the commission may reduce the 21036  
time period to a period of not less than two years. 21037

(K) The commission shall adopt rules to encourage and promote 21038  
large-scale governmental aggregation in this state. For that 21039  
purpose, the commission shall conduct an immediate review of any 21040  
rules it has adopted for the purpose of this section that are in 21041  
effect on the effective date of the amendment of this section by 21042  
S.B. 221 of the 127th general assembly, July 31, 2008. Further, 21043  
within the context of an electric security plan under section 21044  
4928.143 of the Revised Code, the commission shall consider the 21045  
effect on large-scale governmental aggregation of any 21046  
nonbypassable generation charges, however collected, that would be 21047  
established under that plan, except any nonbypassable generation 21048  
charges that relate to any cost incurred by the electric 21049  
distribution utility, the deferral of which has been authorized by 21050

the commission prior to the effective date of the amendment of 21051  
this section by S.B. 221 of the 127th general assembly, July 31, 21052  
2008. 21053

**Sec. 4929.26.** (A)(1) The legislative authority of a municipal 21054  
corporation may adopt an ordinance, or the board of township 21055  
trustees of a township or the board of county commissioners of a 21056  
county may adopt a resolution, under which, in accordance with 21057  
this section and except as otherwise provided in division (A)(2) 21058  
of this section, the legislative authority or board may aggregate 21059  
automatically, subject to the opt-out requirements of division (D) 21060  
of this section, competitive retail natural gas service for the 21061  
retail natural gas loads that are located, respectively, within 21062  
the municipal corporation, township, or unincorporated area of the 21063  
county and for which there is a choice of supplier of that service 21064  
as a result of revised schedules approved under division (C) of 21065  
section 4929.29 of the Revised Code, a rule or order adopted or 21066  
issued by the commission under Chapter 4905. of the Revised Code, 21067  
or an exemption granted by the commission under sections 4929.04 21068  
to 4929.08 of the Revised Code. An ordinance or a resolution 21069  
adopted under this section shall expressly state that it is 21070  
adopted pursuant to the authority conferred by this section. The 21071  
legislative authority or board also may exercise its authority 21072  
under this section jointly with any other such legislative 21073  
authority or board. For the purpose of the aggregation, the 21074  
legislative authority or board may enter into service agreements 21075  
to facilitate the sale and purchase of the service for the retail 21076  
natural gas loads. 21077

(2)(a) No aggregation under an ordinance or resolution 21078  
adopted under division (A)(1) of this section shall include the 21079  
retail natural gas load of any person that meets any of the 21080  
following criteria: 21081

(i) The person is both a distribution service customer and a mercantile customer on the date of commencement of service to the aggregated load, or the person becomes a distribution service customer after that date and also is a mercantile customer.

(ii) The person is supplied with commodity sales service pursuant to a contract with a retail natural gas supplier that is in effect on the effective date of the ordinance or resolution.

(iii) The person is supplied with commodity sales service as part of a retail natural gas load aggregation provided for pursuant to a rule or order adopted or issued by the commission under this chapter or Chapter 4905. of the Revised Code.

(b) Nothing in division (A)(2)(a) of this section precludes a governmental aggregation under this section from permitting the retail natural gas load of a person described in division (A)(2)(a) of this section from being included in the aggregation upon the expiration of any contract or aggregation as described in division (A)(2)(a)(ii) or (iii) of this section or upon the person no longer being a customer as described in division (A)(2)(a)(i) of this section or qualifying to be included in an aggregation described under division (A)(2)(a)(iii) of this section.

(B) An ordinance or resolution adopted under division (A) of this section shall direct the board of elections to submit the question of the authority to aggregate to the electors of the respective municipal corporation, township, or unincorporated area of a county at a special election on the day of the next primary or general election in the municipal corporation, township, or county. The legislative authority or board shall certify a copy of the ordinance or resolution to the board of elections not less than ~~seventy-five~~ eighty-five days before the day of the special election. No ordinance or resolution adopted under division (A) of this section that provides for an election under this division shall take effect unless approved by a majority of the electors

voting upon the ordinance or resolution at the election held 21114  
pursuant to this division. 21115

(C) Upon the applicable requisite authority under divisions 21116  
(A) and (B) of this section, the legislative authority or board 21117  
shall develop a plan of operation and governance for the 21118  
aggregation program so authorized. Before adopting a plan under 21119  
this division, the legislative authority or board shall hold at 21120  
least two public hearings on the plan. Before the first hearing, 21121  
the legislative authority or board shall publish notice of the 21122  
hearings once a week for two consecutive weeks in a newspaper of 21123  
general circulation in the jurisdiction. The notice shall 21124  
summarize the plan and state the date, time, and location of each 21125  
hearing. 21126

(D) No legislative authority or board, pursuant to an 21127  
ordinance or resolution under divisions (A) and (B) of this 21128  
section, shall aggregate any retail natural gas load located 21129  
within its jurisdiction unless it in advance clearly discloses to 21130  
the person whose retail natural gas load is to be so aggregated 21131  
that the person will be enrolled automatically in the aggregation 21132  
and will remain so enrolled unless the person affirmatively elects 21133  
by a stated procedure not to be so enrolled. The disclosure shall 21134  
state prominently the rates, charges, and other terms and 21135  
conditions of enrollment. The stated procedure shall allow any 21136  
person enrolled in the aggregation the opportunity to opt out of 21137  
the aggregation every two years, without paying a switching fee. 21138  
Any such person that opts out of the aggregation pursuant to the 21139  
stated procedure shall default to the natural gas company 21140  
providing distribution service for the person's retail natural gas 21141  
load, until the person chooses an alternative supplier. 21142

(E)(1) With respect to a governmental aggregation for a 21143  
municipal corporation that is authorized pursuant to divisions (A) 21144  
to (D) of this section, resolutions may be proposed by initiative 21145

or referendum petitions in accordance with sections 731.28 to 21146  
731.41 of the Revised Code. 21147

(2) With respect to a governmental aggregation for a township 21148  
or the unincorporated area of a county, which aggregation is 21149  
authorized pursuant to divisions (A) to (D) of this section, 21150  
resolutions may be proposed by initiative or referendum petitions 21151  
in accordance with sections 731.28 to 731.40 of the Revised Code, 21152  
except that: 21153

(a) The petitions shall be filed, respectively, with the 21154  
township fiscal officer or the board of county commissioners, who 21155  
shall perform those duties imposed under those sections upon the 21156  
city auditor or village clerk. 21157

(b) The petitions shall contain the signatures of not less 21158  
than ten per cent of the total number of electors in the township 21159  
or the unincorporated area of the county, respectively, who voted 21160  
for the office of governor at the preceding general election for 21161  
that office in that area. 21162

(F) A governmental aggregator under division (A) of this 21163  
section is not a public utility engaging in the wholesale purchase 21164  
and resale of natural gas, and provision of the aggregated service 21165  
is not a wholesale utility transaction. A governmental aggregator 21166  
shall be subject to supervision and regulation by the public 21167  
utilities commission only to the extent of any competitive retail 21168  
natural gas service it provides and commission authority under 21169  
this chapter. 21170

**Sec. 4931.51.** (A)(1) For the purpose of paying the costs of 21171  
establishing, equipping, and furnishing one or more public safety 21172  
answering points as part of a countywide 9-1-1 system effective 21173  
under division (B) of section 4931.44 of the Revised Code and 21174  
paying the expense of administering and enforcing this section, 21175  
the board of county commissioners of a county, in accordance with 21176

this section, may fix and impose, on each lot or parcel of real 21177  
property in the county that is owned by a person, municipal 21178  
corporation, township, or other political subdivision and is 21179  
improved, or is in the process of being improved, reasonable 21180  
charges to be paid by each such owner. The charges shall be 21181  
sufficient to pay only the estimated allowed costs and shall be 21182  
equal in amount for all such lots or parcels. 21183

(2) For the purpose of paying the costs of operating and 21184  
maintaining the answering points and paying the expense of 21185  
administering and enforcing this section, the board, in accordance 21186  
with this section, may fix and impose reasonable charges to be 21187  
paid by each owner, as provided in division (A)(1) of this 21188  
section, that shall be sufficient to pay only the estimated 21189  
allowed costs and shall be equal in amount for all such lots or 21190  
parcels. The board may fix and impose charges under this division 21191  
pursuant to a resolution adopted for the purposes of both 21192  
divisions (A)(1) and (2) of this section or pursuant to a 21193  
resolution adopted solely for the purpose of division (A)(2) of 21194  
this section, and charges imposed under division (A)(2) of this 21195  
section may be separately imposed or combined with charges imposed 21196  
under division (A)(1) of this section. 21197

(B) Any board adopting a resolution under this section 21198  
pursuant to a final plan initiating the establishment of a 9-1-1 21199  
system or pursuant to an amendment to a final plan shall adopt the 21200  
resolution within sixty days after the board receives the final 21201  
plan for the 9-1-1 system pursuant to division (C) of section 21202  
4931.43 of the Revised Code. The board by resolution may change 21203  
any charge imposed under this section whenever the board considers 21204  
it advisable. Any resolution adopted under this section shall 21205  
declare whether securities will be issued under Chapter 133. of 21206  
the Revised Code in anticipation of the collection of unpaid 21207  
special assessments levied under this section. 21208

(C) The board shall adopt a resolution under this section at 21209  
a public meeting held in accordance with section 121.22 of the 21210  
Revised Code. Additionally, the board, before adopting any such 21211  
resolution, shall hold at least two public hearings on the 21212  
proposed charges. Prior to the first hearing, the board shall 21213  
publish notice of the hearings once a week for two consecutive 21214  
weeks in a newspaper of general circulation in the county. The 21215  
notice shall include a listing of the charges proposed in the 21216  
resolution and the date, time, and location of each of the 21217  
hearings. The board shall hear any person who wishes to testify on 21218  
the charges or the resolution. 21219

(D) No resolution adopted under this section shall be 21220  
effective sooner than thirty days following its adoption nor shall 21221  
any such resolution be adopted as an emergency measure. The 21222  
resolution is subject to a referendum in accordance with sections 21223  
305.31 to 305.41 of the Revised Code unless, in the resolution, 21224  
the board of county commissioners directs the board of elections 21225  
of the county to submit the question of imposing the charges to 21226  
the electors of the county at the next primary or general election 21227  
in the county occurring not less than ~~seventy-five~~ eighty-five 21228  
days after the resolution is certified to the board. No resolution 21229  
shall go into effect unless approved by a majority of those voting 21230  
upon it in any election allowed under this division. 21231

(E) To collect charges imposed under division (A) of this 21232  
section, the board of county commissioners shall certify them to 21233  
the county auditor of the county who then shall place them upon 21234  
the real property duplicate against the properties to be assessed, 21235  
as provided in division (A) of this section. Each assessment shall 21236  
bear interest at the same rate that securities issued in 21237  
anticipation of the collection of the assessments bear, is a lien 21238  
on the property assessed from the date placed upon the real 21239  
property duplicate by the auditor, and shall be collected in the 21240

same manner as other taxes. 21241

(F) All money collected by or on behalf of a county under 21242  
this section shall be paid to the county treasurer of the county 21243  
and kept in a separate and distinct fund to the credit of the 21244  
county. The fund shall be used to pay the costs allowed in 21245  
division (A) of this section and specified in the resolution 21246  
adopted under that division. In no case shall any surplus so 21247  
collected be expended for other than the use and benefit of the 21248  
county. 21249

**Sec. 4931.52.** (A) This section applies only to a county that 21250  
meets both of the following conditions: 21251

(1) A final plan for a countywide 9-1-1 system either has not 21252  
been approved in the county under section 4931.44 of the Revised 21253  
Code or has been approved but has not been put into operation 21254  
because of a lack of funding; 21255

(2) The board of county commissioners, at least once, has 21256  
submitted to the electors of the county the question of raising 21257  
funds for a 9-1-1 system under section 4931.51, 5705.19, or 21258  
5739.026 of the Revised Code, and a majority of the electors has 21259  
disapproved the question each time it was submitted. 21260

(B) A board of county commissioners may adopt a resolution 21261  
imposing a monthly charge on telephone access lines to pay for the 21262  
equipment costs of establishing and maintaining no more than three 21263  
public safety answering points of a countywide 9-1-1 system, which 21264  
public safety answering points shall be only twenty-four-hour 21265  
dispatching points already existing in the county. The resolution 21266  
shall state the amount of the charge, which shall not exceed fifty 21267  
cents per month, and the month the charge will first be imposed, 21268  
which shall be no earlier than four months after the special 21269  
election held pursuant to this section. Each residential and 21270  
business telephone company customer within the area served by the 21271



9-1-1 system shall pay the monthly charge for each of its residential or business customer access lines or their equivalent.

Before adopting a resolution under this division, the board of county commissioners shall hold at least two public hearings on the proposed charge. Before the first hearing, the board shall publish notice of the hearings once a week for two consecutive weeks in a newspaper of general circulation in the county. The notice shall state the amount of the proposed charge, an explanation of the necessity for the charge, and the date, time, and location of each of the hearings.

(C) A resolution adopted under division (B) of this section shall direct the board of elections to submit the question of imposing the charge to the electors of the county at a special election on the day of the next primary or general election in the county. The board of county commissioners shall certify a copy of the resolution to the board of elections not less than ~~seventy-five~~ eighty-five days before the day of the special election. No resolution adopted under division (B) of this section shall take effect unless approved by a majority of the electors voting upon the resolution at an election held pursuant to this section.

In any year, the board of county commissioners may impose a lesser charge than the amount originally approved by the electors. The board may change the amount of the charge no more than once a year. The board may not impose a charge greater than the amount approved by the electors without first holding an election on the question of the greater charge.

(D) Money raised from a monthly charge on telephone access lines under this section shall be deposited into a special fund created in the county treasury by the board of county commissioners pursuant to section 5705.12 of the Revised Code, to be used only for the necessary equipment costs of establishing and

maintaining no more than three public safety answering points of a 21304  
countywide 9-1-1 system pursuant to a resolution adopted under 21305  
division (B) of this section. In complying with this division, any 21306  
county may seek the assistance of the public utilities commission 21307  
with regard to operating and maintaining a 9-1-1 system. 21308

(E) Pursuant to the voter approval required by division (C) 21309  
of this section, the final plan for a countywide 9-1-1 system that 21310  
will be funded through a monthly charge imposed in accordance with 21311  
this section shall be amended by the existing 9-1-1 planning 21312  
committee, and the amendment of such a final plan is not an 21313  
amendment of a final plan for the purpose of division (A) of 21314  
section 4931.45 of the Revised Code. 21315

**Sec. 4931.53.** (A) This section applies only to a county that 21316  
has a final plan for a countywide 9-1-1 system that either has not 21317  
been approved in the county under section 4931.44 of the Revised 21318  
Code or has been approved but has not been put into operation 21319  
because of a lack of funding. 21320

(B) A board of county commissioners may adopt a resolution 21321  
imposing a monthly charge on telephone access lines to pay for the 21322  
operating and equipment costs of establishing and maintaining no 21323  
more than one public safety answering point of a countywide 9-1-1 21324  
system. The resolution shall state the amount of the charge, which 21325  
shall not exceed fifty cents per month, and the month the charge 21326  
will first be imposed, which shall be no earlier than four months 21327  
after the special election held pursuant to this section. Each 21328  
residential and business telephone company customer within the 21329  
area of the county served by the 9-1-1 system shall pay the 21330  
monthly charge for each of its residential or business customer 21331  
access lines or their equivalent. 21332

Before adopting a resolution under this division, the board 21333  
of county commissioners shall hold at least two public hearings on 21334

the proposed charge. Before the first hearing, the board shall 21335  
publish notice of the hearings once a week for two consecutive 21336  
weeks in a newspaper of general circulation in the county. The 21337  
notice shall state the amount of the proposed charge, an 21338  
explanation of the necessity for the charge, and the date, time, 21339  
and location of each of the hearings. 21340

(C) A resolution adopted under division (B) of this section 21341  
shall direct the board of elections to submit the question of 21342  
imposing the charge to the electors of the county at a special 21343  
election on the day of the next primary or general election in the 21344  
county. The board of county commissioners shall certify a copy of 21345  
the resolution to the board of elections not less than 21346  
~~seventy-five~~ eighty-five days before the day of the special 21347  
election. No resolution adopted under division (B) of this section 21348  
shall take effect unless approved by a majority of the electors 21349  
voting upon the resolution at an election held pursuant to this 21350  
section. 21351

In any year, the board of county commissioners may impose a 21352  
lesser charge than the amount originally approved by the electors. 21353  
The board may change the amount of the charge no more than once a 21354  
year. The board shall not impose a charge greater than the amount 21355  
approved by the electors without first holding an election on the 21356  
question of the greater charge. 21357

(D) Money raised from a monthly charge on telephone access 21358  
lines under this section shall be deposited into a special fund 21359  
created in the county treasury by the board of county 21360  
commissioners pursuant to section 5705.12 of the Revised Code, to 21361  
be used only for the necessary operating and equipment costs of 21362  
establishing and maintaining no more than one public safety 21363  
answering point of a countywide 9-1-1 system pursuant to a 21364  
resolution adopted under division (B) of this section. In 21365  
complying with this division, any county may seek the assistance 21366

of the public utilities commission with regard to operating and 21367  
maintaining a 9-1-1 system. 21368

(E) Nothing in sections 4931.40 to 4931.53 of the Revised 21369  
Code precludes a final plan adopted in accordance with those 21370  
sections from being amended to provide that, by agreement included 21371  
in the plan, a public safety answering point of another countywide 21372  
9-1-1 system is the public safety answering point of a countywide 21373  
9-1-1 system funded through a monthly charge imposed in accordance 21374  
with this section. In that event, the county for which the public 21375  
safety answering point is provided shall be deemed the subdivision 21376  
operating the public safety answering point for purposes of 21377  
sections 4931.40 to 4931.53 of the Revised Code, except that, for 21378  
the purpose of division (D) of section 4931.41 of the Revised 21379  
Code, the county shall pay only so much of the costs associated 21380  
with establishing, equipping, furnishing, operating, or 21381  
maintaining the public safety answering point specified in the 21382  
agreement included in the final plan. 21383

(F) Pursuant to the voter approval required by division (C) 21384  
of this section, the final plan for a countywide 9-1-1 system that 21385  
will be funded through a monthly charge imposed in accordance with 21386  
this section, or that will be amended to include an agreement 21387  
described in division (E) of this section, shall be amended by the 21388  
existing 9-1-1 planning committee, and the amendment of such a 21389  
final plan is not an amendment of a final plan for the purpose of 21390  
division (A) of section 4931.45 of the Revised Code. 21391

**Sec. 4951.44.** The officials in charge of the general election 21392  
shall arrange, provide for, and conduct the submission of the 21393  
question of a grant as provided in section 4951.43 of the Revised 21394  
Code to such electors. The question whether the grant shall be 21395  
made shall be submitted to the electors of such city at the 21396  
succeeding general election occurring more than ~~seventy-five~~ 21397

eighty-five days after the expiration of the sixty days provided 21398  
in such section. If the grant is for the construction of elevated 21399  
tracks, the ballots shall read "Elevated Railroad Grant--Yes", 21400  
"Elevated Railroad Grant--No". If the grant is for the 21401  
construction of underground tracks, the ballots shall read 21402  
"Underground Railroad Grant--Yes", "Underground Railroad 21403  
Grant--No". If the grant is for the construction of partly 21404  
elevated and partly underground tracks, the ballots shall read 21405  
"Elevated and Underground Railroad Grant--Yes", "Elevated and 21406  
Underground Railroad Grant--No". If at such election a majority of 21407  
the votes cast on such question is against such grant, such grant 21408  
is void. 21409

**Sec. 4955.05.** The officials in charge of general elections, 21410  
in accordance with the laws relating to elections, shall arrange 21411  
for and conduct the submission of the question referred to in 21412  
section 4955.04 of the Revised Code to the electors. The question 21413  
whether the grant shall be made shall be submitted to the electors 21414  
of such municipal corporation at the succeeding general election 21415  
occurring more than ~~seventy-five~~ eighty-five days after the 21416  
expiration of the sixty days referred to in such section. The 21417  
ballots at such election shall read "Elevated Railroad 21418  
Grant--Yes;" "Elevated Railroad Grant--No." If at the election a 21419  
majority of the votes cast on such question is against the grant, 21420  
it shall be void. 21421

**Sec. 5705.19.** This section does not apply to school districts 21422  
or county school financing districts. 21423

The taxing authority of any subdivision at any time and in 21424  
any year, by vote of two-thirds of all the members of the taxing 21425  
authority, may declare by resolution and certify the resolution to 21426  
the board of elections not less than ~~seventy-five~~ eighty-five days 21427  
before the election upon which it will be voted that the amount of 21428

taxes that may be raised within the ten-mill limitation will be 21429  
insufficient to provide for the necessary requirements of the 21430  
subdivision and that it is necessary to levy a tax in excess of 21431  
that limitation for any of the following purposes: 21432

(A) For current expenses of the subdivision, except that the 21433  
total levy for current expenses of a detention facility district 21434  
or district organized under section 2151.65 of the Revised Code 21435  
shall not exceed two mills and that the total levy for current 21436  
expenses of a combined district organized under sections 2151.65 21437  
and 2152.41 of the Revised Code shall not exceed four mills; 21438

(B) For the payment of debt charges on certain described 21439  
bonds, notes, or certificates of indebtedness of the subdivision 21440  
issued subsequent to January 1, 1925; 21441

(C) For the debt charges on all bonds, notes, and 21442  
certificates of indebtedness issued and authorized to be issued 21443  
prior to January 1, 1925; 21444

(D) For a public library of, or supported by, the subdivision 21445  
under whatever law organized or authorized to be supported; 21446

(E) For a municipal university, not to exceed two mills over 21447  
the limitation of one mill prescribed in section 3349.13 of the 21448  
Revised Code; 21449

(F) For the construction or acquisition of any specific 21450  
permanent improvement or class of improvements that the taxing 21451  
authority of the subdivision may include in a single bond issue; 21452

(G) For the general construction, reconstruction, 21453  
resurfacing, and repair of streets, roads, and bridges in 21454  
municipal corporations, counties, or townships; 21455

(H) For parks and recreational purposes; 21456

(I) For the purpose of providing and maintaining fire 21457  
apparatus, appliances, buildings, or sites therefor, or sources of 21458

water supply and materials therefor, or the establishment and 21459  
maintenance of lines of fire alarm telegraph, or the payment of 21460  
permanent, part-time, or volunteer firefighters or firefighting 21461  
companies to operate the same, including the payment of the 21462  
firefighter employers' contribution required under section 742.34 21463  
of the Revised Code, or the purchase of ambulance equipment, or 21464  
the provision of ambulance, paramedic, or other emergency medical 21465  
services operated by a fire department or firefighting company; 21466

(J) For the purpose of providing and maintaining motor 21467  
vehicles, communications, other equipment, buildings, and sites 21468  
for such buildings used directly in the operation of a police 21469  
department, or the payment of salaries of permanent police 21470  
personnel, including the payment of the police officer employers' 21471  
contribution required under section 742.33 of the Revised Code, or 21472  
the payment of the costs incurred by townships as a result of 21473  
contracts made with other political subdivisions in order to 21474  
obtain police protection, or the provision of ambulance or 21475  
emergency medical services operated by a police department; 21476

(K) For the maintenance and operation of a county home or 21477  
detention facility; 21478

(L) For community mental retardation and developmental 21479  
disabilities programs and services pursuant to Chapter 5126. of 21480  
the Revised Code, except that the procedure for such levies shall 21481  
be as provided in section 5705.222 of the Revised Code; 21482

(M) For regional planning; 21483

(N) For a county's share of the cost of maintaining and 21484  
operating schools, district detention facilities, forestry camps, 21485  
or other facilities, or any combination thereof, established under 21486  
section 2151.65 or 2152.41 of the Revised Code or both of those 21487  
sections; 21488

(O) For providing for flood defense, providing and 21489

maintaining a flood wall or pumps, and other purposes to prevent floods;	21490 21491
(P) For maintaining and operating sewage disposal plants and facilities;	21492 21493
(Q) For the purpose of purchasing, acquiring, constructing, enlarging, improving, equipping, repairing, maintaining, or operating, or any combination of the foregoing, a county transit system pursuant to sections 306.01 to 306.13 of the Revised Code, or of making any payment to a board of county commissioners operating a transit system or a county transit board pursuant to section 306.06 of the Revised Code;	21494 21495 21496 21497 21498 21499 21500
(R) For the subdivision's share of the cost of acquiring or constructing any schools, forestry camps, detention facilities, or other facilities, or any combination thereof, under section 2151.65 or 2152.41 of the Revised Code or both of those sections;	21501 21502 21503 21504
(S) For the prevention, control, and abatement of air pollution;	21505 21506
(T) For maintaining and operating cemeteries;	21507
(U) For providing ambulance service, emergency medical service, or both;	21508 21509
(V) For providing for the collection and disposal of garbage or refuse, including yard waste;	21510 21511
(W) For the payment of the police officer employers' contribution or the firefighter employers' contribution required under sections 742.33 and 742.34 of the Revised Code;	21512 21513 21514
(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;	21515 21516
(Y) For providing or maintaining senior citizens services or facilities as authorized by section 307.694, 307.85, 505.70, or 505.706 or division (EE) of section 717.01 of the Revised Code;	21517 21518 21519



(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code;	21520 21521 21522
(AA) For the maintenance and operation of a free public museum of art, science, or history;	21523 21524
(BB) For the establishment and operation of a 9-1-1 system, as defined in section 4931.40 of the Revised Code;	21525 21526
(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division applies only to a county, township, or municipal corporation.	21527 21528 21529 21530 21531
(DD) For the purpose of acquiring property for, constructing, operating, and maintaining community centers as provided for in section 755.16 of the Revised Code;	21532 21533 21534
(EE) For the creation and operation of an office or joint office of economic development, for any economic development purpose of the office, and to otherwise provide for the establishment and operation of a program of economic development pursuant to sections 307.07 and 307.64 of the Revised Code, or to the extent that the expenses of a county land reutilization corporation organized under Chapter 1724. of the Revised Code are found by the board of county commissioners to constitute the promotion of economic development, for the payment of such operations and expenses;	21535 21536 21537 21538 21539 21540 21541 21542 21543 21544
(FF) For the purpose of acquiring, establishing, constructing, improving, equipping, maintaining, or operating, or any combination of the foregoing, a township airport, landing field, or other air navigation facility pursuant to section 505.15 of the Revised Code;	21545 21546 21547 21548 21549
(GG) For the payment of costs incurred by a township as a	21550

result of a contract made with a county pursuant to section 21551  
505.263 of the Revised Code in order to pay all or any part of the 21552  
cost of constructing, maintaining, repairing, or operating a water 21553  
supply improvement; 21554

(HH) For a board of township trustees to acquire, other than 21555  
by appropriation, an ownership interest in land, water, or 21556  
wetlands, or to restore or maintain land, water, or wetlands in 21557  
which the board has an ownership interest, not for purposes of 21558  
recreation, but for the purposes of protecting and preserving the 21559  
natural, scenic, open, or wooded condition of the land, water, or 21560  
wetlands against modification or encroachment resulting from 21561  
occupation, development, or other use, which may be styled as 21562  
protecting or preserving "greenspace" in the resolution, notice of 21563  
election, or ballot form. Except as otherwise provided in this 21564  
division, land is not acquired for purposes of recreation, even if 21565  
the land is used for recreational purposes, so long as no 21566  
building, structure, or fixture used for recreational purposes is 21567  
permanently attached or affixed to the land. Except as otherwise 21568  
provided in this division, land that previously has been acquired 21569  
in a township for these greenspace purposes may subsequently be 21570  
used for recreational purposes if the board of township trustees 21571  
adopts a resolution approving that use and no building, structure, 21572  
or fixture used for recreational purposes is permanently attached 21573  
or affixed to the land. The authorization to use greenspace land 21574  
for recreational use does not apply to land located in a township 21575  
that had a population, at the time it passed its first greenspace 21576  
levy, of more than thirty-eight thousand within a county that had 21577  
a population, at that time, of at least eight hundred sixty 21578  
thousand. 21579

(II) For the support by a county of a crime victim assistance 21580  
program that is provided and maintained by a county agency or a 21581  
private, nonprofit corporation or association under section 307.62 21582

of the Revised Code;	21583
(JJ) For any or all of the purposes set forth in divisions	21584
(I) and (J) of this section. This division applies only to a	21585
township.	21586
(KK) For a countywide public safety communications system	21587
under section 307.63 of the Revised Code. This division applies	21588
only to counties.	21589
(LL) For the support by a county of criminal justice services	21590
under section 307.45 of the Revised Code;	21591
(MM) For the purpose of maintaining and operating a jail or	21592
other detention facility as defined in section 2921.01 of the	21593
Revised Code;	21594
(NN) For purchasing, maintaining, or improving, or any	21595
combination of the foregoing, real estate on which to hold	21596
agricultural fairs. This division applies only to a county.	21597
(OO) For constructing, rehabilitating, repairing, or	21598
maintaining sidewalks, walkways, trails, bicycle pathways, or	21599
similar improvements, or acquiring ownership interests in land	21600
necessary for the foregoing improvements;	21601
(PP) For both of the purposes set forth in divisions (G) and	21602
(OO) of this section.	21603
(QQ) For both of the purposes set forth in divisions (H) and	21604
(HH) of this section. This division applies only to a township.	21605
(RR) For the legislative authority of a municipal	21606
corporation, board of county commissioners of a county, or board	21607
of township trustees of a township to acquire agricultural	21608
easements, as defined in section 5301.67 of the Revised Code, and	21609
to supervise and enforce the easements.	21610
(SS) For both of the purposes set forth in divisions (BB) and	21611
(KK) of this section. This division applies only to a county.	21612

(TT) For the maintenance and operation of a facility that is organized in whole or in part to promote the sciences and natural history under section 307.761 of the Revised Code.

(UU) For the creation and operation of a county land reutilization corporation and for any programs or activities of the corporation found by the board of directors of the corporation to be consistent with the purposes for which the corporation is organized.

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 21644  
camps, or other facilities, or any combination thereof, 21645  
established under section 2151.65 or 2152.41 of the Revised Code 21646  
or under both of those sections. 21647

(3) When the additional rate is for either of the following, 21648  
the increased rate may be for a continuing period of time: 21649

(a) For the purposes set forth in division (I), (J), (U), or 21650  
(KK) of this section; 21651

(b) For the maintenance and operation of a joint recreation 21652  
district. 21653

(4) When the increase is for the purpose or purposes set 21654  
forth in division (D), (G), (H), (CC), or (PP) of this section, 21655  
the tax levy may be for any specified number of years or for a 21656  
continuing period of time, as set forth in the resolution. 21657

(5) When the additional rate is for the purpose described in 21658  
division (Z) of this section, the increased rate shall be for any 21659  
number of years not exceeding ten. 21660

A levy for one of the purposes set forth in division (G), 21661  
(I), (J), or (U) of this section may be reduced pursuant to 21662  
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 21663  
the purposes set forth in division (G), (I), (J), or (U) of this 21664  
section may also be terminated or permanently reduced by the 21665  
taxing authority if it adopts a resolution stating that the 21666  
continuance of the levy is unnecessary and the levy shall be 21667  
terminated or that the millage is excessive and the levy shall be 21668  
decreased by a designated amount. 21669

A resolution of a detention facility district, a district 21670  
organized under section 2151.65 of the Revised Code, or a combined 21671  
district organized under both sections 2151.65 and 2152.41 of the 21672  
Revised Code may include both current expenses and other purposes, 21673  
provided that the resolution shall apportion the annual rate of 21674

levy between the current expenses and the other purpose or 21675  
purposes. The apportionment need not be the same for each year of 21676  
the levy, but the respective portions of the rate actually levied 21677  
each year for the current expenses and the other purpose or 21678  
purposes shall be limited by the apportionment. 21679

Whenever a board of county commissioners, acting either as 21680  
the taxing authority of its county or as the taxing authority of a 21681  
sewer district or subdistrict created under Chapter 6117. of the 21682  
Revised Code, by resolution declares it necessary to levy a tax in 21683  
excess of the ten-mill limitation for the purpose of constructing, 21684  
improving, or extending sewage disposal plants or sewage systems, 21685  
the tax may be in effect for any number of years not exceeding 21686  
twenty, and the proceeds of the tax, notwithstanding the general 21687  
provisions of this section, may be used to pay debt charges on any 21688  
obligations issued and outstanding on behalf of the subdivision 21689  
for the purposes enumerated in this paragraph, provided that any 21690  
such obligations have been specifically described in the 21691  
resolution. 21692

The resolution shall go into immediate effect upon its 21693  
passage, and no publication of the resolution is necessary other 21694  
than that provided for in the notice of election. 21695

When the electors of a subdivision have approved a tax levy 21696  
under this section, the taxing authority of the subdivision may 21697  
anticipate a fraction of the proceeds of the levy and issue 21698  
anticipation notes in accordance with section 5705.191 or 5705.193 21699  
of the Revised Code. 21700

**Sec. 5705.191.** The taxing authority of any subdivision, other 21701  
than the board of education of a school district or the taxing 21702  
authority of a county school financing district, by a vote of 21703  
two-thirds of all its members, may declare by resolution that the 21704  
amount of taxes that may be raised within the ten-mill limitation 21705

by levies on the current tax duplicate will be insufficient to 21706  
provide an adequate amount for the necessary requirements of the 21707  
subdivision, and that it is necessary to levy a tax in excess of 21708  
such limitation for any of the purposes in section 5705.19 of the 21709  
Revised Code, or to supplement the general fund for the purpose of 21710  
making appropriations for one or more of the following purposes: 21711  
public assistance, human or social services, relief, welfare, 21712  
hospitalization, health, and support of general hospitals, and 21713  
that the question of such additional tax levy shall be submitted 21714  
to the electors of the subdivision at a general, primary, or 21715  
special election to be held at a time therein specified. Such 21716  
resolution shall not include a levy on the current tax list and 21717  
duplicate unless such election is to be held at or prior to the 21718  
general election day of the current tax year. Such resolution 21719  
shall conform to the requirements of section 5705.19 of the 21720  
Revised Code, except that a levy to supplement the general fund 21721  
for the purposes of public assistance, human or social services, 21722  
relief, welfare, hospitalization, health, or the support of 21723  
general or tuberculosis hospitals may not be for a longer period 21724  
than ten years. All other levies under this section may not be for 21725  
a longer period than five years unless a longer period is 21726  
permitted by section 5705.19 of the Revised Code, and the 21727  
resolution shall specify the date of holding such election, which 21728  
shall not be earlier than ~~seventy-five~~ eighty-five days after the 21729  
adoption and certification of such resolution. The resolution 21730  
shall go into immediate effect upon its passage and no publication 21731  
of the same is necessary other than that provided for in the 21732  
notice of election. A copy of such resolution, immediately after 21733  
its passage, shall be certified to the board of elections of the 21734  
proper county or counties in the manner provided by section 21735  
5705.25 of the Revised Code, and such section shall govern the 21736  
arrangements for the submission of such question and other matters 21737  
with respect to such election, to which section 5705.25 of the 21738

Revised Code refers, excepting that such election shall be held on 21739  
the date specified in the resolution, which shall be consistent 21740  
with the requirements of section 3501.01 of the Revised Code, 21741  
provided that only one special election for the submission of such 21742  
question may be held in any one calendar year and provided that a 21743  
special election may be held upon the same day a primary election 21744  
is held. Publication of notice of that election shall be made in 21745  
one or more newspapers of general circulation in the county once a 21746  
week for two consecutive weeks prior to the election, and, if the 21747  
board of elections operates and maintains a web site, the board of 21748  
elections shall post notice of the election on its web site for 21749  
thirty days prior to the election. 21750

21751

If a majority of the electors voting on the question vote in 21752  
favor thereof, the taxing authority of the subdivision may make 21753  
the necessary levy within such subdivision at the additional rate 21754  
or at any lesser rate outside the ten-mill limitation on the tax 21755  
list and duplicate for the purpose stated in the resolution. Such 21756  
tax levy shall be included in the next annual tax budget that is 21757  
certified to the county budget commission. 21758

After the approval of such a levy by the electors, the taxing 21759  
authority of the subdivision may anticipate a fraction of the 21760  
proceeds of such levy and issue anticipation notes. In the case of 21761  
a continuing levy that is not levied for the purpose of current 21762  
expenses, notes may be issued at any time after approval of the 21763  
levy in an amount not more than fifty per cent of the total 21764  
estimated proceeds of the levy for the succeeding ten years, less 21765  
an amount equal to the fraction of the proceeds of the levy 21766  
previously anticipated by the issuance of anticipation notes. In 21767  
the case of a levy for a fixed period that is not for the purpose 21768  
of current expenses, notes may be issued at any time after 21769  
approval of the levy in an amount not more than fifty per cent of 21770



the total estimated proceeds of the levy throughout the remaining 21771  
life of the levy, less an amount equal to the fraction of the 21772  
proceeds of the levy previously anticipated by the issuance of 21773  
anticipation notes. In the case of a levy for current expenses, 21774  
notes may be issued after the approval of the levy by the electors 21775  
and prior to the time when the first tax collection from the levy 21776  
can be made. Such notes may be issued in an amount not more than 21777  
fifty per cent of the total estimated proceeds of the levy 21778  
throughout the term of the levy in the case of a levy for a fixed 21779  
period, or fifty per cent of the total estimated proceeds for the 21780  
first ten years of the levy in the case of a continuing levy. 21781

No anticipation notes that increase the net indebtedness of a 21782  
county may be issued without the prior consent of the board of 21783  
county commissioners of that county. The notes shall be issued as 21784  
provided in section 133.24 of the Revised Code, shall have 21785  
principal payments during each year after the year of their 21786  
issuance over a period not exceeding the life of the levy 21787  
anticipated, and may have a principal payment in the year of their 21788  
issuance. 21789

"Taxing authority" and "subdivision" have the same meanings 21790  
as in section 5705.01 of the Revised Code. 21791

This section is supplemental to and not in derogation of 21792  
sections 5705.20, 5705.21, and 5705.22 of the Revised Code. 21793

**Sec. 5705.195.** Within five days after the resolution is 21794  
certified to the county auditor as provided by section 5705.194 of 21795  
the Revised Code, the auditor shall calculate and certify to the 21796  
taxing authority the annual levy, expressed in dollars and cents 21797  
for each one hundred dollars of valuation as well as in mills for 21798  
each one dollar of valuation, throughout the life of the levy 21799  
which will be required to produce the annual amount set forth in 21800  
the resolution assuming that the amount of the tax list of such 21801

subdivision remains throughout the life of the levy the same as 21802  
the amount of the tax list for the current year, and if this is 21803  
not determined, the estimated amount submitted by the auditor to 21804  
the county budget commission. When considering the tangible 21805  
personal property component of the tax valuation of the 21806  
subdivision, the county auditor shall take into account the 21807  
assessment percentages prescribed in section 5711.22 of the 21808  
Revised Code. The tax commissioner may issue rules, orders, or 21809  
instructions directing how the assessment percentages must be 21810  
utilized. 21811

Upon receiving the certification from the county auditor, if 21812  
the taxing authority desires to proceed with the submission of the 21813  
question it shall, not less than ~~seventy-five~~ eighty-five days 21814  
before the day of such election, certify its resolution, together 21815  
with the amount of the average tax levy, expressed in dollars and 21816  
cents for each one hundred dollars of valuation as well as in 21817  
mills for each one dollar of valuation, estimated by the auditor, 21818  
and the number of years the levy is to run to the board of 21819  
elections of the county which shall prepare the ballots and make 21820  
other necessary arrangements for the submission of the question to 21821  
the voters of the subdivision. 21822

**Sec. 5705.199.** (A) At any time the board of education of a 21823  
city, local, exempted village, cooperative education, or joint 21824  
vocational school district, by a vote of two-thirds of all its 21825  
members, may declare by resolution that the revenue that will be 21826  
raised by all tax levies that the district is authorized to 21827  
impose, when combined with state and federal revenues, will be 21828  
insufficient to provide for the necessary requirements of the 21829  
school district, and that it is therefore necessary to levy a tax 21830  
in excess of the ten-mill limitation for the purpose of providing 21831  
for the necessary requirements of the school district. Such a levy 21832  
shall be proposed as a substitute for all or a portion of one or 21833

more existing levies imposed under sections 5705.194 to 5705.197 21834  
of the Revised Code or under this section, by levying a tax as 21835  
follows: 21836

(1) In the initial year the levy is in effect, the levy shall 21837  
be in a specified amount of money equal to the aggregate annual 21838  
dollar amount of proceeds derived from the levy or levies, or 21839  
portion thereof, being substituted. 21840

(2) In each subsequent year the levy is in effect, the levy 21841  
shall be in a specified amount of money equal to the sum of the 21842  
following: 21843

(a) The dollar amount of the proceeds derived from the levy 21844  
in the prior year; and 21845

(b) The dollar amount equal to the product of the total 21846  
taxable value of all taxable real property in the school district 21847  
in the then-current year, excluding carryover property as defined 21848  
in section 319.301 of the Revised Code, multiplied by the annual 21849  
levy, expressed in mills for each one dollar of valuation, that 21850  
was required to produce the annual dollar amount of the levy under 21851  
this section in the prior year; provided, that the amount under 21852  
division (A)(2)(b) of this section shall not be less than zero. 21853

(B) The resolution proposing the substitute levy shall 21854  
specify the annual dollar amount the levy is to produce in its 21855  
initial year; the first calendar year in which the levy will be 21856  
due; and the term of the levy expressed in years, which may be any 21857  
number not exceeding ten, or for a continuing period of time. The 21858  
resolution shall specify the date of holding the election, which 21859  
shall not be earlier than ~~seventy-five~~ eighty-five days after 21860  
certification of the resolution to the board of elections, and 21861  
which shall be consistent with the requirements of section 3501.01 21862  
of the Revised Code. If two or more existing levies are to be 21863  
included in a single substitute levy, but are not scheduled to 21864

expire in the same year, the resolution shall specify that the 21865  
existing levies to be substituted shall not be levied after the 21866  
year preceding the year in which the substitute levy is first 21867  
imposed. 21868

The resolution shall go into immediate effect upon its 21869  
passage, and no publication of the resolution shall be necessary 21870  
other than that provided for in the notice of election. A copy of 21871  
the resolution shall immediately after its passage be certified to 21872  
the county auditor in the manner provided by section 5705.195 of 21873  
the Revised Code, and sections 5705.194 and 5705.196 of the 21874  
Revised Code shall govern the arrangements for the submission of 21875  
the question and other matters concerning the notice of election 21876  
and the election, except as may be provided otherwise in this 21877  
section. 21878

(C) The form of the ballot to be used at the election on the 21879  
question of a levy under this section shall be as follows: 21880

"Shall a tax levy substituting for an existing levy be 21881  
imposed by the ..... (here insert name of school district) 21882  
for the purpose of providing for the necessary requirements of the 21883  
school district in the initial sum of ..... (here insert the 21884  
annual dollar amount the levy is to produce in its initial year), 21885  
and a levy of taxes be made outside of the ten-mill limitation 21886  
estimated by the county auditor to require ..... (here insert 21887  
number of mills) mills for each one dollar of valuation, which 21888  
amounts to ..... (here insert rate expressed in dollars and 21889  
cents) for each one hundred dollars of valuation for the initial 21890  
year of the tax, for a period of ..... (here insert the 21891  
number of years the levy is to be imposed, or that it will be 21892  
levied for a continuing period of time), commencing in ..... 21893  
(first year the tax is to be levied), first due in calendar year 21894  
..... (first calendar year in which the tax shall be due), 21895  
with the sum of such tax to increase only if and as new land or 21896

real property improvements not previously taxed by the school district are added to its tax list? 21897  
 21898

21899  
 21900

	FOR THE TAX LEVY	"
	AGAINST THE TAX LEVY	

21901  
 21902  
 21903

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": 21904  
 21905  
 21906  
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 21914

"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)." 21915  
 21916  
 21917  
 21918  
 21919

(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. 21920  
 21921  
 21922

(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 21923  
 21924  
 21925  
 21926  
 21927

the county budget commission. 21928

(F) A levy for a continuing period of time may be decreased 21929  
pursuant to section 5705.261 of the Revised Code. 21930

(G) A levy under this section substituting for all or a 21931  
portion of one or more existing levies imposed under sections 21932  
5705.194 to 5705.197 of the Revised Code or under this section 21933  
shall be treated as having renewed the levy or levies being 21934  
substituted for purposes of the payments made under sections 21935  
5751.20 to 5751.22 of the Revised Code. 21936

(H) After the approval of a levy on the current tax list and 21937  
duplicate, and prior to the time when the first tax collection 21938  
from the levy can be made, the board of education may anticipate a 21939  
fraction of the proceeds of the levy and issue anticipation notes 21940  
in a principal amount not exceeding fifty per cent of the total 21941  
estimated proceeds of the levy to be collected during the first 21942  
year of the levy. The notes shall be issued as provided in section 21943  
133.24 of the Revised Code, shall have principal payments during 21944  
each year after the year of their issuance over a period not to 21945  
exceed five years, and may have a principal payment in the year of 21946  
their issuance. 21947

**Sec. 5705.20.** The board of county commissioners of any 21948  
county, in any year, after providing the normal and customary 21949  
percentage of the total general fund appropriations for the 21950  
support of the tuberculosis treatment specified under section 21951  
339.73 of the Revised Code or for the support of tuberculosis 21952  
clinics established pursuant to section 339.76 of the Revised 21953  
Code, by vote of two-thirds of all the members of said board may 21954  
declare by resolution that the amount of taxes which may be raised 21955  
within the ten-mill limitation will be insufficient to provide an 21956  
adequate amount for that support, and that it is necessary to levy 21957  
a tax in excess of the ten-mill limitation to supplement such 21958

general fund appropriations for such purpose, but the total levy 21959  
for this purpose shall not exceed sixty-five one hundredths of a 21960  
mill. 21961

Such resolution shall conform to section 5705.19 of the 21962  
Revised Code and be certified to the board of elections not less 21963  
than ~~seventy-five~~ eighty-five days before the general election and 21964  
submitted in the manner provided in section 5705.25 of the Revised 21965  
Code. 21966

If the majority of electors voting on a levy to supplement 21967  
general fund appropriations for the support of the tuberculosis 21968  
treatment specified under section 339.73 of the Revised Code or 21969  
for the support of tuberculosis clinics established pursuant to 21970  
section 339.76 of the Revised Code, vote in favor thereof, the 21971  
board of said county may levy a tax within such county at the 21972  
additional rate in excess of the ten-mill limitation during the 21973  
period and for the purpose stated in the resolution or at any less 21974  
rate or for any of said years. 21975

If a tax was levied under this section for the support of 21976  
tuberculosis clinics before ~~the effective date of this amendment~~ 21977  
October 10, 2000, the levy may be renewed for that purpose on or 21978  
after ~~the effective date of this amendment~~ October 10, 2000, in 21979  
accordance with section 5705.25 of the Revised Code. 21980

**Sec. 5705.21.** (A) At any time, the board of education of any 21981  
city, local, exempted village, cooperative education, or joint 21982  
vocational school district, by a vote of two-thirds of all its 21983  
members, may declare by resolution that the amount of taxes which 21984  
may be raised within the ten-mill limitation by levies on the 21985  
current tax duplicate will be insufficient to provide an adequate 21986  
amount for the necessary requirements of the school district, that 21987  
it is necessary to levy a tax in excess of such limitation for one 21988  
of the purposes specified in division (A), (D), (F), (H), or (DD) 21989

of section 5705.19 of the Revised Code, for general permanent 21990  
improvements, for the purpose of operating a cultural center, or 21991  
for the purpose of providing education technology, and that the 21992  
question of such additional tax levy shall be submitted to the 21993  
electors of the school district at a special election on a day to 21994  
be specified in the resolution. 21995

As used in this section, "cultural center" means a 21996  
freestanding building, separate from a public school building, 21997  
that is open to the public for educational, musical, artistic, and 21998  
cultural purposes; "education technology" means, but is not 21999  
limited to, computer hardware, equipment, materials, and 22000  
accessories, equipment used for two-way audio or video, and 22001  
software; and "general permanent improvements" means permanent 22002  
improvements without regard to the limitation of division (F) of 22003  
section 5705.19 of the Revised Code that the improvements be a 22004  
specific improvement or a class of improvements that may be 22005  
included in a single bond issue. 22006

The submission of questions to the electors under this 22007  
section is subject to the limitation on the number of election 22008  
dates established by section 5705.214 of the Revised Code. 22009

(B) Such resolution shall be confined to a single purpose and 22010  
shall specify the amount of the increase in rate that it is 22011  
necessary to levy, the purpose of the levy, and the number of 22012  
years during which the increase in rate shall be in effect. The 22013  
number of years may be any number not exceeding five or, if the 22014  
levy is for current expenses of the district or for general 22015  
permanent improvements, for a continuing period of time. The 22016  
resolution shall specify the date of holding such election, which 22017  
shall not be earlier than ~~seventy-five~~ eighty-five days after the 22018  
adoption and certification of the resolution and which shall be 22019  
consistent with the requirements of section 3501.01 of the Revised 22020  
Code. 22021



The resolution may propose to renew one or more existing levies imposed under this section or to increase or decrease a single levy imposed under this section. If the board of education imposes one or more existing levies for the purpose specified in division (F) of section 5705.19 of the Revised Code, the resolution may propose to renew one or more of those existing levies, or to increase or decrease a single such existing levy, for the purpose of general permanent improvements. If the resolution proposes to renew two or more existing levies, the levies shall be levied for the same purpose. The resolution shall identify those levies and the rates at which they are levied. The resolution also shall specify that the existing levies shall not be extended on the tax lists after the year preceding the year in which the renewal levy is first imposed, regardless of the years for which those levies originally were authorized to be levied.

The resolution shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. A copy of the resolution shall immediately after its passing be certified to the board of elections of the proper county in the manner provided by section 5705.25 of the Revised Code, and that section shall govern the arrangements for the submission of such question and other matters concerning such election, to which that section refers, except that such election shall be held on the date specified in the resolution. Publication of notice of that election shall be made in one or more newspapers of general circulation in the county once a 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. If a majority of the electors voting on the question so submitted in an election vote in favor of the levy, the board of education may make the necessary levy within the school district

at the additional rate, or at any lesser rate in excess of the 22055  
ten-mill limitation on the tax list, for the purpose stated in the 22056  
resolution. A levy for a continuing period of time may be reduced 22057  
pursuant to section 5705.261 of the Revised Code. The tax levy 22058  
shall be included in the next tax budget that is certified to the 22059  
county budget commission. 22060

(C)(1) After the approval of a levy on the current tax list 22061  
and duplicate for current expenses, for recreational purposes, for 22062  
community centers provided for in section 755.16 of the Revised 22063  
Code, or for a public library of the district and prior to the 22064  
time when the first tax collection from the levy can be made, the 22065  
board of education may anticipate a fraction of the proceeds of 22066  
the levy and issue anticipation notes in a principal amount not 22067  
exceeding fifty per cent of the total estimated proceeds of the 22068  
levy to be collected during the first year of the levy. 22069

(2) After the approval of a levy for general permanent 22070  
improvements for a specified number of years, or for permanent 22071  
improvements having the purpose specified in division (F) of 22072  
section 5705.19 of the Revised Code, the board of education may 22073  
anticipate a fraction of the proceeds of the levy and issue 22074  
anticipation notes in a principal amount not exceeding fifty per 22075  
cent of the total estimated proceeds of the levy remaining to be 22076  
collected in each year over a period of five years after the 22077  
issuance of the notes. 22078

The notes shall be issued as provided in section 133.24 of 22079  
the Revised Code, shall have principal payments during each year 22080  
after the year of their issuance over a period not to exceed five 22081  
years, and may have a principal payment in the year of their 22082  
issuance. 22083

(3) After approval of a levy for general permanent 22084  
improvements for a continuing period of time, the board of 22085  
education may anticipate a fraction of the proceeds of the levy 22086

and issue anticipation notes in a principal amount not exceeding 22087  
fifty per cent of the total estimated proceeds of the levy to be 22088  
collected in each year over a specified period of years, not 22089  
exceeding ten, after the issuance of the notes. 22090

The notes shall be issued as provided in section 133.24 of 22091  
the Revised Code, shall have principal payments during each year 22092  
after the year of their issuance over a period not to exceed ten 22093  
years, and may have a principal payment in the year of their 22094  
issuance. 22095

**Sec. 5705.211.** (A) As used in this section: 22096

(1) "Adjusted charge-off increase" for a tax year means two 22097  
per cent of the cumulative carryover property value increase. If 22098  
the cumulative carryover property value increase is computed on 22099  
the basis of a school district's recognized valuation for a fiscal 22100  
year before fiscal year 2014, the adjusted charge-off increase 22101  
shall be adjusted to account for the greater charge-off rates 22102  
prescribed for such fiscal years under sections 3317.022 and 22103  
3306.13 of the Revised Code. 22104

(2) "Cumulative carryover property value increase" means the 22105  
sum of the increases in carryover value certified under division 22106  
(B)(2) of section 3317.015 of the Revised Code and included in a 22107  
school district's total taxable value in the computation of 22108  
recognized valuation under division (B) of that section for all 22109  
fiscal years from the fiscal year that ends in the first tax year 22110  
a levy under this section is extended on the tax list of real and 22111  
public utility property until and including the fiscal year that 22112  
ends in the current tax year. 22113

(3) "Taxes charged and payable" means the taxes charged and 22114  
payable from a tax levy extended on the real and public utility 22115  
property tax list and the general list of personal property before 22116  
any reduction under section 319.302, 323.152, or 323.158 of the 22117

Revised Code. 22118

(B) The board of education of a city, local, or exempted 22119  
village school district may adopt a resolution proposing the levy 22120  
of a tax in excess of the ten-mill limitation for the purpose of 22121  
paying the current operating expenses of the district. If the 22122  
resolution is approved as provided in division (D) of this 22123  
section, the tax may be levied at such a rate each tax year that 22124  
the total taxes charged and payable from the levy equals the 22125  
adjusted charge-off increase for the tax year or equals a lesser 22126  
amount as prescribed under division (C) of this section. The tax 22127  
may be levied for a continuing period of time or for a specific 22128  
number of years, but not fewer than five years, as provided in the 22129  
resolution. The tax may not be placed on the tax list for a tax 22130  
year beginning before the first day of January following adoption 22131  
of the resolution. A board of education may not adopt a resolution 22132  
under this section proposing to levy a tax under this section 22133  
concurrently with any other tax levied by the board under this 22134  
section. 22135

(C) After the first year a tax is levied under this section, 22136  
the rate of the tax in any year shall not exceed the rate, 22137  
estimated by the county auditor, that would cause the sums levied 22138  
from the tax against carryover property to exceed one hundred four 22139  
per cent of the sums levied from the tax against carryover 22140  
property in the preceding year. A board of education imposing a 22141  
tax under this section may specify in the resolution imposing the 22142  
tax that the percentage shall be less than one hundred four per 22143  
cent, but the percentage shall not be less than one hundred per 22144  
cent. At any time after a resolution adopted under this section is 22145  
approved by a majority of electors as provided in division (D) of 22146  
this section, the board of education, by resolution, may decrease 22147  
the percentage specified in the resolution levying the tax. 22148

(D) A resolution adopted under this section shall state that 22149

the purpose of the tax is to pay current operating expenses of the district, and shall specify the first year in which the tax is to be levied, the number of years the tax will be levied or that it will be levied for a continuing period of time, and the election at which the question of the tax is to appear on the ballot, which shall be a general or special election consistent with the requirements of section 3501.01 of the Revised Code. If the board of education specifies a percentage less than one hundred four per cent pursuant to division (C) of this section, the percentage shall be specified in the resolution.

Upon adoption of the resolution, the board of education may certify a copy of the resolution to the proper county board of elections. The copy of the resolution shall be certified to the board of elections not later than ~~seventy-five~~ eighty-five days before the day of the election at which the question of the tax is to appear on the ballot. Upon receiving a timely certified copy of such a resolution, the board of elections shall make the necessary arrangements for the submission of the question to the electors of the school district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the school district for the election of members of the board of education. Notice of the election shall be published in one or more newspapers of general circulation in the school district once per week for four consecutive weeks. The notice shall state that the purpose of the tax is for the current operating expenses of the school district, the first year the tax is to be levied, the number of years the tax is to be levied or that it is to be levied for a continuing period of time, that the tax is to be levied each year in an amount estimated to offset decreases in state base cost funding caused by appreciation in real estate values, and that the estimated additional tax in any year shall not exceed the previous year's by more than four per cent, or a lesser percentage specified in the resolution levying the tax, except for increases

caused by the addition of new taxable property. 22183

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The question shall be submitted as a separate proposition but 22185  
may be printed on the same ballot with any other proposition 22186  
submitted at the same election other than the election of 22187  
officers. 22188

The form of the ballot shall be substantially as follows: 22189

"An additional tax for the benefit of (name of school 22190  
district) for the purpose of paying the current operating expenses 22191  
of the district, for ..... (number of years or for continuing 22192  
period of time), at a rate sufficient to offset any reduction in 22193  
basic state funding caused by appreciation in real estate values? 22194  
This levy will permit variable annual growth in revenue up to 22195  
..... (amount specified by school district) per cent for the 22196  
duration of the levy. 22197

22198

	For the tax levy
	Against the tax levy

22199

" 22200

22201

If a majority of the electors of the school district voting 22202  
on the question vote in favor of the question, the board of 22203  
elections shall certify the results of the election to the board 22204  
of education and to the tax commissioner immediately after the 22205  
canvass. 22206

(E) When preparing any estimate of the contemplated receipts 22207  
from a tax levied pursuant to this section for the purposes of 22208  
sections 5705.28 to 5705.40 of the Revised Code, and in preparing 22209  
to certify the tax under section 5705.34 of the Revised Code, a 22210  
board of education authorized to levy such a tax shall use 22211  
information supplied by the department of education to determine 22212  
the adjusted charge-off increase for the tax year for which that 22213

certification is made. If the board levied a tax under this 22214  
section in the preceding tax year, the sum to be certified for 22215  
collection from the tax shall not exceed the sum that would exceed 22216  
the limitation imposed under division (C) of this section. At the 22217  
request of the board of education or the treasurer of the school 22218  
district, the county auditor shall assist the board of education 22219  
in determining the rate or sum that may be levied under this 22220  
section. 22221

The board of education shall certify the sum authorized to be 22222  
levied to the county auditor, and, for the purpose of the county 22223  
auditor determining the rate at which the tax is to be levied in 22224  
the tax year, the sum so certified shall be the sum to be raised 22225  
by the tax unless the sum exceeds the limitation imposed by 22226  
division (C) of this section. A tax levied pursuant to this 22227  
section shall not be levied at a rate in excess of the rate 22228  
estimated by the county auditor to produce the sum certified by 22229  
the board of education before the reductions under sections 22230  
319.302, 323.152, and 323.158 of the Revised Code. Notwithstanding 22231  
section 5705.34 of the Revised Code, a board of education 22232  
authorized to levy a tax under this section shall certify the tax 22233  
to the county auditor before the first day of October of the tax 22234  
year in which the tax is to be levied, or at a later date as 22235  
approved by the tax commissioner. 22236

**Sec. 5705.212.** (A)(1) The board of education of any school 22237  
district, at any time and by a vote of two-thirds of all of its 22238  
members, may declare by resolution that the amount of taxes that 22239  
may be raised within the ten-mill limitation will be insufficient 22240  
to provide an adequate amount for the present and future 22241  
requirements of the school district, that it is necessary to levy 22242  
not more than five taxes in excess of that limitation for current 22243  
expenses, and that each of the proposed taxes first will be levied 22244  
in a different year, over a specified period of time. The board 22245

shall identify the taxes proposed under this section as follows: 22246  
the first tax to be levied shall be called the "original tax." 22247  
Each tax subsequently levied shall be called an "incremental tax." 22248  
The rate of each incremental tax shall be identical, but the rates 22249  
of such incremental taxes need not be the same as the rate of the 22250  
original tax. The resolution also shall state that the question of 22251  
these additional taxes shall be submitted to the electors of the 22252  
school district at a special election. The resolution shall 22253  
specify separately for each tax proposed: the amount of the 22254  
increase in rate that it is necessary to levy, expressed 22255  
separately for the original tax and each incremental tax; that the 22256  
purpose of the levy is for current expenses; the number of years 22257  
during which the original tax shall be in effect; a specification 22258  
that the last year in which the original tax is in effect shall 22259  
also be the last year in which each incremental tax shall be in 22260  
effect; and the year in which each tax first is proposed to be 22261  
levied. The original tax may be levied for any number of years not 22262  
exceeding ten, or for a continuing period of time. The resolution 22263  
shall specify the date of holding the special election, which 22264  
shall not be earlier than ~~seventy-five~~ eighty-five days after the 22265  
adoption and certification of the resolution and shall be 22266  
consistent with the requirements of section 3501.01 of the Revised 22267  
Code. 22268

(2) The board of education, by a vote of two-thirds of all of 22269  
its members, may adopt a resolution proposing to renew taxes 22270  
levied other than for a continuing period of time under division 22271  
(A)(1) of this section. Such a resolution shall provide for 22272  
levying a tax and specify all of the following: 22273

(a) That the tax shall be called and designated on the ballot 22274  
as a renewal levy; 22275

(b) The rate of the renewal tax, which shall be a single rate 22276  
that combines the rate of the original tax and each incremental 22277



tax into a single rate. The rate of the renewal tax shall not 22278  
exceed the aggregate rate of the original and incremental taxes. 22279

(c) The number of years, not to exceed ten, that the renewal 22280  
tax will be levied, or that it will be levied for a continuing 22281  
period of time; 22282

(d) That the purpose of the renewal levy is for current 22283  
expenses; 22284

(e) Subject to the certification and notification 22285  
requirements of section 5705.251 of the Revised Code, that the 22286  
question of the renewal levy shall be submitted to the electors of 22287  
the school district at the general election held during the last 22288  
year the original tax may be extended on the real and public 22289  
utility property tax list and duplicate or at a special election 22290  
held during the ensuing year. 22291

(3) A resolution adopted under division (A)(1) or (2) of this 22292  
section shall go into immediate effect upon its adoption and no 22293  
publication of the resolution is necessary other than that 22294  
provided for in the notice of election. Immediately after its 22295  
adoption, a copy of the resolution shall be certified to the board 22296  
of elections of the proper county in the manner provided by 22297  
division (A) of section 5705.251 of the Revised Code, and that 22298  
division shall govern the arrangements for the submission of the 22299  
question and other matters concerning the election to which that 22300  
section refers. The election shall be held on the date specified 22301  
in the resolution. If a majority of the electors voting on the 22302  
question so submitted in an election vote in favor of the taxes or 22303  
a renewal tax, the board of education, if the original or a 22304  
renewal tax is authorized to be levied for the current year, 22305  
immediately may make the necessary levy within the school district 22306  
at the authorized rate, or at any lesser rate in excess of the 22307  
ten-mill limitation, for the purpose stated in the resolution. No 22308  
tax shall be imposed prior to the year specified in the resolution 22309

as the year in which it is first proposed to be levied. The rate 22310  
of the original tax and the rate of each incremental tax shall be 22311  
cumulative, so that the aggregate rate levied in any year is the 22312  
sum of the rates of both the original tax and all incremental 22313  
taxes levied in or prior to that year under the same proposal. A 22314  
tax levied for a continuing period of time under this section may 22315  
be reduced pursuant to section 5705.261 of the Revised Code. 22316

(4) The submission of questions to the electors under this 22317  
section is subject to the limitation on the number of election 22318  
dates established by section 5705.214 of the Revised Code. 22319

(B) Notwithstanding sections 133.30 and 133.301 of the 22320  
Revised Code, after the approval of a tax to be levied in the 22321  
current or the succeeding year and prior to the time when the 22322  
first tax collection from that levy can be made, the board of 22323  
education may anticipate a fraction of the proceeds of the levy 22324  
and issue anticipation notes in an amount not to exceed fifty per 22325  
cent of the total estimated proceeds of the levy to be collected 22326  
during the first year of the levy. The notes shall be sold as 22327  
provided in Chapter 133. of the Revised Code. If anticipation 22328  
notes are issued, they shall mature serially and in substantially 22329  
equal amounts during each year over a period not to exceed five 22330  
years; and the amount necessary to pay the interest and principal 22331  
as the anticipation notes mature shall be deemed appropriated for 22332  
those purposes from the levy, and appropriations from the levy by 22333  
the board of education shall be limited each fiscal year to the 22334  
balance available in excess of that amount. 22335

If the auditor of state has certified a deficit pursuant to 22336  
section 3313.483 of the Revised Code, the notes authorized under 22337  
this section may be sold in accordance with Chapter 133. of the 22338  
Revised Code, except that the board may sell the notes after 22339  
providing a reasonable opportunity for competitive bidding. 22340

Sec. 5705.213. (A)(1) The board of education of any school 22341  
district, at any time and by a vote of two-thirds of all of its 22342  
members, may declare by resolution that the amount of taxes that 22343  
may be raised within the ten-mill limitation will be insufficient 22344  
to provide an adequate amount for the present and future 22345  
requirements of the school district and that it is necessary to 22346  
levy a tax in excess of that limitation for current expenses. The 22347  
resolution also shall state that the question of the additional 22348  
tax shall be submitted to the electors of the school district at a 22349  
special election. The resolution shall specify, for each year the 22350  
levy is in effect, the amount of money that the levy is proposed 22351  
to raise, which may, for years after the first year the levy is 22352  
made, be expressed in terms of a dollar or percentage increase 22353  
over the prior year's amount. The resolution also shall specify 22354  
that the purpose of the levy is for current expenses, the number 22355  
of years during which the tax shall be in effect which may be for 22356  
any number of years not exceeding ten, and the year in which the 22357  
tax first is proposed to be levied. The resolution shall specify 22358  
the date of holding the special election, which shall not be 22359  
earlier than ~~eighty~~ ninety days after the adoption and 22360  
certification of the resolution to the county auditor and not 22361  
earlier than ~~seventy-five~~ eighty-five days after certification to 22362  
the board of elections. The date of the election shall be 22363  
consistent with the requirements of section 3501.01 of the Revised 22364  
Code. 22365

(2) The board of education, by a vote of two-thirds of all of 22366  
its members, may adopt a resolution proposing to renew a tax 22367  
levied under division (A)(1) of this section. Such a resolution 22368  
shall provide for levying a tax and specify all of the following: 22369

(a) That the tax shall be called and designated on the ballot 22370  
as a renewal levy; 22371

(b) The amount of the renewal tax, which shall be no more than the amount of tax levied during the last year the tax being renewed is authorized to be in effect; 22372  
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22374

(c) 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; 22375  
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(d) That the purpose of the renewal levy is for current expenses; 22378  
22379

(e) Subject to the certification and notification requirements of section 5705.251 of the Revised Code, that the question of the renewal levy shall be submitted to the electors of the school district at the general election held during the last year the tax being renewed may be extended on the real and public utility property tax list and duplicate or at a special election held during the ensuing year. 22380  
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(3) A resolution adopted under division (A)(1) or (2) of this section shall go into immediate effect upon its adoption and no publication of the resolution is necessary other than that provided for in the notice of election. Immediately after its adoption, a copy of the resolution shall be certified to the county auditor of the proper county, who shall, within five days, calculate and certify to the board of education the estimated levy, for the first year, and for each subsequent year for which the tax is proposed to be in effect. The estimates shall be made both in mills for each dollar of valuation, and in dollars and cents for each one hundred dollars of valuation. In making the estimates, the auditor shall assume that the amount of the tax list remains throughout the life of the levy, the same as the tax list for the current year. If the tax list for the current year is not determined, the auditor shall base ~~his~~ the auditor's estimates on the estimated amount of the tax list for the current year as submitted to the county budget commission. 22387  
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If the board desires to proceed with the submission of the question, it shall certify its resolution, with the estimated tax levy expressed in mills and dollars and cents per hundred dollars of valuation for each year that the tax is proposed to be in effect, to the board of elections of the proper county in the manner provided by division (A) of section 5705.251 of the Revised Code. Section 5705.251 of the Revised Code shall govern the arrangements for the submission of the question and other matters concerning the election to which that section refers. The election shall be held on the date specified in the resolution. If a majority of the electors voting on the question so submitted in an election vote in favor of the tax, and if the tax is authorized to be levied for the current year, the board of education immediately may make the additional levy necessary to raise the amount specified in the resolution or a lesser amount for the purpose stated in the resolution.

(4) 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.

(B) Notwithstanding sections 133.30 and 133.301 of the Revised Code, after the approval of a tax to be levied in the current or the succeeding year and prior to the time when the first tax collection from that levy can be made, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in an amount not to exceed fifty per cent of the total estimated proceeds of the levy to be collected during the first year of the levy. The notes shall be sold as provided in Chapter 133. of the Revised Code. If anticipation notes are issued, they shall mature serially and in substantially equal amounts during each year over a period not to exceed five years; and the amount necessary to pay the interest and principal as the anticipation notes mature shall be deemed appropriated for

those purposes from the levy, and appropriations from the levy by 22436  
the board of education shall be limited each fiscal year to the 22437  
balance available in excess of that amount. 22438

If the auditor of state has certified a deficit pursuant to 22439  
section 3313.483 of the Revised Code, the notes authorized under 22440  
this section may be sold in accordance with Chapter 133. of the 22441  
Revised Code, except that the board may sell the notes after 22442  
providing a reasonable opportunity for competitive bidding. 22443

**Sec. 5705.217.** (A) The board of education of a city, local, 22444  
or exempted village school district, at any time by a vote of 22445  
two-thirds of all its members, may declare by resolution that the 22446  
amount of taxes that can be raised within the ten-mill limitation 22447  
will be insufficient to provide an adequate amount for the present 22448  
and future requirements of the school district; that it is 22449  
necessary to levy an additional tax in excess of that limitation 22450  
for the purposes of providing funds for current operating expenses 22451  
and for the acquisition, construction, enlargement, renovation, 22452  
and financing of permanent improvements; and that the question of 22453  
the tax shall be submitted to the electors of the district at a 22454  
special election. The tax may be levied for a specified number of 22455  
years not exceeding five or, if the tax is for current operating 22456  
expenses or for general, on-going permanent improvements, for a 22457  
continuing period of time. The resolution shall specify the 22458  
proposed tax rate, the first year the tax will be levied, and the 22459  
number of years it will be levied, or that it will be levied for a 22460  
continuing period of time. The resolution shall apportion the 22461  
annual rate of the tax between current operating expenses and 22462  
permanent improvements. The apportionment may but need not be the 22463  
same for each year of the tax, but the respective portions of the 22464  
rate actually levied each year for current operating expenses and 22465  
permanent improvements shall be limited by the apportionment. 22466

The resolution shall specify the date of holding the special election, which shall not be earlier than ~~seventy-five~~ eighty-five days after certification of the resolution to the board of elections and shall be consistent with the requirements of section 3501.01 of the Revised Code. The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of education shall certify a copy of the resolution to the board of elections immediately after its adoption. Section 5705.25 of the Revised Code governs the arrangements and form of the ballot for the submission of the question to the electors.

If a majority of the electors voting on the question vote in favor of the tax, the board of education may make the levy at the additional rate, or at any lesser rate in excess of the ten-mill limitation. If the tax is for a continuing period of time, it may be decreased in accordance with section 5705.261 of the Revised Code.

(B)(1) After the approval of a tax for current operating expenses under this section and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected during the first year of the levy.

(2) After the approval of a tax under this section for permanent improvements having a specific purpose, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax remaining to be collected in each year over a period of five years after issuance of the notes.

(3) After the approval of a tax for general, on-going

permanent improvements under this section, the board of education 22499  
may anticipate a fraction of the proceeds of such tax and issue 22500  
anticipation notes in a principal amount not exceeding fifty per 22501  
cent of the total estimated proceeds of the tax to be collected in 22502  
each year over a specified period of years, not exceeding ten, 22503  
after issuance of the notes. 22504

Anticipation notes under this section shall be issued as 22505  
provided in section 133.24 of the Revised Code. Notes issued under 22506  
division (B)(1) or (2) of this section shall have principal 22507  
payments during each year after the year of their issuance over a 22508  
period not to exceed five years, and may have a principal payment 22509  
in the year of their issuance. Notes issued under division (B)(3) 22510  
of this section shall have principal payments during each year 22511  
after the year of their issuance over a period not to exceed ten 22512  
years, and may have a principal payment in the year of their 22513  
issuance. 22514

(C) The submission of a question to the electors under this 22515  
section is subject to the limitation on the number of elections 22516  
that can be held in a year under section 5705.214 of the Revised 22517  
Code. 22518

**Sec. 5705.218.** (A) The board of education of a city, local, 22519  
or exempted village school district, at any time by a vote of 22520  
two-thirds of all its members, may declare by resolution that it 22521  
may be necessary for the school district to issue general 22522  
obligation bonds for permanent improvements. The resolution shall 22523  
state all of the following: 22524

(1) The necessity and purpose of the bond issue; 22525

(2) The date of the special election at which the question 22526  
shall be submitted to the electors; 22527

(3) The amount, approximate date, estimated rate of interest, 22528



and maximum number of years over which the principal of the bonds 22529  
may be paid; 22530

(4) The necessity of levying a tax outside the ten-mill 22531  
limitation to pay debt charges on the bonds and any anticipatory 22532  
securities. 22533

On adoption of the resolution, the board shall certify a copy 22534  
of it to the county auditor. The county auditor promptly shall 22535  
estimate and certify to the board the average annual property tax 22536  
rate required throughout the stated maturity of the bonds to pay 22537  
debt charges on the bonds, in the same manner as under division 22538  
(C) of section 133.18 of the Revised Code. 22539

(B) After receiving the county auditor's certification under 22540  
division (A) of this section, the board of education of the city, 22541  
local, or exempted village school district, by a vote of 22542  
two-thirds of all its members, may declare by resolution that the 22543  
amount of taxes that can be raised within the ten-mill limitation 22544  
will be insufficient to provide an adequate amount for the present 22545  
and future requirements of the school district; that it is 22546  
necessary to issue general obligation bonds of the school district 22547  
for permanent improvements and to levy an additional tax in excess 22548  
of the ten-mill limitation to pay debt charges on the bonds and 22549  
any anticipatory securities; that it is necessary for a specified 22550  
number of years or for a continuing period of time to levy 22551  
additional taxes in excess of the ten-mill limitation to provide 22552  
funds for the acquisition, construction, enlargement, renovation, 22553  
and financing of permanent improvements or to pay for current 22554  
operating expenses, or both; and that the question of the bonds 22555  
and taxes shall be submitted to the electors of the school 22556  
district at a special election, which shall not be earlier than 22557  
~~seventy-five~~ eighty-five days after certification of the 22558  
resolution to the board of elections, and the date of which shall 22559  
be consistent with section 3501.01 of the Revised Code. The 22560

resolution shall specify all of the following: 22561

(1) The county auditor's estimate of the average annual 22562  
property tax rate required throughout the stated maturity of the 22563  
bonds to pay debt charges on the bonds; 22564

(2) The proposed rate of the tax, if any, for current 22565  
operating expenses, the first year the tax will be levied, and the 22566  
number of years it will be levied, or that it will be levied for a 22567  
continuing period of time; 22568

(3) The proposed rate of the tax, if any, for permanent 22569  
improvements, the first year the tax will be levied, and the 22570  
number of years it will be levied, or that it will be levied for a 22571  
continuing period of time. 22572

The resolution shall apportion the annual rate of the tax 22573  
between current operating expenses and permanent improvements, if 22574  
both taxes are proposed. The apportionment may but need not be the 22575  
same for each year of the tax, but the respective portions of the 22576  
rate actually levied each year for current operating expenses and 22577  
permanent improvements shall be limited by the apportionment. The 22578  
resolution shall go into immediate effect upon its passage, and no 22579  
publication of it is necessary other than that provided in the 22580  
notice of election. The board of education shall certify a copy of 22581  
the resolution, along with copies of the auditor's estimate and 22582  
its resolution under division (A) of this section, to the board of 22583  
elections immediately after its adoption. 22584

(C) The board of elections shall make the arrangements for 22585  
the submission of the question to the electors of the school 22586  
district, and the election shall be conducted, canvassed, and 22587  
certified in the same manner as regular elections in the district 22588  
for the election of county officers. The resolution shall be put 22589  
before the electors as one ballot question, with a favorable vote 22590  
indicating approval of the bond issue, the levy to pay debt 22591

charges on the bonds and any anticipatory securities, the current 22592  
operating expenses levy, and the permanent improvements levy, if 22593  
either or both levies are proposed. The board of elections shall 22594  
publish notice of the election in one or more newspapers of 22595  
general circulation in the school district once a week for two 22596  
consecutive weeks prior to the election, and, if a board of 22597  
elections operates and maintains a web site, that board also shall 22598  
post notice of the election on its web site for thirty days prior 22599  
to the election. The notice of election shall state all of the 22600  
following: 22601

- (1) The principal amount of the proposed bond issue; 22602
- (2) The permanent improvements for which the bonds are to be 22603  
issued; 22604
- (3) The maximum number of years over which the principal of 22605  
the bonds may be paid; 22606
- (4) The estimated additional average annual property tax rate 22607  
to pay the debt charges on the bonds, as certified by the county 22608  
auditor; 22609
- (5) The proposed rate of the additional tax, if any, for 22610  
current operating expenses; 22611
- (6) The number of years the current operating expenses tax 22612  
will be in effect, or that it will be in effect for a continuing 22613  
period of time; 22614
- (7) The proposed rate of the additional tax, if any, for 22615  
permanent improvements; 22616
- (8) The number of years the permanent improvements tax will 22617  
be in effect, or that it will be in effect for a continuing period 22618  
of time; 22619
- (9) The time and place of the special election. 22620

(D) The form of the ballot for an election under this section 22621

is as follows: 22622

"Shall the ..... school district be authorized to do the 22623  
following: 22624

(1) Issue bonds for the purpose of ..... in the 22625  
principal amount of \$....., to be repaid annually over a maximum 22626  
period of ..... years, and levy a property tax outside the 22627  
ten-mill limitation, estimated by the county auditor to average 22628  
over the bond repayment period ..... mills for each one dollar of 22629  
tax valuation, which amounts to ..... (rate expressed in cents or 22630  
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 22631  
tax valuation, to pay the annual debt charges on the bonds, and to 22632  
pay debt charges on any notes issued in anticipation of those 22633  
bonds?" 22634

If either a levy for permanent improvements or a levy for 22635  
current operating expenses is proposed, or both are proposed, the 22636  
ballot also shall contain the following language, as appropriate: 22637

"(2) Levy an additional property tax to provide funds for the 22638  
acquisition, construction, enlargement, renovation, and financing 22639  
of permanent improvements at a rate not exceeding ..... mills 22640  
for each one dollar of tax valuation, which amounts to ..... 22641  
(rate expressed in cents or dollars and cents) for each \$100 of 22642  
tax valuation, for ..... (number of years of the levy, or a 22643  
continuing period of time)? 22644

(3) Levy an additional property tax to pay current operating 22645  
expenses at a rate not exceeding ..... mills for each one dollar 22646  
of tax valuation, which amounts to ..... (rate expressed in 22647  
cents or dollars and cents) for each \$100 of tax valuation, for 22648  
..... (number of years of the levy, or a continuing period of 22649  
time)? 22650

22651

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
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	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)	"	22653
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(E) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote for it, the board of education may proceed with issuance of the bonds and with the levy and collection of the property tax or taxes 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.

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(F)(1) After the approval of a tax for current operating expenses under this section and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected during the first year of the levy.

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(2) After the approval of a tax under this section for permanent improvements having a specific purpose, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax remaining to be collected in each year over a period of five years after issuance of the notes.

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(3) After the approval of a tax for general, on-going permanent improvements under this section, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected in each year over a specified period of years, not exceeding ten,

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after issuance of the notes. 22685

Anticipation notes under this section shall be issued as 22686  
provided in section 133.24 of the Revised Code. Notes issued under 22687  
division (F)(1) or (2) of this section shall have principal 22688  
payments during each year after the year of their issuance over a 22689  
period not to exceed five years, and may have a principal payment 22690  
in the year of their issuance. Notes issued under division (F)(3) 22691  
of this section shall have principal payments during each year 22692  
after the year of their issuance over a period not to exceed ten 22693  
years, and may have a principal payment in the year of their 22694  
issuance. 22695

(G) A tax for current operating expenses or for permanent 22696  
improvements levied under this section for a specified number of 22697  
years may be renewed or replaced in the same manner as a tax for 22698  
current operating expenses or for permanent improvements levied 22699  
under section 5705.21 of the Revised Code. A tax for current 22700  
operating expenses or for permanent improvements levied under this 22701  
section for a continuing period of time may be decreased in 22702  
accordance with section 5705.261 of the Revised Code. 22703

(H) The submission of a question to the electors under this 22704  
section is subject to the limitation on the number of elections 22705  
that can be held in a year under section 5705.214 of the Revised 22706  
Code. 22707

(I) A school district board of education proposing a ballot 22708  
measure under this section to generate local resources for a 22709  
project under the school building assistance expedited local 22710  
partnership program under section 3318.36 of the Revised Code may 22711  
combine the questions under division (D) of this section with a 22712  
question for the levy of a property tax to generate moneys for 22713  
maintenance of the classroom facilities acquired under that 22714  
project as prescribed in section 3318.361 of the Revised Code. 22715

**Sec. 5705.219.** (A) As used in this section: 22716

(1) "Eligible school district" means a city, local, or 22717  
exempted village school district in which the taxes charged and 22718  
payable for current expenses on residential/agricultural real 22719  
property in the tax year preceding the year in which the levy 22720  
authorized by this section will be submitted for elector approval 22721  
or rejection are greater than two per cent of the taxable value of 22722  
the residential/agricultural real property. 22723

(2) "Residential/agricultural real property" and 22724  
"nonresidential/agricultural real property" means the property 22725  
classified as such under section 5713.041 of the Revised Code. 22726

(3) "Effective tax rate" and "taxes charged and payable" have 22727  
the same meanings as in division (B) of section 319.301 of the 22728  
Revised Code. 22729

(B) On or after January 1, 2010, but before January 1, 2015, 22730  
the board of education of an eligible school district, by a vote 22731  
of two-thirds of all its members, may adopt a resolution proposing 22732  
to convert existing levies imposed for the purpose of current 22733  
expenses into a levy raising a specified amount of tax money by 22734  
repealing all or a portion of one or more of those existing levies 22735  
and imposing a levy in excess of the ten-mill limitation that will 22736  
raise a specified amount of money for current expenses of the 22737  
district. 22738

The board of education shall certify a copy of the resolution 22739  
to the tax commissioner not later than ~~ninety~~ one hundred days 22740  
before the election upon which the repeal and levy authorized by 22741  
this section will be proposed to the electors. Within ten days 22742  
after receiving the copy of the resolution, the tax commissioner 22743  
shall determine each of the following and certify the 22744  
determinations to the board of education: 22745

(1) The dollar amount to be raised by the proposed levy,	22746
which shall be the product of:	22747
(a) The difference between the aggregate effective tax rate	22748
for residential/agricultural real property for the tax year	22749
preceding the year in which the repeal and levy will be proposed	22750
to the electors and twenty mills per dollar of taxable value;	22751
(b) The total taxable value of all property on the tax list	22752
of real and public utility property for the tax year preceding the	22753
year in which the repeal and levy will be proposed to the	22754
electors.	22755
(2) The estimated tax rate of the proposed levy.	22756
(3) The existing levies and any portion of an existing levy	22757
to be repealed upon approval of the question. Levies shall be	22758
repealed in reverse chronological order from most recently imposed	22759
to least recently imposed until the sum of the effective tax rates	22760
repealed for residential/agricultural real property is equal to	22761
the difference calculated in division (B)(1)(a) of this section.	22762
(4) The sum of the following:	22763
(a) The total taxable value of nonresidential/agricultural	22764
real property for the tax year preceding the year in which the	22765
repeal and levy will be proposed to the electors multiplied by the	22766
difference between (i) the aggregate effective tax rate for	22767
nonresidential/agricultural real property for the existing levies	22768
and any portion of an existing levy to be repealed and (ii) the	22769
amount determined under division (B)(1)(a) of this section, but	22770
not less than zero;	22771
(b) The total taxable value of public utility tangible	22772
personal property for the tax year preceding the year in which the	22773
repeal and levy will be proposed to the electors multiplied by the	22774
difference between (i) the aggregate voted tax rate for the	22775
existing levies and any portion of an existing levy to be repealed	22776



and (ii) the amount determined under division (B)(1)(a) of this section, but not less than zero.

(C) Upon receipt of the certification from the tax commissioner under division (B) of this section, a majority of the members of the board of education may adopt a resolution proposing the repeal of the existing levies as identified in the certification and the imposition of a levy in excess of the ten-mill limitation that will raise annually the amount certified by the commissioner. If the board determines that the tax should be for an amount less than that certified by the commissioner, the board may request that the commissioner redetermine the rate under division (B)(2) of this section on the basis of the lesser amount the levy is to raise as specified by the board. The amount certified under division (B)(4) and the levies to be repealed as certified under division (B)(3) of this section shall not be redetermined. Within ten days after receiving a timely request specifying the lesser amount to be raised by the levy, the commissioner shall redetermine the rate and recertify it to the board as otherwise provided in division (B) of this section. Only one such request may be made by the board of education of an eligible school district.

The resolution shall state the first calendar year in which the levy will be due; the existing levies and any portion of an existing levy that will be repealed, as certified by the commissioner; the term of the levy expressed in years, which may be any number not exceeding ten, or that it will be levied for a continuing period of time; and the date of the election, which shall be the date of a primary or general election.

Immediately upon its passage, the resolution shall go into effect and shall be certified by the board of education to the county auditor of the proper county. The county auditor and the board of education shall proceed as required under section

5705.195 of the Revised Code. No publication of the resolution is 22809  
 necessary other than that provided for in the notice of election. 22810  
 Section 5705.196 of the Revised Code shall govern the matters 22811  
 concerning the election. The submission of a question to the 22812  
 electors under this section is subject to the limitation on the 22813  
 number of election dates established by section 5705.214 of the 22814  
 Revised Code. 22815

(D) The form of the ballot to be used at the election 22816  
 provided for in this section shall be as follows: 22817

"Shall the existing levy of ..... (insert the voted 22818  
 millage rate of the levy to be repealed), currently being charged 22819  
 against residential and agricultural property by the ..... 22820  
 (insert the name of school district) at a rate of ..... 22821  
 (insert the residential/agricultural real property effective tax 22822  
 rate of the levy being repealed) for the purpose of ..... 22823  
 (insert the purpose of the existing levy) be repealed, and shall a 22824  
 levy be imposed by the ..... (insert the name of school 22825  
 district) in excess of the ten-mill limitation for the necessary 22826  
 requirements of the school district in the sum of ..... 22827  
 (insert the annual amount the levy is to produce), estimated by 22828  
 the tax commissioner to require ..... (insert the number of 22829  
 mills) mills for each one dollar of valuation, which amounts to 22830  
 ..... (insert the rate expressed in dollars and cents) for 22831  
 each one hundred dollars of valuation for the initial year of the 22832  
 tax, for a period of ..... (insert the number of years the 22833  
 levy is to be imposed, or that it will be levied for a continuing 22834  
 period of time), commencing in ..... (insert the first year 22835  
 the tax is to be levied), first due in calendar year ..... 22836  
 (insert the first calendar year in which the tax shall be due)? 22837

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	FOR THE REPEAL AND TAX
	AGAINST THE REPEAL AND TAX

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If the question submitted is a proposal to repeal all or a portion of more than one existing levy, the form of the ballot shall be modified by substituting the statement "shall the existing levy of" with "shall existing levies of" and inserting the aggregate voted and aggregate effective tax rates to be repealed.

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(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.

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(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.

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(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:

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(1) That the tax shall be called, and designated on the ballot as, a renewal levy;

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(2) The amount of the renewal tax, which shall be no more than the amount of tax previously collected; 22872  
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(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; 22874  
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(4) That the purpose of the renewal tax is for current expenses. 22877  
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The board shall certify a copy of the resolution to the board of elections not later than ~~seventy-five~~ eighty-five days before the date of the election at which the question is to be submitted, which shall be the date of a primary or general election. 22879  
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(H) The form of the ballot to be used at the election on the question of renewing a levy under this section shall be as follows: 22884  
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"Shall a tax levy renewing an existing levy of ..... (insert the annual dollar amount the levy is to produce each year), estimated to require ..... (insert the number of mills) mills for each one dollar of valuation be imposed by the ..... (insert the name of school district) for the purpose of current expenses for a period of ..... (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), commencing in ..... (insert the first year the tax is to be levied), first due in calendar year ..... (insert the first calendar year in which the tax shall be due)? 22887  
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	FOR THE RENEWAL OF THE TAX LEVY
	AGAINST THE RENEWAL OF THE TAX LEVY

"

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If the levy submitted is to be for less than the amount of 22902  
money previously collected, the form of the ballot shall be 22903  
modified to add "and reducing" after "renewing" and to add before 22904  
"estimated to require" the statement "be approved at a tax rate 22905  
necessary to produce ..... (insert the lower annual dollar 22906  
amount the levy is to produce each year)." 22907

**Sec. 5705.2111.** (A) If the board of directors of a regional 22908  
student education district created under section 3313.83 of the 22909  
Revised Code desires to levy a tax in excess of the ten-mill 22910  
limitation throughout the district for the purpose of funding the 22911  
services to be provided by the district to students enrolled in 22912  
the school districts of which the district is composed and their 22913  
immediate family members, the board shall propose the levy to each 22914  
of the boards of education of those school districts. The proposal 22915  
shall specify the rate or amount of the tax, the number of years 22916  
the tax will be levied or that it will be levied for a continuing 22917  
period of time, and that the aggregate rate of the tax shall not 22918  
exceed three mills per dollar of taxable value in the regional 22919  
student education district. 22920

(B)(1) If a majority of the boards of education of the school 22921  
districts of which the regional student education district is 22922  
composed approves the proposal for the tax levy, the board of 22923  
directors of the regional student education district may adopt a 22924  
resolution approved by a majority of the board's full membership 22925  
declaring the necessity of levying the proposed tax in excess of 22926  
the ten-mill limitation throughout the district for the purpose of 22927  
funding the services to be provided by the district to students 22928  
enrolled in the school districts of which the district is composed 22929  
and their immediate family members. The resolution shall provide 22930  
for the question of the tax to be submitted to the electors of the 22931  
district at a general, primary, or special election on a day to be 22932  
specified in the resolution that is consistent with the 22933

requirements of section 3501.01 of the Revised Code and that 22934  
occurs at least ~~seventy-five~~ eighty-five days after the resolution 22935  
is certified to the board of elections. The resolution shall 22936  
specify the rate or amount of the tax and the number of years the 22937  
tax will be levied or that the tax will be levied for a continuing 22938  
period of time. The aggregate rate of tax levied by a regional 22939  
student education district under this section at any time shall 22940  
not exceed three mills per dollar of taxable value in the 22941  
district. A tax levied under this section may be renewed, subject 22942  
to section 5705.25 of the Revised Code, or replaced as provided in 22943  
section 5705.192 of the Revised Code. 22944

(2) The resolution shall take effect immediately upon 22945  
passage, and no publication of the resolution is necessary other 22946  
than that provided in the notice of election. The resolution shall 22947  
be certified and submitted in the manner provided under section 22948  
5705.25 of the Revised Code, and that section governs the 22949  
arrangements governing submission of the question and other 22950  
matters concerning the election. 22951

**Sec. 5705.22.** The board of county commissioners of any 22952  
county, at any time and in any year, after providing the normal 22953  
and customary percentages of the total general fund appropriations 22954  
for the support of county hospitals, by vote of two-thirds of all 22955  
members of said board, may declare by resolution that the amount 22956  
of taxes which may be raised within the ten-mill limitation will 22957  
be insufficient to provide an adequate amount for the support of 22958  
county hospitals, and that it is necessary to levy a tax in excess 22959  
of the ten-mill limitation to supplement such general fund 22960  
appropriations for such purpose, but the total levy for this 22961  
purpose shall not exceed sixty-five one hundredths of a mill. 22962

Such resolution shall conform to the requirements of section 22963  
5705.19 of the Revised Code, and shall be certified to the board 22964

of elections not less than ~~seventy-five~~ eighty-five days before 22965  
the general election and submitted in the manner provided in 22966  
section 5705.25 of the Revised Code. 22967

If the majority of electors voting on a levy to supplement 22968  
the general fund appropriations for the support of county 22969  
hospitals vote in favor of the levy, the board of said county may 22970  
levy a tax within such county at the additional rate in excess of 22971  
the ten-mill limitation during the period for the purpose stated 22972  
in the resolution or at any less rate or for any of the said 22973  
years. 22974

**Sec. 5705.221.** (A) At any time, the board of county 22975  
commissioners of any county by a majority vote of the full 22976  
membership may declare by resolution and certify to the board of 22977  
elections of the county that the amount of taxes which may be 22978  
raised within the ten-mill limitation by levies on the current tax 22979  
duplicate will be insufficient to provide the necessary 22980  
requirements of the county's alcohol, drug addiction, and mental 22981  
health service district established pursuant to Chapter 340. of 22982  
the Revised Code, or the county's contribution to a joint-county 22983  
district of which the county is a part, and that it is necessary 22984  
to levy a tax in excess of such limitation for the operation of 22985  
alcohol and drug addiction programs and mental health programs and 22986  
the acquisition, construction, renovation, financing, maintenance, 22987  
and operation of alcohol and drug addiction facilities and mental 22988  
health facilities. 22989

Such resolution shall conform to section 5705.19 of the 22990  
Revised Code, except that the increased rate may be in effect for 22991  
any number of years not exceeding ten. 22992

The resolution shall be certified and submitted in the manner 22993  
provided in section 5705.25 of the Revised Code, except that it 22994  
may be placed on the ballot in any election, and shall be 22995

certified to the board of elections not less than ~~seventy-five~~ 22996  
eighty-five days before the election at which it will be voted 22997  
upon. 22998

If the majority of the electors voting on a levy to 22999  
supplement general fund appropriations for the support of the 23000  
comprehensive alcohol and drug addiction and mental health program 23001  
vote in favor of the levy, the board may levy a tax within the 23002  
county at the additional rate outside the ten-mill limitation 23003  
during the specified or continuing period, for the purpose stated 23004  
in the resolution. 23005

(B) When electors have approved a tax levy under this 23006  
section, the board of county commissioners may anticipate a 23007  
fraction of the proceeds of the levy and, from time to time, issue 23008  
anticipation notes in accordance with section 5705.191 or 5705.193 23009  
of the Revised Code. 23010

(C) The county auditor who is the fiscal officer of the 23011  
alcohol, drug addiction, and mental health service district, upon 23012  
receipt of a resolution from the board of alcohol, drug addiction, 23013  
and mental health services, shall establish for the district a 23014  
capital improvements account or a reserve balance account, or 23015  
both, as specified in the resolution. The capital improvements 23016  
account shall be a contingency fund for the necessary acquisition, 23017  
replacement, renovation, or construction of facilities and movable 23018  
and fixed equipment. Upon the request of the board, funds not 23019  
needed to pay for current expenses may be appropriated to the 23020  
capital improvements account, in amounts such that the account 23021  
does not exceed twenty-five per cent of the replacement value of 23022  
all capital facilities and equipment currently used by the board 23023  
for programs and services. Other funds which are available for 23024  
current capital expenses from federal, state, or local sources may 23025  
also be appropriated to this account. 23026

The reserve balance account shall contain those funds that 23027



are not needed to pay for current operating expenses and not 23028  
deposited in the capital improvements account but that will be 23029  
needed to pay for operating expenses in the future. Upon the 23030  
request of a board, such funds shall be appropriated to the 23031  
reserve balance account. Payments from the capital improvements 23032  
account and the reserve balance account shall be made by the 23033  
county treasurer who is the custodian of funds for the district 23034  
upon warrants issued by the county auditor who is the fiscal 23035  
officer of the district pursuant to orders of the board. 23036

**Sec. 5705.222.** (A) At any time the board of county 23037  
commissioners of any county by a majority vote of the full 23038  
membership may declare by resolution and certify to the board of 23039  
elections of the county that the amount of taxes which may be 23040  
raised within the ten-mill limitation by levies on the current tax 23041  
duplicate will be insufficient to provide the necessary 23042  
requirements of the county board of developmental disabilities 23043  
established pursuant to Chapter 5126. of the Revised Code and that 23044  
it is necessary to levy a tax in excess of such limitation for the 23045  
operation of programs and services by county boards of 23046  
developmental disabilities and for the acquisition, construction, 23047  
renovation, financing, maintenance, and operation of mental 23048  
retardation and developmental disabilities facilities. 23049

Such resolution shall conform to section 5705.19 of the 23050  
Revised Code, except that the increased rate may be in effect for 23051  
any number of years not exceeding ten or for a continuing period 23052  
of time. 23053

The resolution shall be certified and submitted in the manner 23054  
provided in section 5705.25 of the Revised Code, except that it 23055  
may be placed on the ballot in any election, and shall be 23056  
certified to the board of elections not less than ~~seventy-five~~ 23057  
eighty-five days before the election at which it will be voted 23058

upon. 23059

If the majority of the electors voting on a levy for the 23060  
support of the programs and services of the county board of 23061  
developmental disabilities vote in favor of the levy, the board of 23062  
county commissioners may levy a tax within the county at the 23063  
additional rate outside the ten-mill limitation during the 23064  
specified or continuing period, for the purpose stated in the 23065  
resolution. The county board of developmental disabilities, within 23066  
its budget and with the approval of the board of county 23067  
commissioners through annual appropriations, shall use the 23068  
proceeds of a levy approved under this section solely for the 23069  
purposes authorized by this section. 23070

(B) When electors have approved a tax levy under this 23071  
section, the county commissioners may anticipate a fraction of the 23072  
proceeds of the levy and issue anticipation notes in accordance 23073  
with section 5705.191 or 5705.193 of the Revised Code. 23074

(C) The county auditor, upon receipt of a resolution from the 23075  
county board of developmental disabilities, shall establish a 23076  
capital improvements account or a reserve balance account, or 23077  
both, as specified in the resolution. The capital improvements 23078  
account shall be a contingency account for the necessary 23079  
acquisition, replacement, renovation, or construction of 23080  
facilities and movable and fixed equipment. Upon the request of 23081  
the county board of developmental disabilities, moneys not needed 23082  
to pay for current expenses may be appropriated to this account, 23083  
in amounts such that this account does not exceed twenty-five per 23084  
cent of the replacement value of all capital facilities and 23085  
equipment currently used by the county board of developmental 23086  
disabilities for mental retardation and developmental disabilities 23087  
programs and services. Other moneys available for current capital 23088  
expenses from federal, state, or local sources may also be 23089  
appropriated to this account. 23090

The reserve balance account shall contain those moneys that 23091  
are not needed to pay for current operating expenses and not 23092  
deposited in the capital improvements account but that will be 23093  
needed to pay for operating expenses in the future. Upon the 23094  
request of a county board of developmental disabilities, the board 23095  
of county commissioners may appropriate moneys to the reserve 23096  
balance account. 23097

**Sec. 5705.23.** The board of library trustees of any county, 23098  
municipal corporation, school district, or township public library 23099  
by a vote of two-thirds of all its members may at any time declare 23100  
by resolution that the amount of taxes which may be raised within 23101  
the ten-mill limitation by levies on the current tax duplicate 23102  
will be insufficient to provide an adequate amount for the 23103  
necessary requirements of the public library, that it is necessary 23104  
to levy a tax in excess of such limitation for current expenses of 23105  
the public library or for the construction of any specific 23106  
permanent improvement or class of improvements which the board of 23107  
library trustees is authorized to make or acquire and which could 23108  
be included in a single issue of bonds, and that the question of 23109  
such additional tax levy shall be submitted by the taxing 23110  
authority of the political subdivision to whose jurisdiction the 23111  
board is subject, to the electors of the subdivision, or, if the 23112  
resolution so states, to the electors residing within the 23113  
boundaries of the library district, as defined by the state 23114  
library board pursuant to section 3375.01 of the Revised Code, on 23115  
the day specified by division (E) of section 3501.01 of the 23116  
Revised Code for the holding of a primary election or at an 23117  
election on another day to be specified in the resolution. No more 23118  
than two elections shall be held under authority of this section 23119  
in any one calendar year. Such resolution shall conform to section 23120  
5705.19 of the Revised Code, except that the tax levy may be in 23121  
effect for any specified number of years or for a continuing 23122

period of time, as set forth in the resolution, and the resolution 23123  
shall specify the date of holding the election, which shall not be 23124  
earlier than ~~seventy-five~~ eighty-five days after the adoption and 23125  
certification of the resolution to the taxing authority of the 23126  
political subdivision to whose jurisdiction the board is subject, 23127  
and which shall be consistent with the requirements of section 23128  
3501.01 of the Revised Code. The resolution shall not include a 23129  
levy on the current tax list and duplicate unless the election is 23130  
to be held at or prior to the first Tuesday after the first Monday 23131  
in November of the current tax year. 23132

Upon receipt of the resolution, the taxing authority of the 23133  
political subdivision to whose jurisdiction the board is subject 23134  
shall adopt a resolution providing for the submission of such 23135  
additional tax levy to the electors of the subdivision, or, if the 23136  
resolution so states, to the electors residing within the 23137  
boundaries of the library district, as defined by the state 23138  
library board pursuant to section 3375.01 of the Revised Code, on 23139  
the date specified in the resolution of the board of library 23140  
trustees. The resolution adopted by the taxing authority shall 23141  
otherwise conform to the resolution certified to it by the board. 23142  
The resolution of the taxing authority shall be certified to the 23143  
board of elections of the proper county not less than ~~seventy-five~~ 23144  
eighty-five days before the date of such election. Such resolution 23145  
shall go into immediate effect upon its passage, and no 23146  
publication of the resolution shall be necessary other than that 23147  
provided in the notice of election. Section 5705.25 of the Revised 23148  
Code shall govern the arrangements for the submission of such 23149  
question and other matters concerning the election, to which that 23150  
section refers, except that if the resolution so states, the 23151  
question shall be submitted to the electors residing within the 23152  
boundaries of the library district, as defined by the state 23153  
library board pursuant to section 3375.01 of the Revised Code, and 23154  
except that such election shall be held on the date specified in 23155

the resolution. If a majority of the electors voting on the 23156  
question so submitted in an election vote in favor of such levy, 23157  
the taxing authority may forthwith make the necessary levy within 23158  
the subdivision or within the boundaries of the library district, 23159  
as defined by the state library board pursuant to section 3375.01 23160  
of the Revised Code, at the additional rate in excess of the 23161  
ten-mill limitation on the tax list, for the purpose stated in 23162  
such resolutions. Such tax levy shall be included in the next 23163  
annual tax budget that is certified to the county budget 23164  
commission. The proceeds of any library levy in excess of the 23165  
ten-mill limitation shall be used for purposes of the board in 23166  
accordance with the law applicable to the board. 23167

After the approval of a levy on the current tax list and 23168  
duplicate to provide an increase in current expenses, and prior to 23169  
the time when the first tax collection from such levy can be made, 23170  
the taxing authority at the request of the board of library 23171  
trustees may anticipate a fraction of the proceeds of such levy 23172  
and issue anticipation notes in an amount not exceeding fifty per 23173  
cent of the total estimated proceeds of the levy to be collected 23174  
during the first year of the levy. 23175

After the approval of a levy to provide revenues for the 23176  
construction or acquisition of any specific permanent improvement 23177  
or class of improvements, the taxing authority at the request of 23178  
the board of library trustees may anticipate a fraction of the 23179  
proceeds of such levy and issue anticipation notes in a principal 23180  
amount not exceeding fifty per cent of the total estimated 23181  
proceeds of the levy to be collected in each year over a period of 23182  
ten years after the issuance of such notes. 23183

The notes shall be issued as provided in section 133.24 of 23184  
the Revised Code, shall have principal payments during each year 23185  
after the year of their issuance over a period not to exceed ten 23186  
years, and may have a principal payment in the year of their 23187

issuance. 23188

When a board of public library trustees of a county library 23189  
district, appointed under section 3375.22 of the Revised Code, 23190  
requests the submission of such special levy, the taxing authority 23191  
shall submit the levy to the voters of the county library district 23192  
only. For the purposes of this section, and of the board of public 23193  
library trustees only, the words "electors of the subdivision," as 23194  
used in this section and in section 5705.25 of the Revised Code, 23195  
mean "electors of the county library district." Any levy approved 23196  
by the electors of the county library district shall be made 23197  
within the county library district only. 23198

**Sec. 5705.24.** The board of county commissioners of any 23199  
county, at any time and in any year, after providing the normal 23200  
and customary percentage of the total general fund appropriations 23201  
for the support of children services and the care and placement of 23202  
children, by vote of two-thirds of all the members of said board 23203  
may declare by resolution that the amount of taxes which may be 23204  
raised within the ten-mill limitation will be insufficient to 23205  
provide an adequate amount for the support of such children 23206  
services, and that it is necessary to levy a tax in excess of the 23207  
ten-mill limitation to supplement such general fund appropriations 23208  
for such purpose. Taxes collected from a levy imposed under this 23209  
section may be expended for any operating or capital improvement 23210  
expenditure necessary for the support of children services and the 23211  
care and placement of children. 23212

Such resolution shall conform to the requirements of section 23213  
5705.19 of the Revised Code, except that the levy may be for any 23214  
number of years not exceeding ten. The resolution shall be 23215  
certified to the board of elections not less than ~~seventy-five~~ 23216  
eighty-five days before the general, primary, or special election 23217  
upon which it will be voted, and be submitted in the manner 23218

provided in section 5705.25 of the Revised Code, except that it 23219  
may be placed on the ballot in any such election. 23220

If the majority of the electors voting on a levy to 23221  
supplement general fund appropriations for the support of children 23222  
services and the care and placement of children vote in favor 23223  
thereof, the board may levy a tax within such county at the 23224  
additional rate outside the ten-mill limitation during the period 23225  
and for the purpose stated in the resolution or at any less rate 23226  
or for any of the said years. 23227

After the approval of such levy and prior to the time when 23228  
the first tax collection from such levy can be made, the board of 23229  
county commissioners may anticipate a fraction of the proceeds of 23230  
such levy and issue anticipation notes in a principal amount not 23231  
to exceed fifty per cent of the total estimated proceeds of the 23232  
levy throughout its life. 23233

Such notes shall be issued as provided in section 133.24 of 23234  
the Revised Code, shall have principal payments during each year 23235  
after the year of their issuance over a period not exceeding the 23236  
life of the levy, and may have a principal payment in the year of 23237  
their issuance. 23238

**Sec. 5705.25.** (A) A copy of any resolution adopted as 23239  
provided in section 5705.19 or 5705.2111 of the Revised Code shall 23240  
be certified by the taxing authority to the board of elections of 23241  
the proper county not less than ~~seventy-five~~ eighty-five days 23242  
before the general election in any year, and the board shall 23243  
submit the proposal to the electors of the subdivision at the 23244  
succeeding November election. Except as otherwise provided in this 23245  
division, a resolution to renew an existing levy, regardless of 23246  
the section of the Revised Code under which the tax was imposed, 23247  
shall not be placed on the ballot unless the question is submitted 23248  
at the general election held during the last year the tax to be 23249

renewed or replaced may be extended on the real and public utility 23250  
property tax list and duplicate, or at any election held in the 23251  
ensuing year. The limitation of the foregoing sentence does not 23252  
apply to a resolution to renew and increase or to renew part of an 23253  
existing levy that was imposed under section 5705.191 of the 23254  
Revised Code to supplement the general fund for the purpose of 23255  
making appropriations for one or more of the following purposes: 23256  
for public assistance, human or social services, relief, welfare, 23257  
hospitalization, health, and support of general hospitals. The 23258  
limitation of the second preceding sentence also does not apply to 23259  
a resolution that proposes to renew two or more existing levies 23260  
imposed under section 5705.21 of the Revised Code, in which case 23261  
the question shall be submitted on the date of the general or 23262  
primary election held during the last year at least one of the 23263  
levies to be renewed may be extended on the real and public 23264  
utility property tax list and duplicate, or at any election held 23265  
during the ensuing year. For purposes of this section, a levy 23266  
shall be considered to be an "existing levy" through the year 23267  
following the last year it can be placed on that tax list and 23268  
duplicate. 23269

The board shall make the necessary arrangements for the 23270  
submission of such questions to the electors of such subdivision, 23271  
and the election shall be conducted, canvassed, and certified in 23272  
the same manner as regular elections in such subdivision for the 23273  
election of county officers. Notice of the election shall be 23274  
published in a newspaper of general circulation in the subdivision 23275  
once a week for two consecutive weeks prior to the election, and, 23276  
if the board of elections operates and maintains a web site, the 23277  
board of elections shall post notice of the election on its web 23278  
site for thirty days prior to the election. The notice shall state 23279  
the purpose, the proposed increase in rate expressed in dollars 23280  
and cents for each one hundred dollars of valuation as well as in 23281  
mills for each one dollar of valuation, the number of years during 23282



which the increase will be in effect, the first month and year in 23283  
 which the tax will be levied, and the time and place of the 23284  
 election. 23285

(B) The form of the ballots cast at an election held pursuant 23286  
 to division (A) of this section shall be as follows: 23287

"An additional tax for the benefit of (name of subdivision or 23288  
 public library) ..... for the purpose of (purpose stated in 23289  
 the resolution) ..... at a rate not exceeding ..... mills 23290  
 for each one dollar of valuation, which amounts to (rate expressed 23291  
 in dollars and cents) ..... for each one hundred dollars of 23292  
 valuation, for ..... (life of indebtedness or number of years the 23293  
 levy is to run). 23294

	For the Tax Levy	"
	Against the Tax Levy	

23295  
 23296  
 23297  
 23298

(C) If the levy is to be in effect for a continuing period of 23299  
 time, the notice of election and the form of ballot shall so state 23300  
 instead of setting forth a specified number of years for the levy. 23301

If the tax is to be placed on the current tax list, the form 23302  
 of the ballot shall be modified by adding, after the statement of 23303  
 the number of years the levy is to run, the phrase ", commencing 23304  
 in ..... (first year the tax is to be levied), first due in 23305  
 calendar year ..... (first calendar year in which the tax 23306  
 shall be due)." 23307

If the levy submitted is a proposal to renew, increase, or 23308  
 decrease an existing levy, the form of the ballot specified in 23309  
 division (B) of this section may be changed by substituting for 23310  
 the words "An additional" at the beginning of the form, the words 23311  
 "A renewal of a" in case of a proposal to renew an existing levy 23312  
 in the same amount; the words "A renewal of ..... mills and an 23313

increase of ..... mills to constitute a" in the case of an 23314  
increase; or the words "A renewal of part of an existing levy,  
being a reduction of ..... mills, to constitute a" in the case of 23315  
a decrease in the proposed levy. 23316  
23317

If the levy submitted is a proposal to renew two or more 23318  
existing levies imposed under section 5705.21 of the Revised Code,  
the form of the ballot specified in division (B) of this section 23319  
shall be modified by substituting for the words "an additional 23320  
tax" the words "a renewal of ....(insert the number of levies to 23321  
be renewed) existing taxes." 23322  
23323

The question covered by such resolution shall be submitted as 23324  
a separate proposition but may be printed on the same ballot with 23325  
any other proposition submitted at the same election, other than 23326  
the election of officers. More than one such question may be 23327  
submitted at the same election. 23328

(D) A levy voted in excess of the ten-mill limitation under 23329  
this section shall be certified to the tax commissioner. In the 23330  
first year of the levy, it shall be extended on the tax lists 23331  
after the February settlement succeeding the election. If the 23332  
additional tax is to be placed upon the tax list of the current 23333  
year, as specified in the resolution providing for its submission,  
the result of the election shall be certified immediately after 23334  
the canvass by the board of elections to the taxing authority, who 23335  
shall make the necessary levy and certify it to the county 23336  
auditor, who shall extend it on the tax lists for collection. 23337  
23338  
After the first year, the tax levy shall be included in the annual 23339  
tax budget that is certified to the county budget commission. 23340

**Sec. 5705.251.** (A) A copy of a resolution adopted under 23341  
section 5705.212 or 5705.213 of the Revised Code shall be 23342  
certified by the board of education to the board of elections of 23343  
the proper county not less than ~~seventy-five~~ eighty-five days 23344

before the date of the election specified in the resolution, and 23345  
the board of elections shall submit the proposal to the electors 23346  
of the school district at a special election to be held on that 23347  
date. The board of elections shall make the necessary arrangements 23348  
for the submission of the question or questions to the electors of 23349  
the school district, and the election shall be conducted, 23350  
canvassed, and certified in the same manner as regular elections 23351  
in the school district for the election of county officers. Notice 23352  
of the election shall be published in a newspaper of general 23353  
circulation in the subdivision once a week for two consecutive 23354  
weeks prior to the election, and, if the board of elections 23355  
operates and maintains a web site, the board of elections shall 23356  
post notice of the election on its web site for thirty days prior 23357  
to the election. 23358

(1) In the case of a resolution adopted under section 23359  
5705.212 of the Revised Code, the notice shall state separately, 23360  
for each tax being proposed, the purpose; the proposed increase in 23361  
rate, expressed in dollars and cents for each one hundred dollars 23362  
of valuation as well as in mills for each one dollar of valuation; 23363  
the number of years during which the increase will be in effect; 23364  
and the first calendar year in which the tax will be due. For an 23365  
election on the question of a renewal levy, the notice shall state 23366  
the purpose; the proposed rate, expressed in dollars and cents for 23367  
each one hundred dollars of valuation as well as in mills for each 23368  
one dollar of valuation; and the number of years the tax will be 23369  
in effect. 23370

(2) In the case of a resolution adopted under section 23371  
5705.213 of the Revised Code, the notice shall state the purpose; 23372  
the amount proposed to be raised by the tax in the first year it 23373  
is levied; the estimated average additional tax rate for the first 23374  
year it is proposed to be levied, expressed in mills for each one 23375  
dollar of valuation and in dollars and cents for each one hundred 23376

dollars of valuation; the number of years during which the 23377  
increase will be in effect; and the first calendar year in which 23378  
the tax will be due. The notice also shall state the amount by 23379  
which the amount to be raised by the tax may be increased in each 23380  
year after the first year. The amount of the allowable increase 23381  
may be expressed in terms of a dollar increase over, or a 23382  
percentage of, the amount raised by the tax in the immediately 23383  
preceding year. For an election on the question of a renewal levy, 23384  
the notice shall state the purpose; the amount proposed to be 23385  
raised by the tax; the estimated tax rate, expressed in mills for 23386  
each one dollar of valuation and in dollars and cents for each one 23387  
hundred dollars of valuation; and the number of years the tax will 23388  
be in effect. 23389

In any case, the notice also shall state the time and place 23390  
of the election. 23391

(B) The form of the ballot in an election on taxes proposed 23392  
under section 5705.212 of the Revised Code shall be as follows: 23393

"Shall the ..... school district be authorized to levy 23394  
taxes for current expenses, the aggregate rate of which may 23395  
increase in ..... (number) increment(s) of not more than ..... 23396  
mill(s) for each dollar of valuation, from an original rate of 23397  
..... mill(s) for each dollar of valuation, which amounts to 23398  
..... (rate expressed in dollars and cents) for each one hundred 23399  
dollars of valuation, to a maximum rate of ..... mill(s) for each 23400  
dollar of valuation, which amounts to ..... (rate expressed in 23401  
dollars and cents) for each one hundred dollars of valuation? The 23402  
original tax is first proposed to be levied in ..... (the first 23403  
year of the tax), and the incremental tax in ..... (the first 23404  
year of the increment) (if more than one incremental tax is 23405  
proposed in the resolution, the first year that each incremental 23406  
tax is proposed to be levied shall be stated in the preceding 23407  
format, and the increments shall be referred to as the first, 23408

second, third, or fourth increment, depending on their number). 23409  
The aggregate rate of tax so authorized will ..... (insert 23410  
either, "expire with the original rate of tax which shall be in 23411  
effect for ..... years" or "be in effect for a continuing period 23412  
of time"). 23413

	FOR THE TAX LEVIES
	AGAINST THE TAX LEVIES

"

23414  
23415  
23416  
23417  
The form of the ballot in an election on the question of a 23418  
renewal levy under section 5705.212 of the Revised Code shall be 23419  
as follows: 23420

"Shall the ..... school district be authorized to renew a 23421  
tax for current expenses at a rate not exceeding ..... mills 23422  
for each dollar of valuation, which amounts to ..... (rate 23423  
expressed in dollars and cents) for each one hundred dollars of 23424  
valuation, for ..... (number of years the levy shall be in 23425  
effect, or a continuing period of time)? 23426

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

23427  
23428  
23429  
23430  
If the tax is to be placed on the current tax list, the form 23431  
of the ballot shall be modified by adding, after the statement of 23432  
the number of years the levy is to be in effect, the phrase ", 23433  
commencing in ..... (first year the tax is to be levied), 23434  
first due in calendar year ..... (first calendar year in 23435  
which the tax shall be due)." 23436

(C) The form of the ballot in an election on a tax proposed 23437  
under section 5705.213 of the Revised Code shall be as follows: 23438

"Shall the ..... school district be authorized to levy the following tax for current expenses? The tax will first be levied in ..... (year) to raise ..... (dollars). In the ..... (number of years) following years, the tax will increase by not more than ..... (per cent or dollar amount of increase) each year, so that, during ..... (last year of the tax), the tax will raise approximately ..... (dollars). The county auditor estimates that the rate of the tax per dollar of valuation will be ..... mill(s), which amounts to \$...... per one hundred dollars of valuation, both during ..... (first year of the tax) and ..... mill(s), which amounts to \$...... per one hundred dollars of valuation, during ..... (last year of the tax). The tax will not be levied after ..... (year).

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

The form of the ballot in an election on the question of a renewal levy under section 5705.213 of the Revised Code shall be as follows:

"Shall the ..... school district be authorized to renew a tax for current expenses which will raise ..... (dollars), estimated by the county auditor to be ..... mills for each dollar of valuation, which amounts to ..... (rate expressed in dollars and cents) for each one hundred dollars of valuation? The tax shall be in effect for ..... (the number of years the levy shall be in effect, or a continuing period of time).

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

If the tax is to be placed on the current tax list, the form 23470  
of the ballot shall be modified by adding, after the statement of 23471  
the number of years the levy is to be in effect, the phrase ", 23472  
commencing in ..... (first year the tax is to be levied), 23473  
first due in calendar year ..... (first calendar year in 23474  
which the tax shall be due)." 23475

(D) The question covered by a resolution adopted under 23476  
section 5705.212 or 5705.213 of the Revised Code shall be 23477  
submitted as a separate question, but may be printed on the same 23478  
ballot with any other question submitted at the same election, 23479  
other than the election of officers. More than one question may be 23480  
submitted at the same election. 23481

(E) Taxes voted in excess of the ten-mill limitation under 23482  
division (B) or (C) of this section shall be certified to the tax 23483  
commissioner. If an additional tax is to be placed upon the tax 23484  
list of the current year, as specified in the resolution providing 23485  
for its submission, the result of the election shall be certified 23486  
immediately after the canvass by the board of elections to the 23487  
board of education. The board of education immediately shall make 23488  
the necessary levy and certify it to the county auditor, who shall 23489  
extend it on the tax list for collection. After the first year, 23490  
the levy shall be included in the annual tax budget that is 23491  
certified to the county budget commission. 23492

**Sec. 5705.261.** The question of decrease of an increased rate 23493  
of levy approved for a continuing period of time by the voters of 23494  
a subdivision may be initiated by the filing of a petition with 23495  
the board of elections of the proper county not less than 23496  
~~seventy-five~~ eighty-five days before the general election in any 23497  
year requesting that an election be held on such question. Such 23498  
petition shall state the amount of the proposed decrease in the 23499  
rate of levy and shall be signed by qualified electors residing in 23500

the subdivision equal in number to at least ten per cent of the 23501  
total number of votes cast in the subdivision for the office of 23502  
governor at the most recent general election for that office. Only 23503  
one such petition may be filed during each five-year period 23504  
following the election at which the voters approved the increased 23505  
rate for a continuing period of time. 23506

After determination by it that such petition is valid, the 23507  
board of elections shall submit the question to the electors of 23508  
the district at the succeeding general election. The election 23509  
shall be conducted, canvassed, and certified in the same manner as 23510  
regular elections in such subdivision for county offices. Notice 23511  
of the election shall be published in a newspaper of general 23512  
circulation in the district once a week for two consecutive weeks 23513  
prior to the election, and, if the board of elections operates and 23514  
maintains a web site, the board of elections shall post notice of 23515  
the election on its web site for thirty days prior to the 23516  
election. The notice shall state the purpose, the amount of the 23517  
proposed decrease in rate, and the time and place of the election. 23518  
The form of the ballot cast at such election shall be prescribed 23519  
by the secretary of state. The question covered by such petition 23520  
shall be submitted as a separate proposition but it may be printed 23521  
on the same ballot with any other propositions submitted at the 23522  
same election other than the election of officers. If a majority 23523  
of the qualified electors voting on the question of a decrease at 23524  
such election approve the proposed decrease in rate, the result of 23525  
the election shall be certified immediately after the canvass by 23526  
the board of elections to the subdivision's taxing authority, 23527  
which shall thereupon, after the current year, cease to levy such 23528  
increased rate or levy such tax at such reduced rate upon the 23529  
duplicate of the subdivision. If notes have been issued in 23530  
anticipation of the collection of such levy, the taxing authority 23531  
shall continue to levy and collect under authority of the election 23532  
authorizing the original levy such amounts as will be sufficient 23533



to pay the principal of and interest on such anticipation notes as 23534  
the same fall due. 23535

**Sec. 5705.27.** There is hereby created in each county a county 23536  
budget commission consisting of the county auditor, the county 23537  
treasurer, and the prosecuting attorney. Upon petition filed with 23538  
the board of elections, signed by the number of electors of the 23539  
county equal in amount to three per cent of the total number of 23540  
votes cast for governor at the most recent election therefor, 23541  
there shall be submitted to the electors of the county at the next 23542  
general election occurring not sooner than ~~seventy-five~~ 23543  
eighty-five days after the filing of the petition, the question 23544  
"Shall the county budget commission consist of two additional 23545  
members to be elected from the county?" Provision shall be made on 23546  
the ballot for the election from the county at large of two 23547  
additional members of the county budget commission who shall be 23548  
electors of the county if a majority of the electors voting on the 23549  
question shall have voted in the affirmative. In such counties, 23550  
where the electors have voted in the affirmative, the county 23551  
budget commission shall consist of such two elected members in 23552  
addition to the county auditor, the county treasurer and the 23553  
prosecuting attorney. Such members, who shall not hold any other 23554  
public office, shall serve for a term of four years. The 23555  
commission shall meet at the office of the county auditor in each 23556  
county on the first Monday in February and on the first Monday in 23557  
August, annually, and shall complete its work on or before the 23558  
first day of September, annually, unless for good cause the tax 23559  
commissioner extends the time for completing the work. A majority 23560  
of members shall constitute a quorum, provided that no action of 23561  
the commission shall be valid unless agreed to by a majority of 23562  
the members of the commission. The auditor shall be the secretary 23563  
of the commission and shall keep a full and accurate record of all 23564  
proceedings. The auditor shall appoint such messengers and clerks 23565

as the commission deems necessary, and the budget commissioners 23566  
shall be allowed their actual and necessary expenses. The elected 23567  
members of the commission shall also receive twenty dollars for 23568  
each day in attendance at commission meetings and in discharge of 23569  
official duties. Any vacancy among such elected members shall be 23570  
filled by the presiding judge of the court of common pleas. In 23571  
adjusting the rates of taxation and fixing the amount of taxes to 23572  
be levied each year, the commissioners shall be governed by the 23573  
amount of the taxable property shown on the auditor's tax list for 23574  
the current year; provided that if the auditor's tax list has not 23575  
been completed, the auditor shall estimate, as nearly as 23576  
practicable, the amount of the taxable property for such year, and 23577  
such officers shall be governed by such estimate. 23578

In any county in which two members of the commission are 23579  
elected, upon petition filed with the board of elections, signed 23580  
by the number of electors of the county equal in amount to three 23581  
per cent of the votes cast for governor at the most recent 23582  
election therefor, there shall be submitted to the electors of the 23583  
county at the next general election occurring not sooner than 23584  
~~seventy-five~~ eighty-five days after the filing of the petition, 23585  
the question "Shall the elected members be eliminated from the 23586  
county budget commission?" If the majority of the electors voting 23587  
thereon shall have voted in the affirmative, the county budget 23588  
commission shall consist solely of the county auditor, the county 23589  
treasurer, and the prosecuting attorney. 23590

**Sec. 5705.71.** (A) The electors of a county may initiate the 23591  
question of a tax levy for support of senior citizens services or 23592  
facilities by the filing of a petition with the board of elections 23593  
of that county not less than ~~seventy-five~~ eighty-five days before 23594  
the date of any primary or general election requesting that an 23595  
election be held on such question. The petition shall be signed by 23596  
at least ten per cent of the qualified electors residing in the 23597

county and voting for the office of governor at the last general election. 23598  
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(B) The petition shall state the purpose for which the senior citizens tax levy is being proposed, shall specify the amount of the proposed increase in rate, the period of time during which the increase is to be in effect, and whether the levy is to be imposed in the current year. The number of years may be any number not exceeding five, except that when the additional rate is for the payment of debt charges the increased rate shall be for the life of the indebtedness. 23600  
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(C) After determination by it that such petition is valid, the board of elections shall submit the question to the electors of the county at the succeeding primary or general election. 23608  
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(D) The election shall be conducted, canvassed, and certified in the same manner as regular elections in such county for county offices. Notice of the election shall be published in a newspaper of general circulation in the county once a week for 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. The notice shall state the purpose, the amount of the proposed increase in rate, and the time and place of the election. 23611  
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(E) The form of the ballot cast at such election shall be prescribed by the secretary of state. If the tax is to be placed on the tax list of the current tax year, the form of the ballot shall include a statement to that effect and shall indicate the first calendar year the tax will be due. The question covered by such petition shall be submitted as a separate proposition but it may be printed on the same ballot with any other propositions submitted at the same election other than the election of officers. 23621  
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(F) If a majority of electors voting on the question vote in favor of the levy, the board of county commissioners shall levy a tax, for the period and the purpose stated within the petition. If the tax is to be placed upon the tax list of the current year, as specified in the petition, the result of the election shall be certified immediately after the canvass by the board of elections to the board of county commissioners, which shall forthwith make the necessary levy and certify it to the county auditor, who shall extend it on the tax list for collection. After the first year, the tax levy shall be included in the annual tax budget that is certified to the county budget commission.

**Sec. 5739.021.** (A) For the purpose of providing additional general revenues for the county or supporting criminal and administrative justice services in the county, or both, and to pay the expenses of administering such levy, any county may levy a tax at the rate of not more than one per cent at any multiple of one-fourth of one per cent upon every retail sale made in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, and may increase the rate of an existing tax to not more than one per cent at any multiple of one-fourth of one per cent.

The tax shall be levied and the rate increased pursuant to a resolution of the board of county commissioners. The resolution shall state the purpose for which the tax is to be levied and the number of years for which the tax is to be levied, or that it is for a continuing period of time. If the tax is to be levied for the purpose of providing additional general revenues and for the purpose of supporting criminal and administrative justice services, the resolution shall state the rate or amount of the tax to be apportioned to each such purpose. The rate or amount may be different for each year the tax is to be levied, but the rates or

amounts actually apportioned each year shall not be different from 23662  
that stated in the resolution for that year. If the resolution is 23663  
adopted as an emergency measure necessary for the immediate 23664  
preservation of the public peace, health, or safety, it must 23665  
receive an affirmative vote of all of the members of the board of 23666  
county commissioners and shall state the reasons for such 23667  
necessity. The board shall deliver a certified copy of the 23668  
resolution to the tax commissioner, not later than the sixty-fifth 23669  
day prior to the date on which the tax is to become effective, 23670  
which shall be the first day of the calendar quarter. 23671

Prior to the adoption of any resolution under this section, 23672  
the board of county commissioners shall conduct two public 23673  
hearings on the resolution, the second hearing to be not less than 23674  
three nor more than ten days after the first. Notice of the date, 23675  
time, and place of the hearings shall be given by publication in a 23676  
newspaper of general circulation in the county once a week on the 23677  
same day of the week for two consecutive weeks, the second 23678  
publication being not less than ten nor more than thirty days 23679  
prior to the first hearing. 23680

Except as provided in division (B)(3) of this section, the 23681  
resolution shall be subject to a referendum as provided in 23682  
sections 305.31 to 305.41 of the Revised Code. 23683

If a petition for a referendum is filed, the county auditor 23684  
with whom the petition was filed shall, within five days, notify 23685  
the board of county commissioners and the tax commissioner of the 23686  
filing of the petition by certified mail. If the board of 23687  
elections with which the petition was filed declares the petition 23688  
invalid, the board of elections, within five days, shall notify 23689  
the board of county commissioners and the tax commissioner of that 23690  
declaration by certified mail. If the petition is declared to be 23691  
invalid, the effective date of the tax or increased rate of tax 23692  
levied by this section shall be the first day of a calendar 23693

quarter following the expiration of sixty-five days from the date 23694  
the commissioner receives notice from the board of elections that 23695  
the petition is invalid. 23696

(B)(1) A resolution that is not adopted as an emergency 23697  
measure may direct the board of elections to submit the question 23698  
of levying the tax or increasing the rate of tax to the electors 23699  
of the county at a special election held on the date specified by 23700  
the board of county commissioners in the resolution, provided that 23701  
the election occurs not less than ~~seventy-five~~ eighty-five days 23702  
after a certified copy of such resolution is transmitted to the 23703  
board of elections and the election is not held in February or 23704  
August of any year. Upon transmission of the resolution to the 23705  
board of elections, the board of county commissioners shall notify 23706  
the tax commissioner in writing of the levy question to be 23707  
submitted to the electors. No resolution adopted under this 23708  
division shall go into effect unless approved by a majority of 23709  
those voting upon it, and, except as provided in division (B)(3) 23710  
of this section, shall become effective on the first day of a 23711  
calendar quarter following the expiration of sixty-five days from 23712  
the date the tax commissioner receives notice from the board of 23713  
elections of the affirmative vote. 23714

(2) A resolution that is adopted as an emergency measure 23715  
shall go into effect as provided in division (A) of this section, 23716  
but may direct the board of elections to submit the question of 23717  
repealing the tax or increase in the rate of the tax to the 23718  
electors of the county at the next general election in the county 23719  
occurring not less than ~~seventy-five~~ eighty-five days after a 23720  
certified copy of the resolution is transmitted to the board of 23721  
elections. Upon transmission of the resolution to the board of 23722  
elections, the board of county commissioners shall notify the tax 23723  
commissioner in writing of the levy question to be submitted to 23724  
the electors. The ballot question shall be the same as that 23725

prescribed in section 5739.022 of the Revised Code. The board of 23726  
elections shall notify the board of county commissioners and the 23727  
tax commissioner of the result of the election immediately after 23728  
the result has been declared. If a majority of the qualified 23729  
electors voting on the question of repealing the tax or increase 23730  
in the rate of the tax vote for repeal of the tax or repeal of the 23731  
increase, the board of county commissioners, on the first day of a 23732  
calendar quarter following the expiration of sixty-five days after 23733  
the date the board and tax commissioner receive notice of the 23734  
result of the election, shall, in the case of a repeal of the tax, 23735  
cease to levy the tax, or, in the case of a repeal of an increase 23736  
in the rate of the tax, cease to levy the increased rate and levy 23737  
the tax at the rate at which it was imposed immediately prior to 23738  
the increase in rate. 23739

(3) If a vendor that is registered with the central 23740  
electronic registration system provided for in section 5740.05 of 23741  
the Revised Code makes a sale in this state by printed catalog and 23742  
the consumer computed the tax on the sale based on local rates 23743  
published in the catalog, any tax levied or repealed or rate 23744  
changed under this section shall not apply to such a sale until 23745  
the first day of a calendar quarter following the expiration of 23746  
one hundred twenty days from the date of notice by the tax 23747  
commissioner pursuant to division (H) of this section. 23748

(C) If a resolution is rejected at a referendum or if a 23749  
resolution adopted after January 1, 1982, as an emergency measure 23750  
is repealed by the electors pursuant to division (B)(2) of this 23751  
section or section 5739.022 of the Revised Code, then for one year 23752  
after the date of the election at which the resolution was 23753  
rejected or repealed the board of county commissioners may not 23754  
adopt any resolution authorized by this section as an emergency 23755  
measure. 23756

(D) The board of county commissioners, at any time while a 23757

tax levied under this section is in effect, may by resolution 23758  
reduce the rate at which the tax is levied to a lower rate 23759  
authorized by this section. Any reduction in the rate at which the 23760  
tax is levied shall be made effective on the first day of a 23761  
calendar quarter next following the sixty-fifth day after a 23762  
certified copy of the resolution is delivered to the tax 23763  
commissioner. 23764

(E) The tax on every retail sale subject to a tax levied 23765  
pursuant to this section shall be in addition to the tax levied by 23766  
section 5739.02 of the Revised Code and any tax levied pursuant to 23767  
section 5739.023 or 5739.026 of the Revised Code. 23768

A county that levies a tax pursuant to this section shall 23769  
levy a tax at the same rate pursuant to section 5741.021 of the 23770  
Revised Code. 23771

The additional tax levied by the county shall be collected 23772  
pursuant to section 5739.025 of the Revised Code. If the 23773  
additional tax or some portion thereof is levied for the purpose 23774  
of criminal and administrative justice services, the revenue from 23775  
the tax, or the amount or rate apportioned to that purpose, shall 23776  
be credited to a special fund created in the county treasury for 23777  
receipt of that revenue. 23778

Any tax levied pursuant to this section is subject to the 23779  
exemptions provided in section 5739.02 of the Revised Code and in 23780  
addition shall not be applicable to sales not within the taxing 23781  
power of a county under the Constitution of the United States or 23782  
the Ohio Constitution. 23783

(F) For purposes of this section, a copy of a resolution is 23784  
"certified" when it contains a written statement attesting that 23785  
the copy is a true and exact reproduction of the original 23786  
resolution. 23787

(G) If a board of commissioners intends to adopt a resolution 23788



to levy a tax in whole or in part for the purpose of criminal and 23789  
administrative justice services, the board shall prepare and make 23790  
available at the first public hearing at which the resolution is 23791  
considered a statement containing the following information: 23792

(1) For each of the two preceding fiscal years, the amount of 23793  
expenditures made by the county from the county general fund for 23794  
the purpose of criminal and administrative justice services; 23795

(2) For the fiscal year in which the resolution is adopted, 23796  
the board's estimate of the amount of expenditures to be made by 23797  
the county from the county general fund for the purpose of 23798  
criminal and administrative justice services; 23799

(3) For each of the two fiscal years after the fiscal year in 23800  
which the resolution is adopted, the board's preliminary plan for 23801  
expenditures to be made from the county general fund for the 23802  
purpose of criminal and administrative justice services, both 23803  
under the assumption that the tax will be imposed for that purpose 23804  
and under the assumption that the tax would not be imposed for 23805  
that purpose, and for expenditures to be made from the special 23806  
fund created under division (E) of this section under the 23807  
assumption that the tax will be imposed for that purpose. 23808

The board shall prepare the statement and the preliminary 23809  
plan using the best information available to the board at the time 23810  
the statement is prepared. Neither the statement nor the 23811  
preliminary plan shall be used as a basis to challenge the 23812  
validity of the tax in any court of competent jurisdiction, nor 23813  
shall the statement or preliminary plan limit the authority of the 23814  
board to appropriate, pursuant to section 5705.38 of the Revised 23815  
Code, an amount different from that specified in the preliminary 23816  
plan. 23817

(H) Upon receipt from a board of county commissioners of a 23818  
certified copy of a resolution required by division (A) or (D) of 23819

this section, or from the board of elections of a notice of the 23820  
results of an election required by division (A) or (B)(1) or (2) 23821  
of this section, the tax commissioner shall provide notice of a 23822  
tax rate change in a manner that is reasonably accessible to all 23823  
affected vendors. The commissioner shall provide this notice at 23824  
least sixty days prior to the effective date of the rate change. 23825  
The commissioner, by rule, may establish the method by which 23826  
notice will be provided. 23827

(I) As used in this section, "criminal and administrative 23828  
justice services" means the exercise by the county sheriff of all 23829  
powers and duties vested in that office by law; the exercise by 23830  
the county prosecuting attorney of all powers and duties vested in 23831  
that office by law; the exercise by any court in the county of all 23832  
powers and duties vested in that court; the exercise by the clerk 23833  
of the court of common pleas, any clerk of a municipal court 23834  
having jurisdiction throughout the county, or the clerk of any 23835  
county court of all powers and duties vested in the clerk by law 23836  
except, in the case of the clerk of the court of common pleas, the 23837  
titling of motor vehicles or watercraft pursuant to Chapter 1548. 23838  
or 4505. of the Revised Code; the exercise by the county coroner 23839  
of all powers and duties vested in that office by law; making 23840  
payments to any other public agency or a private, nonprofit 23841  
agency, the purposes of which in the county include the diversion, 23842  
adjudication, detention, or rehabilitation of criminals or 23843  
juvenile offenders; the operation and maintenance of any detention 23844  
facility, as defined in section 2921.01 of the Revised Code; and 23845  
the construction, acquisition, equipping, or repair of such a 23846  
detention facility, including the payment of any debt charges 23847  
incurred in the issuance of securities pursuant to Chapter 133. of 23848  
the Revised Code for the purpose of constructing, acquiring, 23849  
equipping, or repairing such a facility. 23850

**Sec. 5739.022.** (A) The question of repeal of either a county 23851

permissive tax or an increase in the rate of a county permissive 23852  
tax that was adopted as an emergency measure pursuant to section 23853  
5739.021 or 5739.026 of the Revised Code may be initiated by 23854  
filing with the board of elections of the county not less than 23855  
~~seventy-five~~ eighty-five days before the general election in any 23856  
year a petition requesting that an election be held on the 23857  
question. The question of repealing an increase in the rate of the 23858  
county permissive tax shall be submitted to the electors as a 23859  
separate question from the repeal of the tax in effect prior to 23860  
the increase in the rate. Any petition filed under this section 23861  
shall be signed by qualified electors residing in the county equal 23862  
in number to ten per cent of those voting for governor at the most 23863  
recent gubernatorial election. 23864

After determination by it that the petition is valid, the 23865  
board of elections shall submit the question to the electors of 23866  
the county at the next general election. The election shall be 23867  
conducted, canvassed, and certified in the same manner as regular 23868  
elections for county offices in the county. The board of elections 23869  
shall notify the tax commissioner, in writing, of the election 23870  
upon determining that the petition is valid. Notice of the 23871  
election shall also be published in a newspaper of general 23872  
circulation in the district once a week for two consecutive weeks 23873  
prior to the election, and, if the board of elections operates and 23874  
maintains a web site, the board of elections shall post notice of 23875  
the election on its web site for thirty days prior to the 23876  
election. The notice shall state the purpose, time, and place of 23877  
the election. The form of the ballot cast at the election shall be 23878  
prescribed by the secretary of state; however, the ballot question 23879  
shall read, "shall the tax (or, increase in the rate of the tax) 23880  
be retained? 23881

	Yes
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23883

	No
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The question covered by the petition shall be submitted as a separate proposition, but it may be printed on the same ballot with any other proposition submitted at the same election other than the election of officers.

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(B) If a majority of the qualified electors voting on the question of repeal of either a county permissive tax or an increase in the rate of a county permissive tax approve the repeal, the board of elections shall notify the board of county commissioners and the tax commissioner of the result of the election immediately after the result has been declared. The board of county commissioners shall, on the first day of the calendar quarter following the expiration of sixty-five days after the date the board and the tax commissioner receive the notice, in the case of a repeal of a county permissive tax, cease to levy the tax, or, in the case of a repeal of an increase in the rate of a county permissive tax, levy the tax at the rate at which it was imposed immediately prior to the increase in rate and cease to levy the increased rate.

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(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.

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(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

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published in the catalog, any tax repealed or rate changed under 23916  
this section shall not apply to such a sale until the first day of 23917  
a calendar quarter following the expiration of one hundred twenty 23918  
days from the date of notice by the tax commissioner pursuant to 23919  
division (C) of this section. 23920

**Sec. 5739.026.** (A) A board of county commissioners may levy a 23921  
tax of one-fourth or one-half of one per cent on every retail sale 23922  
in the county, except sales of watercraft and outboard motors 23923  
required to be titled pursuant to Chapter 1548. of the Revised 23924  
Code and sales of motor vehicles, and may increase an existing 23925  
rate of one-fourth of one per cent to one-half of one per cent, to 23926  
pay the expenses of administering the tax and, except as provided 23927  
in division (A)(6) of this section, for any one or more of the 23928  
following purposes provided that the aggregate levy for all such 23929  
purposes does not exceed one-half of one per cent: 23930

(1) To provide additional revenues for the payment of bonds 23931  
or notes issued in anticipation of bonds issued by a convention 23932  
facilities authority established by the board of county 23933  
commissioners under Chapter 351. of the Revised Code and to 23934  
provide additional operating revenues for the convention 23935  
facilities authority; 23936

(2) To provide additional revenues for a transit authority 23937  
operating in the county; 23938

(3) To provide additional revenue for the county's general 23939  
fund; 23940

(4) To provide additional revenue for permanent improvements 23941  
within the county to be distributed by the community improvements 23942  
board in accordance with section 307.283 and to pay principal, 23943  
interest, and premium on bonds issued under section 307.284 of the 23944  
Revised Code; 23945

(5) To provide additional revenue for the acquisition, 23946  
construction, equipping, or repair of any specific permanent 23947  
improvement or any class or group of permanent improvements, which 23948  
improvement or class or group of improvements shall be enumerated 23949  
in the resolution required by division (D) of this section, and to 23950  
pay principal, interest, premium, and other costs associated with 23951  
the issuance of bonds or notes in anticipation of bonds issued 23952  
pursuant to Chapter 133. of the Revised Code for the acquisition, 23953  
construction, equipping, or repair of the specific permanent 23954  
improvement or class or group of permanent improvements; 23955

(6) To provide revenue for the implementation and operation 23956  
of a 9-1-1 system in the county. If the tax is levied or the rate 23957  
increased exclusively for such purpose, the tax shall not be 23958  
levied or the rate increased for more than five years. At the end 23959  
of the last year the tax is levied or the rate increased, any 23960  
balance remaining in the special fund established for such purpose 23961  
shall remain in that fund and be used exclusively for such purpose 23962  
until the fund is completely expended, and, notwithstanding 23963  
section 5705.16 of the Revised Code, the board of county 23964  
commissioners shall not petition for the transfer of money from 23965  
such special fund, and the tax commissioner shall not approve such 23966  
a petition. 23967

If the tax is levied or the rate increased for such purpose 23968  
for more than five years, the board of county commissioners also 23969  
shall levy the tax or increase the rate of the tax for one or more 23970  
of the purposes described in divisions (A)(1) to (5) of this 23971  
section and shall prescribe the method for allocating the revenues 23972  
from the tax each year in the manner required by division (C) of 23973  
this section. 23974

(7) To provide additional revenue for the operation or 23975  
maintenance of a detention facility, as that term is defined under 23976  
division (F) of section 2921.01 of the Revised Code; 23977

(8) To provide revenue to finance the construction or renovation of a sports facility, but only if the tax is levied for that purpose in the manner prescribed by section 5739.028 of the Revised Code.

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As used in division (A)(8) of this section:

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(a) "Sports facility" means a facility intended to house major league professional athletic teams.

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(b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment.

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(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;

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(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services.

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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.

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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

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members of the board. The board shall deliver a certified copy of 24009  
the resolution to the tax commissioner, not later than the 24010  
sixty-fifth day prior to the date on which the tax is to become 24011  
effective, which shall be the first day of a calendar quarter. 24012

Prior to the adoption of any resolution to levy the tax or to 24013  
increase the rate of tax exclusively for the purpose set forth in 24014  
division (A)(3) of this section, the board of county commissioners 24015  
shall conduct two public hearings on the resolution, the second 24016  
hearing to be no fewer than three nor more than ten days after the 24017  
first. Notice of the date, time, and place of the hearings shall 24018  
be given by publication in a newspaper of general circulation in 24019  
the county once a week on the same day of the week for two 24020  
consecutive weeks, the second publication being no fewer than ten 24021  
nor more than thirty days prior to the first hearing. Except as 24022  
provided in division (E) of this section, the resolution shall be 24023  
subject to a referendum as provided in sections 305.31 to 305.41 24024  
of the Revised Code. If the resolution is adopted as an emergency 24025  
measure necessary for the immediate preservation of the public 24026  
peace, health, or safety, it must receive an affirmative vote of 24027  
all of the members of the board of county commissioners and shall 24028  
state the reasons for the necessity. 24029

If the tax is for more than one of the purposes set forth in 24030  
divisions (A)(1) to (7), (9), and (10) of this section, or is 24031  
exclusively for one of the purposes set forth in division (A)(1), 24032  
(2), (4), (5), (6), (7), (9), or (10) of this section, the 24033  
resolution shall not go into effect unless it is approved by a 24034  
majority of the electors voting on the question of the tax. 24035

(B) The board of county commissioners shall adopt a 24036  
resolution under section 351.02 of the Revised Code creating the 24037  
convention facilities authority, or under section 307.283 of the 24038  
Revised Code creating the community improvements board, before 24039  
adopting a resolution levying a tax for the purpose of a 24040



convention facilities authority under division (A)(1) of this 24041  
section or for the purpose of a community improvements board under 24042  
division (A)(4) of this section. 24043

(C)(1) If the tax is to be used for more than one of the 24044  
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 24045  
this section, the board of county commissioners shall establish 24046  
the method that will be used to determine the amount or proportion 24047  
of the tax revenue received by the county during each year that 24048  
will be distributed for each of those purposes, including, if 24049  
applicable, provisions governing the reallocation of a convention 24050  
facilities authority's allocation if the authority is dissolved 24051  
while the tax is in effect. The allocation method may provide that 24052  
different proportions or amounts of the tax shall be distributed 24053  
among the purposes in different years, but it shall clearly 24054  
describe the method that will be used for each year. Except as 24055  
otherwise provided in division (C)(2) of this section, the 24056  
allocation method established by the board is not subject to 24057  
amendment during the life of the tax. 24058

(2) Subsequent to holding a public hearing on the proposed 24059  
amendment, the board of county commissioners may amend the 24060  
allocation method established under division (C)(1) of this 24061  
section for any year, if the amendment is approved by the 24062  
governing board of each entity whose allocation for the year would 24063  
be reduced by the proposed amendment. In the case of a tax that is 24064  
levied for a continuing period of time, the board may not so amend 24065  
the allocation method for any year before the sixth year that the 24066  
tax is in effect. 24067

(a) If the additional revenues provided to the convention 24068  
facilities authority are pledged by the authority for the payment 24069  
of convention facilities authority revenue bonds for as long as 24070  
such bonds are outstanding, no reduction of the authority's 24071  
allocation of the tax shall be made for any year except to the 24072

extent that the reduced authority allocation, when combined with 24073  
the authority's other revenues pledged for that purpose, is 24074  
sufficient to meet the debt service requirements for that year on 24075  
such bonds. 24076

(b) If the additional revenues provided to the county are 24077  
pledged by the county for the payment of bonds or notes described 24078  
in division (A)(4) or (5) of this section, for as long as such 24079  
bonds or notes are outstanding, no reduction of the county's or 24080  
the community improvements board's allocation of the tax shall be 24081  
made for any year, except to the extent that the reduced county or 24082  
community improvements board allocation is sufficient to meet the 24083  
debt service requirements for that year on such bonds or notes. 24084

(c) If the additional revenues provided to the transit 24085  
authority are pledged by the authority for the payment of revenue 24086  
bonds issued under section 306.37 of the Revised Code, for as long 24087  
as such bonds are outstanding, no reduction of the authority's 24088  
allocation of tax shall be made for any year, except to the extent 24089  
that the authority's reduced allocation, when combined with the 24090  
authority's other revenues pledged for that purpose, is sufficient 24091  
to meet the debt service requirements for that year on such bonds. 24092

(d) If the additional revenues provided to the county are 24093  
pledged by the county for the payment of bonds or notes issued 24094  
under section 133.60 of the Revised Code, for so long as the bonds 24095  
or notes are outstanding, no reduction of the county's allocation 24096  
of the tax shall be made for any year, except to the extent that 24097  
the reduced county allocation is sufficient to meet the debt 24098  
service requirements for that year on the bonds or notes. 24099

(D)(1) The resolution levying the tax or increasing the rate 24100  
of tax shall state the rate of the tax or the rate of the 24101  
increase; the purpose or purposes for which it is to be levied; 24102  
the number of years for which it is to be levied or that it is for 24103  
a continuing period of time; the allocation method required by 24104

division (C) of this section; and if required to be submitted to 24105  
the electors of the county under division (A) of this section, the 24106  
date of the election at which the proposal shall be submitted to 24107  
the electors of the county, which shall be not less than 24108  
~~seventy-five~~ eighty-five days after the certification of a copy of 24109  
the resolution to the board of elections and, if the tax is to be 24110  
levied exclusively for the purpose set forth in division (A)(3) of 24111  
this section, shall not occur in February or August of any year. 24112  
Upon certification of the resolution to the board of elections, 24113  
the board of county commissioners shall notify the tax 24114  
commissioner in writing of the levy question to be submitted to 24115  
the electors. If approved by a majority of the electors, the tax 24116  
shall become effective on the first day of a calendar quarter next 24117  
following the sixty-fifth day following the date the board of 24118  
county commissioners and tax commissioner receive from the board 24119  
of elections the certification of the results of the election, 24120  
except as provided in division (E) of this section. 24121

(2)(a) A resolution specifying that the tax is to be used 24122  
exclusively for the purpose set forth in division (A)(3) of this 24123  
section that is not adopted as an emergency measure may direct the 24124  
board of elections to submit the question of levying the tax or 24125  
increasing the rate of the tax to the electors of the county at a 24126  
special election held on the date specified by the board of county 24127  
commissioners in the resolution, provided that the election occurs 24128  
not less than ~~seventy-five~~ eighty-five days after the resolution 24129  
is certified to the board of elections and the election is not 24130  
held in February or August of any year. Upon certification of the 24131  
resolution to the board of elections, the board of county 24132  
commissioners shall notify the tax commissioner in writing of the 24133  
levy question to be submitted to the electors. No resolution 24134  
adopted under division (D)(2)(a) of this section shall go into 24135  
effect unless approved by a majority of those voting upon it and, 24136  
except as provided in division (E) of this section, not until the 24137

first day of a calendar quarter following the expiration of 24138  
sixty-five days from the date the tax commissioner receives notice 24139  
from the board of elections of the affirmative vote. 24140

(b) A resolution specifying that the tax is to be used 24141  
exclusively for the purpose set forth in division (A)(3) of this 24142  
section that is adopted as an emergency measure shall become 24143  
effective as provided in division (A) of this section, but may 24144  
direct the board of elections to submit the question of repealing 24145  
the tax or increase in the rate of the tax to the electors of the 24146  
county at the next general election in the county occurring not 24147  
less than ~~seventy-five~~ eighty-five days after the resolution is 24148  
certified to the board of elections. Upon certification of the 24149  
resolution to the board of elections, the board of county 24150  
commissioners shall notify the tax commissioner in writing of the 24151  
levy question to be submitted to the electors. The ballot question 24152  
shall be the same as that prescribed in section 5739.022 of the 24153  
Revised Code. The board of elections shall notify the board of 24154  
county commissioners and the tax commissioner of the result of the 24155  
election immediately after the result has been declared. If a 24156  
majority of the qualified electors voting on the question of 24157  
repealing the tax or increase in the rate of the tax vote for 24158  
repeal of the tax or repeal of the increase, the board of county 24159  
commissioners, on the first day of a calendar quarter following 24160  
the expiration of sixty-five days after the date the board and tax 24161  
commissioner received notice of the result of the election, shall, 24162  
in the case of a repeal of the tax, cease to levy the tax, or, in 24163  
the case of a repeal of an increase in the rate of the tax, cease 24164  
to levy the increased rate and levy the tax at the rate at which 24165  
it was imposed immediately prior to the increase in rate. 24166

(c) A board of county commissioners, by resolution, may 24167  
reduce the rate of a tax levied exclusively for the purpose set 24168  
forth in division (A)(3) of this section to a lower rate 24169

authorized by this section. Any such reduction shall be made 24170  
effective on the first day of the calendar quarter next following 24171  
the sixty-fifth day after the tax commissioner receives a 24172  
certified copy of the resolution from the board. 24173

(E) If a vendor that is registered with the central 24174  
electronic registration system provided for in section 5740.05 of 24175  
the Revised Code makes a sale in this state by printed catalog and 24176  
the consumer computed the tax on the sale based on local rates 24177  
published in the catalog, any tax levied or repealed or rate 24178  
changed under this section shall not apply to such a sale until 24179  
the first day of a calendar quarter following the expiration of 24180  
one hundred twenty days from the date of notice by the tax 24181  
commissioner pursuant to division (G) of this section. 24182

(F) The tax levied pursuant to this section shall be in 24183  
addition to the tax levied by section 5739.02 of the Revised Code 24184  
and any tax levied pursuant to section 5739.021 or 5739.023 of the 24185  
Revised Code. 24186

A county that levies a tax pursuant to this section shall 24187  
levy a tax at the same rate pursuant to section 5741.023 of the 24188  
Revised Code. 24189

The additional tax levied by the county shall be collected 24190  
pursuant to section 5739.025 of the Revised Code. 24191

Any tax levied pursuant to this section is subject to the 24192  
exemptions provided in section 5739.02 of the Revised Code and in 24193  
addition shall not be applicable to sales not within the taxing 24194  
power of a county under the Constitution of the United States or 24195  
the Ohio Constitution. 24196

(G) Upon receipt from a board of county commissioners of a 24197  
certified copy of a resolution required by division (A) of this 24198  
section, or from the board of elections a notice of the results of 24199  
an election required by division (D)(1), (2)(a), (b), or (c) of 24200

this section, the tax commissioner shall provide notice of a tax 24201  
rate change in a manner that is reasonably accessible to all 24202  
affected vendors. The commissioner shall provide this notice at 24203  
least sixty days prior to the effective date of the rate change. 24204  
The commissioner, by rule, may establish the method by which 24205  
notice will be provided. 24206

**Sec. 5743.021.** (A) As used in this section, "qualifying 24207  
regional arts and cultural district" means a regional arts and 24208  
cultural district created under section 3381.04 of the Revised 24209  
Code in a county having a population of one million two hundred 24210  
thousand or more according to the 2000 federal decennial census. 24211

(B) For one or more of the purposes for which a tax may be 24212  
levied under section 3381.16 of the Revised Code and for the 24213  
purposes of paying the expenses of administering the tax and the 24214  
expenses charged by a board of elections to hold an election on a 24215  
question submitted under this section, the board of county 24216  
commissioners of a county that has within its territorial 24217  
boundaries a qualifying regional arts and cultural district may 24218  
levy a tax on the sale of cigarettes sold for resale at retail in 24219  
the county composing the district. The rate of the tax, when added 24220  
to the rate of any other tax concurrently levied by the board 24221  
under this section, shall not exceed fifteen mills per cigarette, 24222  
and shall be computed on each cigarette sold. Only one sale of the 24223  
same article shall be used in computing the amount of tax due. The 24224  
tax may be levied for any number of years not exceeding ten years. 24225

The tax shall be levied pursuant to a resolution of the board 24226  
of county commissioners approved by a majority of the electors in 24227  
the county voting on the question of levying the tax. The 24228  
resolution shall specify the rate of the tax, the number of years 24229  
the tax will be levied, and the purposes for which the tax is 24230  
levied. The election may be held on the date of a general, 24231

primary, or special election held not sooner than ~~seventy-five~~ 24232  
eighty-five days after the date the board certifies its resolution 24233  
to the board of elections. If approved by the electors, the tax 24234  
shall take effect on the first day of the month specified in the 24235  
resolution but not sooner than the first day of the month that is 24236  
at least sixty days after the certification of the election 24237  
results by the board of elections. A copy of the resolution 24238  
levying the tax shall be certified to the tax commissioner at 24239  
least sixty days prior to the date on which the tax is to become 24240  
effective. 24241

(C) The form of the ballot in an election held under this 24242  
section shall be as follows, or in any other form acceptable to 24243  
the secretary of state: 24244

"For the purpose of ..... (insert the purpose or 24245  
purposes of the tax), shall an excise tax be levied throughout 24246  
..... County for the benefit of the ..... (name of the 24247  
qualifying regional arts and cultural district) on the sale of 24248  
cigarettes at wholesale at the rate of .... mills per cigarette 24249  
for ..... years? 24250

	For the tax
	Against the tax

"

(D) The treasurer of state shall credit all moneys arising 24251  
from taxes levied on behalf of each district under this section 24252  
and section 5743.321 of the Revised Code as follows: 24253  
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(1) To the tax refund fund created by section 5703.052 of the 24255  
Revised Code, amounts equal to the refunds from each tax levied 24256  
under this section certified by the tax commissioner pursuant to 24257  
section 5743.05 of the Revised Code; 24258  
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(2) Following the crediting of amounts pursuant to division 24261  
(D)(1) of this section: 24262

(a) To the permissive tax distribution fund created under 24263  
section 4301.423 of the Revised Code, an amount equal to 24264  
ninety-eight per cent of the remainder collected; 24265

(b) To the local excise tax administrative fund, which is 24266  
hereby created in the state treasury, an amount equal to two per 24267  
cent of such remainder, for use by the tax commissioner in 24268  
defraying costs incurred in administering the tax. 24269

On or before the second working day of each month, the 24270  
treasurer of state shall certify to the tax commissioner the 24271  
amount of taxes levied on behalf of each district under sections 24272  
5743.021 and 5743.321 of the Revised Code and paid to the 24273  
treasurer of state during the preceding month. 24274

On or before the tenth day of each month, the tax 24275  
commissioner shall distribute the amount credited to the 24276  
permissive tax distribution fund during the preceding month by 24277  
providing for payment of the appropriate amount to the county 24278  
treasurer of the county in which the tax is levied. 24279

**Sec. 5743.024.** (A) For the purposes of section 307.696 of the 24280  
Revised Code, to pay the expenses of administering the tax, and to 24281  
pay any or all of the charge the board of elections makes against 24282  
the county to hold the election on the question of levying the 24283  
tax, or for such purposes and to provide revenues to the county 24284  
for permanent improvements, the board of county commissioners may 24285  
levy a tax on sales of cigarettes sold for resale at retail in the 24286  
county. The tax shall not exceed two and twenty-five hundredths of 24287  
a mill per cigarette, and shall be computed on each cigarette 24288  
sold. The tax may be levied for any number of years not exceeding 24289  
twenty. Only one sale of the same article shall be used in 24290  
computing the amount of tax due. 24291

The tax shall be levied pursuant to a resolution of the 24292  
county commissioners approved by a majority of the electors in the 24293



county voting on the question of levying the tax. The resolution 24294  
shall specify the rate of the tax, the number of years the tax 24295  
will be levied, and the purposes for which the tax is levied. Such 24296  
election may be held on the date of a general or special election 24297  
held not sooner than ~~seventy-five~~ eighty-five days after the date 24298  
the board certifies its resolution to the board of elections. If 24299  
approved by the electors, the tax shall take effect on the first 24300  
day of the month specified in the resolution but not sooner than 24301  
the first day of the month that is at least sixty days after the 24302  
certification of the election results by the board of elections. A 24303  
copy of the resolution levying the tax shall be certified to the 24304  
tax commissioner at least sixty days prior to the date on which 24305  
the tax is to become effective. 24306

A resolution under this section may be joined on the ballot 24307  
as a single question with a resolution adopted under section 24308  
307.697 or 4301.421 of the Revised Code to levy a tax for the same 24309  
purposes and for the purpose of paying the expenses of 24310  
administering the tax. The form of the ballot in an election held 24311  
pursuant to this section shall be as prescribed in section 307.697 24312  
of the Revised Code. 24313

(B) The treasurer of state shall credit all moneys arising 24314  
from each county's taxes levied under this section and section 24315  
5743.323 of the Revised Code as follows: 24316

(1) To the tax refund fund created by section 5703.052 of the 24317  
Revised Code, amounts equal to the refunds from each tax levied 24318  
under this section certified by the tax commissioner pursuant to 24319  
section 5743.05 of the Revised Code; 24320

(2) Following the crediting of amounts pursuant to division 24321  
(B)(1) of this section: 24322

(a) To the permissive tax distribution fund created by 24323  
division (B)(1) of section 4301.423 of the Revised Code, an amount 24324

equal to ninety-eight per cent of the remainder collected; 24325

(b) To the local excise tax administrative fund, which is 24326  
hereby created in the state treasury, an amount equal to two per 24327  
cent of such remainder, for use by the tax commissioner in 24328  
defraying costs incurred in administering the tax. 24329

On or before the second working day of each month, the 24330  
treasurer of state shall certify to the tax commissioner the 24331  
amount of each county's taxes levied under sections 5743.024 and 24332  
5743.323 of the Revised Code and paid to the treasurer of state 24333  
during the preceding month. 24334

On or before the tenth day of each month, the tax 24335  
commissioner shall distribute the amount credited to the 24336  
permissive tax distribution fund during the preceding month by 24337  
providing for payment of the appropriate amount to the county 24338  
treasurer of each county levying the tax. 24339

(C) The board of county commissioners of a county in which a 24340  
tax is imposed under this section on July 19, 1995, may levy a tax 24341  
for the purpose of section 307.673 of the Revised Code regardless 24342  
of whether or not the cooperative agreement authorized under that 24343  
section has been entered into prior to the day the resolution 24344  
adopted under division (C)(1) or (2) of this section is adopted, 24345  
and for the purpose of reimbursing a county for costs incurred in 24346  
the construction of a sports facility pursuant to an agreement 24347  
entered into by the county under section 307.696 of the Revised 24348  
Code. The tax shall be levied and approved in one of the manners 24349  
prescribed by division (C)(1) or (2) of this section. 24350

(1) The tax may be levied pursuant to a resolution adopted by 24351  
a majority of the members of the board of county commissioners not 24352  
later than forty-five days after July 19, 1995. A board of county 24353  
commissioners approving a tax under division (C)(1) of this 24354  
section may approve a tax under division (D)(1) of section 307.697 24355

or division (B)(1) of section 4301.421 of the Revised Code at the 24356  
same time. Subject to the resolution being submitted to a 24357  
referendum under sections 305.31 to 305.41 of the Revised Code, 24358  
the resolution shall take effect immediately, but the tax levied 24359  
pursuant to the resolution shall not be levied prior to the day 24360  
following the last day taxes levied pursuant to division (A) of 24361  
this section may be levied. 24362

(2) The tax may be levied pursuant to a resolution adopted by 24363  
a majority of the members of the board of county commissioners not 24364  
later than forty-five days after July 19, 1995, and approved by a 24365  
majority of the electors of the county voting on the question of 24366  
levying the tax at the next succeeding general election following 24367  
July 19, 1995. The board of county commissioners shall certify a 24368  
copy of the resolution to the board of elections immediately upon 24369  
adopting a resolution under division (C)(2) of this section, and 24370  
the board of elections shall place the question of levying the tax 24371  
on the ballot at that election. The form of the ballot shall be as 24372  
prescribed by division (C) of section 307.697 of the Revised Code, 24373  
except that the phrase "paying not more than one-half of the costs 24374  
of providing a sports facility together with related redevelopment 24375  
and economic development projects" shall be replaced by the phrase 24376  
"paying the costs of constructing or renovating a sports facility 24377  
and reimbursing a county for costs incurred by the county in the 24378  
construction of a sports facility," and the phrase ", beginning 24379  
..... (here insert the earliest date the tax would take 24380  
effect)" shall be appended after "years." A board of county 24381  
commissioners submitting the question of a tax under division 24382  
(C)(2) of this section may submit the question of a tax under 24383  
division (D)(2) of section 307.697 or division (B)(2) of section 24384  
4301.421 of the Revised Code as a single question, and the form of 24385  
the ballot shall include each of the proposed taxes. 24386

24387

If approved by a majority of electors voting on the question, 24388  
the tax shall take effect on the day specified on the ballot, 24389  
which shall not be earlier than the day following the last day the 24390  
tax levied pursuant to division (A) of this section may be levied. 24391

The rate of a tax levied pursuant to division (C)(1) or (2) 24392  
of this section shall not exceed the rate specified in division 24393  
(A) of this section. A tax levied pursuant to division (C)(1) or 24394  
(2) of this section may be levied for any number of years not 24395  
exceeding twenty. 24396

A board of county commissioners adopting a resolution under 24397  
this division shall certify a copy of the resolution to the tax 24398  
commissioner immediately upon adoption of the resolution. 24399

(E) No tax shall be levied under this section on or after ~~the~~ 24400  
~~effective date of the amendment of this section by H.B. 562 of the~~ 24401  
~~127th general assembly~~ September 23, 2008. This division does not 24402  
prevent the collection of any tax levied under this section before 24403  
that date so long as that tax remains effective. 24404

**Sec. 5743.026.** For the purposes of section 351.26 of the 24405  
Revised Code, to pay the expenses of administering the tax, and to 24406  
pay any or all of the charge the board of elections makes against 24407  
the county to hold the election on the question of levying the 24408  
tax, the board of county commissioners, in the manner prescribed 24409  
by division (A) of section 351.26 of the Revised Code, may levy a 24410  
tax on sales of cigarettes sold for resale at retail in the 24411  
county. The rate of the tax shall not exceed two and twenty-five 24412  
hundredths mills per cigarette, and shall be computed on each 24413  
cigarette sold. The tax may be levied for any number of years not 24414  
to exceed twenty. Only one sale of the same article shall be used 24415  
in computing the amount of tax due. 24416

The tax shall be levied pursuant to a resolution of the board 24417  
of county commissioners adopted as prescribed by division (A) of 24418

section 351.26 of the Revised Code and approved by a majority of 24419  
the electors in the county voting on the question of levying the 24420  
tax. The resolution shall specify the rate of the tax, the number 24421  
of years the tax will be levied, and the purposes for which the 24422  
tax is levied. Such election may be held on the date of a general 24423  
or special election held not sooner than ~~seventy-five~~ eighty-five 24424  
days after the date the board certifies its resolution to the 24425  
board of elections. If approved by voters, the tax shall take 24426  
effect on the first day of the month specified in the resolution 24427  
but not sooner than the first day of the month that is at least 24428  
sixty days after the certification of the election results by the 24429  
board of elections. A copy of the resolution levying the tax shall 24430  
be certified to the tax commissioner at least sixty days prior to 24431  
the date on which the tax is to become effective. 24432

A resolution under this section may be joined on the ballot 24433  
as a single question with a resolution adopted under section 24434  
4301.424 of the Revised Code to levy a tax for the same purposes 24435  
and for the purpose of paying the expenses of administering the 24436  
tax. The form of the ballot in an election held pursuant to this 24437  
section shall be as prescribed in section 351.26 of the Revised 24438  
Code. 24439

The treasurer of state shall credit all moneys arising from 24440  
each tax levied under this section and section 5743.324 of the 24441  
Revised Code in the same manner prescribed by section 5743.024 of 24442  
the Revised Code for the crediting of money arising from taxes 24443  
levied under that section, except that the tax commissioner shall 24444  
distribute the amount credited to the permissive tax distribution 24445  
fund by providing for payment of the appropriate amount to the 24446  
county treasurer of the county in which the tax is levied, who 24447  
shall credit the payment to the fund or account designated by the 24448  
board of directors of the convention facilities authority levying 24449  
the tax. 24450

**Sec. 5748.02.** (A) The board of education of any school district, except a joint vocational school district, may declare, by resolution, the necessity of raising annually a specified amount of money for school district purposes. The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. A copy of the resolution shall be certified to the tax commissioner no later than ~~eighty-five~~ ninety-five days prior to the date of the election at which the board intends to propose a levy under this section. Upon receipt of the copy of the resolution, the tax commissioner shall estimate both of the following:

(1) The property tax rate that would have to be imposed in the current year by the district to produce an equivalent amount of money;

(2) The income tax rate that would have had to have been in effect for the current year to produce an equivalent amount of money from a school district income tax.

Within ten days of receiving the copy of the board's resolution, the commissioner shall prepare these estimates and certify them to the board. Upon receipt of the certification, the board may adopt a resolution proposing an income tax under division (B) of this section at the estimated rate contained in the certification rounded to the nearest one-fourth of one per cent. The commissioner's certification applies only to the board's proposal to levy an income tax at the election for which the board requested the certification. If the board intends to submit a proposal to levy an income tax at any other election, it shall request another certification for that election in the manner

prescribed in this division. 24482

(B)(1) Upon the receipt of a certification from the tax 24483  
commissioner under division (A) of this section, a majority of the 24484  
members of a board of education may adopt a resolution proposing 24485  
the levy of an annual tax for school district purposes on school 24486  
district income. The proposed levy may be for a continuing period 24487  
of time or for a specified number of years. The resolution shall 24488  
set forth the purpose for which the tax is to be imposed, the rate 24489  
of the tax, which shall be the rate set forth in the 24490  
commissioner's certification rounded to the nearest one-fourth of 24491  
one per cent, the number of years the tax will be levied or that 24492  
it will be levied for a continuing period of time, the date on 24493  
which the tax shall take effect, which shall be the first day of 24494  
January of any year following the year in which the question is 24495  
submitted, and the date of the election at which the proposal 24496  
shall be submitted to the electors of the district, which shall be 24497  
on the date of a primary, general, or special election the date of 24498  
which is consistent with section 3501.01 of the Revised Code. The 24499  
resolution shall specify whether the income that is to be subject 24500  
to the tax is taxable income of individuals and estates as defined 24501  
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 24502  
Code or taxable income of individuals as defined in division 24503  
(E)(1)(b) of that section. The specification shall be the same as 24504  
the specification in the resolution adopted and certified under 24505  
division (A) of this section. 24506

If the tax is to be levied for current expenses and permanent 24507  
improvements, the resolution shall apportion the annual rate of 24508  
the tax. The apportionment may be the same or different for each 24509  
year the tax is levied, but the respective portions of the rate 24510  
actually levied each year for current expenses and for permanent 24511  
improvements shall be limited by the apportionment. 24512

If the board of education currently imposes an income tax 24513

pursuant to this chapter that is due to expire and a question is 24514  
submitted under this section for a proposed income tax to take 24515  
effect upon the expiration of the existing tax, the board may 24516  
specify in the resolution that the proposed tax renews the 24517  
expiring tax. Two or more expiring income taxes may be renewed 24518  
under this paragraph if the taxes are due to expire on the same 24519  
date. If the tax rate being proposed is no higher than the total 24520  
tax rate imposed by the expiring tax or taxes, the resolution may 24521  
state that the proposed tax is not an additional income tax. 24522

(2) A board of education adopting a resolution under division 24523  
(B)(1) of this section proposing a school district income tax for 24524  
a continuing period of time and limited to the purpose of current 24525  
expenses may propose in that resolution to reduce the rate or 24526  
rates of one or more of the school district's property taxes 24527  
levied for a continuing period of time in excess of the ten-mill 24528  
limitation for the purpose of current expenses. The reduction in 24529  
the rate of a property tax may be any amount, expressed in mills 24530  
per one dollar in valuation, not exceeding the rate at which the 24531  
tax is authorized to be levied. The reduction in the rate of a tax 24532  
shall first take effect for the tax year that includes the day on 24533  
which the school district income tax first takes effect, and shall 24534  
continue for each tax year that both the school district income 24535  
tax and the property tax levy are in effect. 24536

In addition to the matters required to be set forth in the 24537  
resolution under division (B)(1) of this section, a resolution 24538  
containing a proposal to reduce the rate of one or more property 24539  
taxes shall state for each such tax the maximum rate at which it 24540  
currently may be levied and the maximum rate at which the tax 24541  
could be levied after the proposed reduction, expressed in mills 24542  
per one dollar in valuation, and that the tax is levied for a 24543  
continuing period of time. 24544

If a board of education proposes to reduce the rate of one or 24545



more property taxes under division (B)(2) of this section, the 24546  
board, when it makes the certification required under division (A) 24547  
of this section, shall designate the specific levy or levies to be 24548  
reduced, the maximum rate at which each levy currently is 24549  
authorized to be levied, and the rate by which each levy is 24550  
proposed to be reduced. The tax commissioner, when making the 24551  
certification to the board under division (A) of this section, 24552  
also shall certify the reduction in the total effective tax rate 24553  
for current expenses for each class of property that would have 24554  
resulted if the proposed reduction in the rate or rates had been 24555  
in effect the previous tax year. As used in this paragraph, 24556  
"effective tax rate" has the same meaning as in section 323.08 of 24557  
the Revised Code. 24558

(C) A resolution adopted under division (B) of this section 24559  
shall go into immediate effect upon its passage, and no 24560  
publication of the resolution shall be necessary other than that 24561  
provided for in the notice of election. Immediately after its 24562  
adoption and at least ~~seventy-five~~ eighty-five days prior to the 24563  
election at which the question will appear on the ballot, a copy 24564  
of the resolution shall be certified to the board of elections of 24565  
the proper county, which shall submit the proposal to the electors 24566  
on the date specified in the resolution. The form of the ballot 24567  
shall be as provided in section 5748.03 of the Revised Code. 24568  
Publication of notice of the election shall be made in one or more 24569  
newspapers of general circulation in the county once a week for 24570  
two consecutive weeks prior to the election, and, if the board of 24571  
elections operates and maintains a web site, the board of 24572  
elections shall post notice of the election on its web site for 24573  
thirty days prior to the election. The notice shall contain the 24574  
time and place of the election and the question to be submitted to 24575  
the electors. The question covered by the resolution shall be 24576  
submitted as a separate proposition, but may be printed on the 24577  
same ballot with any other proposition submitted at the same 24578

election, other than the election of officers. 24579

(D) No board of education shall submit the question of a tax 24580  
on school district income to the electors of the district more 24581  
than twice in any calendar year. If a board submits the question 24582  
twice in any calendar year, one of the elections on the question 24583  
shall be held on the date of the general election. 24584

(E)(1) No board of education may submit to the electors of 24585  
the district the question of a tax on school district income on 24586  
the taxable income of individuals as defined in division (E)(1)(b) 24587  
of section 5748.01 of the Revised Code if that tax would be in 24588  
addition to an existing tax on the taxable income of individuals 24589  
and estates as defined in divisions (E)(1)(a) and (2) of that 24590  
section. 24591

(2) No board of education may submit to the electors of the 24592  
district the question of a tax on school district income on the 24593  
taxable income of individuals and estates as defined in divisions 24594  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that 24595  
tax would be in addition to an existing tax on the taxable income 24596  
of individuals as defined in division (E)(1)(b) of that section. 24597

**Sec. 5748.04.** (A) The question of the repeal of a school 24598  
district income tax levied for more than five years may be 24599  
initiated not more than once in any five-year period by filing 24600  
with the board of elections of the appropriate counties not later 24601  
than ~~seventy-five~~ eighty-five days before the general election in 24602  
any year after the year in which it is approved by the electors a 24603  
petition requesting that an election be held on the question. The 24604  
petition shall be signed by qualified electors residing in the 24605  
school district levying the income tax equal in number to ten per 24606  
cent of those voting for governor at the most recent gubernatorial 24607  
election. 24608

The board of elections shall determine whether the petition 24609

is valid, and if it so determines, it shall submit the question to the electors of the district at the next general election. The election shall be conducted, canvassed, and certified in the same manner as regular elections for county offices in the county. Notice of the election shall be published in a newspaper of general circulation in the district once a 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. The notice shall state the purpose, time, and place of the election. The form of the ballot cast at the election shall be as follows:

"Shall the annual income tax of ..... per cent, currently levied on the school district income of individuals and estates by ..... (state the name of the school district) for the purpose of ..... (state purpose of the tax), be repealed?

	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 division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax currently is levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and estates."

(2) If the rate of one or more property tax levies was reduced for the duration of the income tax levy pursuant to division (B)(2) of section 5748.02 of the Revised Code, the form of the ballot shall be modified by adding the following language immediately after "repealed": ", and shall the rate of an existing

tax on property for the purpose of current expenses, which rate 24641  
was reduced for the duration of the income tax, be INCREASED from 24642  
. . . . . mills to . . . . . mills per one dollar of valuation beginning 24643  
in . . . . . (state the first year for which the rate of the property 24644  
tax will increase)." In lieu of "for repeal of the income tax" and 24645  
"against repeal of the income tax," the phrases "for the issue" 24646  
and "against the issue," respectively, shall be substituted. 24647

(3) If the rate of more than one property tax was reduced for 24648  
the duration of the income tax, the ballot language shall be 24649  
modified accordingly to express the rates at which those taxes 24650  
currently are levied and the rates to which the taxes would be 24651  
increased. 24652

(C) The question covered by the petition shall be submitted 24653  
as a separate proposition, but it may be printed on the same 24654  
ballot with any other proposition submitted at the same election 24655  
other than the election of officers. If a majority of the 24656  
qualified electors voting on the question vote in favor of it, the 24657  
result shall be certified immediately after the canvass by the 24658  
board of elections to the board of education of the school 24659  
district and the tax commissioner, who shall thereupon, after the 24660  
current year, cease to levy the tax, except that if notes have 24661  
been issued pursuant to section 5748.05 of the Revised Code the 24662  
tax commissioner shall continue to levy and collect under 24663  
authority of the election authorizing the levy an annual amount, 24664  
rounded upward to the nearest one-fourth of one per cent, as will 24665  
be sufficient to pay the debt charges on the notes as they fall 24666  
due. 24667

(D) If a school district income tax repealed pursuant to this 24668  
section was approved in conjunction with a reduction in the rate 24669  
of one or more school district property taxes as provided in 24670  
division (B)(2) of section 5748.02 of the Revised Code, then each 24671  
such property tax may be levied after the current year at the rate 24672

at which it could be levied prior to the reduction, subject to any 24673  
adjustments required by the county budget commission pursuant to 24674  
Chapter 5705. of the Revised Code. Upon the repeal of a school 24675  
district income tax under this section, the board of education may 24676  
resume levying a property tax, the rate of which has been reduced 24677  
pursuant to a question approved under section 5748.02 of the 24678  
Revised Code, at the rate the board originally was authorized to 24679  
levy the tax. A reduction in the rate of a property tax under 24680  
section 5748.02 of the Revised Code is a reduction in the rate at 24681  
which a board of education may levy that tax only for the period 24682  
during which a school district income tax is levied prior to any 24683  
repeal pursuant to this section. The resumption of the authority 24684  
to levy the tax upon such a repeal does not constitute a tax 24685  
levied in excess of the one per cent limitation prescribed by 24686  
Section 2 of Article XII, Ohio Constitution, or in excess of the 24687  
ten-mill limitation. 24688

(E) This section does not apply to school district income tax 24689  
levies that are levied for five or fewer years. 24690

**Sec. 5748.08.** (A) The board of education of a city, local, or 24691  
exempted village school district, at any time by a vote of 24692  
two-thirds of all its members, may declare by resolution that it 24693  
may be necessary for the school district to do all of the 24694  
following: 24695

(1) Raise a specified amount of money for school district 24696  
purposes by levying an annual tax on school district income; 24697

(2) Issue general obligation bonds for permanent 24698  
improvements, stating in the resolution the necessity and purpose 24699  
of the bond issue and the amount, approximate date, estimated rate 24700  
of interest, and maximum number of years over which the principal 24701  
of the bonds may be paid; 24702

(3) Levy a tax outside the ten-mill limitation to pay debt 24703

charges on the bonds and any anticipatory securities; 24704

(4) Submit the question of the school district income tax and 24705  
bond issue to the electors of the district at a special election. 24706

The resolution shall specify whether the income that is to be 24707  
subject to the tax is taxable income of individuals and estates as 24708  
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 24709  
Revised Code or taxable income of individuals as defined in 24710  
division (E)(1)(b) of that section. 24711

On adoption of the resolution, the board shall certify a copy 24712  
of it to the tax commissioner and the county auditor no later than 24713  
~~ninety~~ one hundred days prior to the date of the special election 24714  
at which the board intends to propose the income tax and bond 24715  
issue. Not later than ten days of receipt of the resolution, the 24716  
tax commissioner, in the same manner as required by division (A) 24717  
of section 5748.02 of the Revised Code, shall estimate the rates 24718  
designated in divisions (A)(1) and (2) of that section and certify 24719  
them to the board. Not later than ten days of receipt of the 24720  
resolution, the county auditor shall estimate and certify to the 24721  
board the average annual property tax rate required throughout the 24722  
stated maturity of the bonds to pay debt charges on the bonds, in 24723  
the same manner as under division (C) of section 133.18 of the 24724  
Revised Code. 24725

(B) On receipt of the tax commissioner's and county auditor's 24726  
certifications prepared under division (A) of this section, the 24727  
board of education of the city, local, or exempted village school 24728  
district, by a vote of two-thirds of all its members, may adopt a 24729  
resolution proposing for a specified number of years or for a 24730  
continuing period of time the levy of an annual tax for school 24731  
district purposes on school district income and declaring that the 24732  
amount of taxes that can be raised within the ten-mill limitation 24733  
will be insufficient to provide an adequate amount for the present 24734  
and future requirements of the school district; that it is 24735

necessary to issue general obligation bonds of the school district 24736  
for specified permanent improvements and to levy an additional tax 24737  
in excess of the ten-mill limitation to pay the debt charges on 24738  
the bonds and any anticipatory securities; and that the question 24739  
of the bonds and taxes shall be submitted to the electors of the 24740  
school district at a special election, which shall not be earlier 24741  
than ~~seventy-five~~ eighty-five days after certification of the 24742  
resolution to the board of elections, and the date of which shall 24743  
be consistent with section 3501.01 of the Revised Code. The 24744  
resolution shall specify all of the following: 24745

(1) The purpose for which the school district income tax is 24746  
to be imposed and the rate of the tax, which shall be the rate set 24747  
forth in the tax commissioner's certification rounded to the 24748  
nearest one-fourth of one per cent; 24749

(2) Whether the income that is to be subject to the tax is 24750  
taxable income of individuals and estates as defined in divisions 24751  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 24752  
taxable income of individuals as defined in division (E)(1)(b) of 24753  
that section. The specification shall be the same as the 24754  
specification in the resolution adopted and certified under 24755  
division (A) of this section. 24756

(3) The number of years the tax will be levied, or that it 24757  
will be levied for a continuing period of time; 24758

(4) The date on which the tax shall take effect, which shall 24759  
be the first day of January of any year following the year in 24760  
which the question is submitted; 24761

(5) The county auditor's estimate of the average annual 24762  
property tax rate required throughout the stated maturity of the 24763  
bonds to pay debt charges on the bonds. 24764

(C) A resolution adopted under division (B) of this section 24765  
shall go into immediate effect upon its passage, and no 24766

publication of the resolution shall be necessary other than that 24767  
provided for in the notice of election. Immediately after its 24768  
adoption and at least ~~seventy-five~~ eighty-five days prior to the 24769  
election at which the question will appear on the ballot, the 24770  
board of education shall certify a copy of the resolution, along 24771  
with copies of the auditor's estimate and its resolution under 24772  
division (A) of this section, to the board of elections of the 24773  
proper county. The board of education shall make the arrangements 24774  
for the submission of the question to the electors of the school 24775  
district, and the election shall be conducted, canvassed, and 24776  
certified in the same manner as regular elections in the district 24777  
for the election of county officers. 24778

The resolution shall be put before the electors as one ballot 24779  
question, with a majority vote indicating approval of the school 24780  
district income tax, the bond issue, and the levy to pay debt 24781  
charges on the bonds and any anticipatory securities. The board of 24782  
elections shall publish the notice of the election in one or more 24783  
newspapers of general circulation in the school district once a 24784  
week for two consecutive weeks prior to the election and, if the 24785  
board of elections operates and maintains a web site, also shall 24786  
post notice of the election on its web site for thirty days prior 24787  
to the election. The notice of election shall state all of the 24788  
following: 24789

- (1) The questions to be submitted to the electors; 24790
- (2) The rate of the school district income tax; 24791
- (3) The principal amount of the proposed bond issue; 24792
- (4) The permanent improvements for which the bonds are to be 24793  
issued; 24794
- (5) The maximum number of years over which the principal of 24795  
the bonds may be paid; 24796
- (6) The estimated additional average annual property tax rate 24797



to pay the debt charges on the bonds, as certified by the county auditor; 24798  
 24799

(7) The time and place of the special election. 24800

(D) The form of the ballot on a question submitted to the electors under this section shall be as follows: 24801  
 24802

"Shall the ..... school district be authorized to do both of the following: 24803  
 24804

(1) Impose an annual income tax of ..... (state the proposed rate of tax) on the school district income of individuals and of estates, for ..... (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning ..... (state the date the tax would first take effect), for the purpose of ..... (state the purpose of the tax)? 24805  
 24806  
 24807  
 24808  
 24809  
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 24811

(2) Issue bonds for the purpose of ..... in the principal amount of \$....., to be repaid annually over a maximum period of ..... years, and levy a property tax outside the ten-mill limitation estimated by the county auditor to average over the bond repayment period ..... mills for each one dollar of tax valuation, which amounts to ..... (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of tax valuation, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds? 24812  
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 24821

	FOR THE INCOME TAX AND BOND ISSUE
	AGAINST THE INCOME TAX AND BOND ISSUE

"

24822  
 24823  
 24824  
 24825  
 (E) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as 24826  
 24827

defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates."

(F) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it, the income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution, and the board of education may proceed with issuance of the bonds and with the levy and collection of the property taxes to pay debt charges on the bonds, at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

(G) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(H) The question of repeal of a school district income tax levied for more than five years may be initiated and submitted in accordance with section 5748.04 of the Revised Code.

(I) No board of education shall submit a question under this section to the electors of the school district more than twice in any calendar year. If a board submits the question twice in any

calendar year, one of the elections on the question shall be held 24860  
on the date of the general election. 24861

**Sec. 6105.18.** At any time after the third year following the 24862  
creation of a watershed district a referendum may be held on the 24863  
question of dissolution of the district. The question of 24864  
dissolution of a watershed district may be presented to the 24865  
electors within the territorial boundaries of the district, at any 24866  
general election, by the filing of a petition, signed by at least 24867  
two hundred qualified electors residing within the territorial 24868  
boundaries of the district, with the board of elections of that 24869  
county or part of a county with a population within the 24870  
territorial boundaries of the district, according to the last 24871  
federal decennial census, greater than that of any other county or 24872  
part of a county within the territorial boundaries of the 24873  
district. 24874

Such petition shall be filed with such board not later than 24875  
four p.m. of the ~~seventy-fifth~~ eighty-fifth day before the day of 24876  
the general election at which such question is to be presented to 24877  
the electors. 24878

**Sec. 6105.20.** The board of elections with which a petition 24879  
has been filed under section 6105.18 of the Revised Code, after 24880  
determining that the petition is in proper form and is signed by 24881  
at least two hundred qualified electors residing within the 24882  
territorial boundaries of the watershed district, shall, on or 24883  
before the ~~seventy-fifth~~ eighty-fifth day before the day of the 24884  
election at which the question of dissolving the district is to be 24885  
submitted to the electors, certify to the board of elections of 24886  
each watershed county the question of whether or not the district 24887  
shall be dissolved. 24888

The board of elections of each of such counties shall place 24889

such question on the questions and issues ballot, to be voted at 24890  
such election by the electors of the county residing within the 24891  
territorial boundaries of the district, by placing on such ballot 24892  
the words "For continuing the existence of (name of the district 24893  
to be here inserted)" and "Against continuing the existence of 24894  
(name of the district to be here inserted)," with a square before 24895  
each proposition and a direction to record the vote in the square 24896  
before one or the other of said propositions as the voter favors 24897  
or opposes the dissolution of the district. 24898

The vote on the question of the dissolution of the district 24899  
shall be counted and canvassed in the same manner as the vote for 24900  
candidates for district office are counted and canvassed. 24901

The board of elections with which the petition was originally 24902  
filed shall certify the results of such election. 24903

If a majority of the electors voting upon the proposition 24904  
vote against continuing the existence of the district, the 24905  
district shall be dissolved as of the thirty-first day of December 24906  
immediately thereafter. 24907

If a majority of the electors voting upon the proposition 24908  
vote for continuing the existence of the district, no further 24909  
referendum shall be held on the same proposition for a period of 24910  
three years. 24911

**Sec. 6119.31.** The board of county commissioners at any time 24912  
not less than ~~seventy-five~~ eighty-five days before the general 24913  
election in any year, by a vote of two-thirds of its members, may 24914  
declare by resolution that the amount of taxes which may be raised 24915  
within the ten-mill limitation will be insufficient to provide an 24916  
adequate amount for the necessary requirements of the county, and 24917  
that it is necessary to levy a tax in excess of such limitation 24918  
for the purpose of paying the cost of the preparation of plans, 24919  
specifications, surveys, soundings, drillings, maps, and other 24920

data needed or determined necessary in order to develop plans for 24921  
the proper purification, filtration, and distribution of water or 24922  
proper collection and treatment of sewage within the county or a 24923  
part thereof, or beyond the limits of the county but within the 24924  
same drainage area as is in part within the county. 24925

Such resolution shall be confined to a single purpose and 24926  
shall specify the amount of increase in rate which it is necessary 24927  
to levy, not to exceed three-tenths of a mill, the purpose 24928  
thereof, the number of years during which such increase shall be 24929  
in effect, not to exceed five years, which increase may or may not 24930  
include a levy upon the duplicate of the current year. 24931

Such resolution shall go into effect upon its passage and no 24932  
publication of it is necessary other than that provided for in the 24933  
notice of election. 24934

**Sec. 6119.32.** A copy of the resolution provided for in 24935  
section 6119.31 of the Revised Code shall be certified to the 24936  
board of elections for the county not less than ~~seventy-five~~ 24937  
eighty-five days before the general election in any year and said 24938  
board shall submit the proposal to the electors of the county at 24939  
the succeeding November election in accordance with section 24940  
5705.25 of the Revised Code. 24941

If the per cent required for approval of a levy as set forth 24942  
in section 5705.26 of the Revised Code vote in favor thereof, the 24943  
board of county commissioners may levy a tax within the county at 24944  
the additional rate outside the ten-mill limitation during the 24945  
period and for the purpose stated in the resolution, or at any 24946  
less rate or for any less number of years. 24947

**Section 2.** That existing sections 133.06, 133.18, 302.03, 24948  
302.09, 303.11, 303.12, 303.25, 305.02, 305.31, 306.32, 306.321, 24949  
306.70, 306.71, 307.676, 307.677, 307.695, 307.697, 307.791, 24950

307.94, 307.95, 322.02, 322.021, 324.02, 324.021, 345.03, 351.26, 24951  
503.02, 503.161, 503.24, 503.41, 504.01, 504.03, 505.13, 505.14, 24952  
511.01, 511.22, 511.27, 511.28, 511.33, 511.34, 513.06, 513.13, 24953  
513.18, 517.05, 519.11, 519.12, 519.25, 705.01, 707.21, 709.29, 24954  
709.39, 709.45, 709.462, 709.48, 709.50, 715.69, 715.691, 715.70, 24955  
715.71, 715.77, 718.01, 718.09, 718.10, 731.03, 731.28, 731.29, 24956  
733.09, 733.261, 733.262, 733.31, 733.48, 749.021, 755.01, 757.02, 24957  
759.25, 1515.28, 1545.21, 1545.36, 1711.30, 1901.07, 1901.10, 24958  
1901.31, 1907.13, 2101.43, 2301.02, 3311.053, 3311.059, 3311.21, 24959  
3311.213, 3311.22, 3311.231, 3311.25, 3311.26, 3311.37, 3311.38, 24960  
3311.50, 3311.73, 3316.08, 3318.06, 3318.061, 3318.361, 3354.12, 24961  
3355.02, 3355.09, 3357.02, 3357.11, 3375.19, 3375.201, 3375.211, 24962  
3375.212, 3501.01, 3501.02, 3501.03, 3501.05, 3501.07, 3501.10, 24963  
3501.11, 3501.17, 3501.18, 3501.21, 3501.22, 3501.38, 3501.39, 24964  
3503.01, 3503.04, 3503.06, 3503.10, 3503.11, 3503.14, 3503.15, 24965  
3503.16, 3503.19, 3503.21, 3503.24, 3503.28, 3505.01, 3505.03, 24966  
3505.04, 3505.06, 3505.062, 3505.08, 3505.10, 3505.11, 3505.12, 24967  
3505.13, 3505.18, 3505.181, 3505.182, 3505.183, 3505.20, 3505.21, 24968  
3505.23, 3505.28, 3505.30, 3505.32, 3506.02, 3506.11, 3506.12, 24969  
3506.21, 3509.01, 3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 24970  
3509.06, 3509.08, 3509.09, 3511.01, 3511.02, 3511.03, 3511.04, 24971  
3511.05, 3511.06, 3511.08, 3511.10, 3511.11, 3511.13, 3513.01, 24972  
3513.02, 3513.041, 3513.05, 3513.052, 3513.121, 3513.122, 24973  
3513.151, 3513.19, 3513.251, 3513.253, 3513.254, 3513.255, 24974  
3513.256, 3513.257, 3513.259, 3513.263, 3513.30, 3513.31, 24975  
3513.311, 3513.312, 3517.01, 3517.012, 3517.02, 3517.03, 3519.08, 24976  
3519.16, 3521.03, 3709.051, 3709.071, 3709.29, 3767.05, 3769.27, 24977  
4301.33, 4301.331, 4301.332, 4301.333, 4301.334, 4301.356, 24978  
4301.421, 4301.424, 4303.29, 4305.14, 4504.021, 4504.15, 4504.16, 24979  
4504.21, 4506.03, 4507.13, 4507.52, 4928.20, 4929.26, 4931.51, 24980  
4931.52, 4931.53, 4951.44, 4955.05, 5705.19, 5705.191, 5705.195, 24981  
5705.199, 5705.20, 5705.21, 5705.211, 5705.212, 5705.213, 24982  
5705.217, 5705.218, 5705.219, 5705.2111, 5705.22, 5705.221, 24983

5705.222, 5705.23, 5705.24, 5705.25, 5705.251, 5705.261, 5705.27, 24984  
5705.71, 5739.021, 5739.022, 5739.026, 5743.021, 5743.024, 24985  
5743.026, 5748.02, 5748.04, 5748.08, 6105.18, 6105.20, 6119.31, 24986  
and 6119.32, and sections 3503.18, 3503.33, 3505.19, 3505.22, 24987  
3506.13, 3509.022, 3509.07, 3511.07, 3511.09, 3511.12, and 3513.20 24988  
of the Revised Code are hereby repealed. 24989  
24990

**Section 3.** (A) As used in this section, "county vote center" 24991  
means a polling location at which any person registered to vote in 24992  
a county may appear to cast a ballot on the day of a general 24993  
election, regardless of the location of the precinct within the 24994  
county in which the person resides. 24995

(B)(1) The Secretary of State may implement a pilot project 24996  
to evaluate the use of county vote centers for general elections 24997  
for state and county office in the year 2011 as an alternative to 24998  
operating precinct polling places. 24999

(2) A board of elections that desires to participate in the 25000  
pilot project authorized by this section shall hold a public 25001  
hearing regarding the county's potential participation in the 25002  
pilot project. The board of elections shall submit a transcript or 25003  
audio and video recording of the public comments made at the 25004  
hearing to the Secretary of State. The Secretary of State may 25005  
consider the public comments when selecting counties to 25006  
participate in the pilot project. A board of elections that 25007  
desires to participate in the pilot project authorized by this 25008  
section shall notify the board of county commissioners of its 25009  
desire to participate not later than the date for increasing the 25010  
pay of a judge of election under division (E)(1)(a) of section 25011  
3501.28 of the Revised Code for the year the board of elections 25012  
wishes to participate. 25013

(C)(1) If the Secretary of State implements a pilot project 25014

under this section, the Secretary of State shall select one or  
more counties to participate in the project that meet all of the  
following requirements:

(a) The county board of elections has held a public hearing  
as required under division (B)(2) of this section and submitted  
the required information to the Secretary of State;

(b) The county board of elections has implemented a  
computerized voter registration list that allows an election  
official at the county vote center to verify that a person who  
appears to vote at the county vote center has not otherwise voted  
in the same election; and

(c) The Secretary of State has determined that the county has  
the appropriate capabilities to implement county vote centers.

(2) In selecting one or more counties for participation in a  
pilot project under this section, the Secretary of State shall  
attempt to include counties of diverse geography, population,  
race, and location within the state, to the extent practicable.

(D) Following the conclusion of the pilot project, and not  
later than January 1, 2012, the Secretary of State shall file a  
report regarding the pilot project with the Speaker of the House  
of Representatives and the President of the Senate. The report may  
include the Secretary of State's recommendations on the future use  
of county vote centers and suggestions for permanent statutory  
authority regarding county vote centers.

**Section 4.** (A) Notwithstanding any provision of Chapter 3509.  
or 3511. of the Revised Code to the contrary, the Secretary of  
State may implement a pilot project to evaluate the effectiveness  
and reliability of transmitting unvoted absent voter's ballots and  
unvoted armed service absent voter's ballots by secure electronic  
transmission to voters who are eligible to vote those ballots



under the "Uniformed and Overseas Citizens Absent Voting Act," 25045  
Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, et seq., as 25046  
amended. Any pilot project implemented under this section shall be 25047  
concluded not later than December 1, 2010. 25048

(B) If the Secretary of State implements a pilot project 25049  
under this section, the Secretary of State shall select one or 25050  
more counties to participate in the project. In selecting one or 25051  
more counties for participation in a pilot project under this 25052  
section, the Secretary of State shall do both of the following: 25053

(1) Select counties that have the necessary technological 25054  
means to transmit ballots by secure electronic transmission; and 25055

(2) Attempt to include counties of diverse geography, 25056  
population, race, and location within the state, to the extent 25057  
practicable. 25058

(C) Following the conclusion of the pilot project, and not 25059  
later than January 1, 2011, the Secretary of State shall file a 25060  
report regarding the pilot project with the Speaker of the House 25061  
of Representatives and the President of the Senate. The report may 25062  
include the Secretary of State's recommendations on the future use 25063  
of secure electronic transmission of unvoted absent voter's 25064  
ballots and armed service absent voter's ballots and suggestions 25065  
for permanent statutory authority regarding such electronic ballot 25066  
transmission. 25067

**Section 5.** (A) There is hereby created the Joint Task Force 25068  
on Special Elections and Cost Reductions, which shall study both 25069  
of the following: 25070

(1) The timing and conduct of special elections, including 25071  
special elections conducted pursuant to a municipal or county 25072  
charter on a day other than the day of a statewide primary, 25073  
general, or special election for the purpose of developing 25074

recommendations to unify, to the extent practical, the dates of elections throughout the state;	25075 25076
(2) Opportunities to reduce the cost of election administration, including partnerships between government agencies and streamlining elections processes, for the purpose of developing recommendations to maintain unfettered voter access to democracy while reducing the cost of election administration.	25077 25078 25079 25080 25081
(B) The Task Force shall be composed of the following eighteen members, to be appointed by the Governor:	25082 25083
(1) Three members of the House of Representatives who are members of the same political party as the Speaker of the House of Representatives;	25084 25085 25086
(2) Two members of the House of Representatives who are members of the largest political party represented in the House of Representatives of which the Speaker of the House is not a member;	25087 25088 25089
(3) Two members of the Senate who are members of the same political party as the President of the Senate;	25090 25091
(4) One member of the Senate who is a member of the largest party represented in the Senate of which the President of the Senate is not a member;	25092 25093 25094
(5) Two representatives from the Ohio Association of Elections Officials who are members of different political parties;	25095 25096 25097
(6) Two representatives from the County Commissioners Association of Ohio who are members of different political parties;	25098 25099 25100
(7) Two representatives from the Ohio Municipal League who are members of different political parties;	25101 25102
(8) Two representatives from the general public; and	25103
(9) Two representatives from the office of the Secretary of	25104

State.	25105
The Governor shall designate two members of the Task Force	25106
who are members of different political parties as co-chairs of the	25107
Task Force:	25108
(B) The Task Force shall forward its findings to the Speaker	25109
of the House of Representatives, the President of the Senate, and	25110
all charter counties and charter municipal corporations in Ohio	25111
not later than December 31, 2010, at which time the Task Force is	25112
abolished.	25113
<b>Section 6.</b> The General Assembly, applying the principle	25114
stated in division (B) of section 1.52 of the Revised Code that	25115
amendments are to be harmonized if reasonably capable of	25116
simultaneous operation, finds that the following section,	25117
presented in this act as a composite of the section as amended by	25118
the acts indicated, is the resulting versions of the section in	25119
effect prior to the effective date of the section as presented in	25120
this act:	25121
Section 3509.05 of the Revised Code as amended by both Am.	25122
Sub. H.B. 350 and Am. Sub. H.B. 562 of the 127th General Assembly.	25123
	25124
<b>Section 7.</b> Section 1901.31 of the Revised Code is presented	25125
in this act as a composite of the section as amended by both Am.	25126
Sub. H.B. 420 of the 127th General Assembly and Am. Sub. H.B. 1 of	25127
the 128th General Assembly. Section 3357.02 of the Revised Code is	25128
presented in this act as a composite of the section as amended by	25129
both Am. Sub. H.B. 99 and Am. Sub. H.B. 117 of the 121st General	25130
Assembly. Section 4504.21 of the Revised Code is presented in this	25131
act as a composite of the section as amended by both H.B. 353 and	25132
S.B. 310 of the 121st General Assembly. The General Assembly,	25133
applying the principle stated in division (B) of section 1.52 of	25134

the Revised Code that amendments are to be harmonized if	25135
reasonably capable of simultaneous operation, finds that the	25136
composites are the resulting versions of the sections in effect	25137
prior to the effective date of the sections as presented in this	25138
act.	25139