

As Introduced

**129th General Assembly
Regular Session
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H. B. No. 76

Representative Reece

**Cosponsors: Representatives Foley, Murray, Goyal, Fedor, Antonio,
Stinziano, Clyde, Heard, Ashford, Garland, Williams, O'Brien, Driehaus,
Phillips**

—

A BILL

To amend sections 3503.19, 3505.181, 3505.182, and 1
3505.183 of the Revised Code to require a 2
provisional ballot to be remade and counted for 3
the offices, questions, and issues for which the 4
provisional voter was eligible to vote, if the 5
election official assisting that provisional voter 6
failed to direct the provisional voter to the 7
correct precinct, and to revise the portion of the 8
provisional ballot affirmation required to be 9
completed by the election official. 10

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

Section 1. That sections 3503.19, 3505.181, 3505.182, and 11
3505.183 of the Revised Code be amended to read as follows: 12

Sec. 3503.19. (A) Persons qualified to register or to change 13
their registration because of a change of address or change of 14
name may register or change their registration in person at any 15
state or local office of a designated agency, at the office of the 16
registrar or any deputy registrar of motor vehicles, at a public 17

high school or vocational school, at a public library, at the 18
office of a county treasurer, or at a branch office established by 19
the board of elections, or in person, through another person, or 20
by mail at the office of the secretary of state or at the office 21
of a board of elections. A registered elector may also change the 22
elector's registration on election day at any polling place where 23
the elector is eligible to vote, in the manner provided under 24
section 3503.16 of the Revised Code. 25

Any state or local office of a designated agency, the office 26
of the registrar or any deputy registrar of motor vehicles, a 27
public high school or vocational school, a public library, or the 28
office of a county treasurer shall transmit any voter registration 29
application or change of registration form that it receives to the 30
board of elections of the county in which the state or local 31
office is located, within five days after receiving the voter 32
registration application or change of registration form. 33

An otherwise valid voter registration application that is 34
returned to the appropriate office other than by mail must be 35
received by a state or local office of a designated agency, the 36
office of the registrar or any deputy registrar of motor vehicles, 37
a public high school or vocational school, a public library, the 38
office of a county treasurer, the office of the secretary of 39
state, or the office of a board of elections no later than the 40
thirtieth day preceding a primary, special, or general election 41
for the person to qualify as an elector eligible to vote at that 42
election. An otherwise valid registration application received 43
after that day entitles the elector to vote at all subsequent 44
elections. 45

Any state or local office of a designated agency, the office 46
of the registrar or any deputy registrar of motor vehicles, a 47
public high school or vocational school, a public library, or the 48
office of a county treasurer shall date stamp a registration 49

application or change of name or change of address form it 50
receives using a date stamp that does not disclose the identity of 51
the state or local office that receives the registration. 52

Voter registration applications, if otherwise valid, that are 53
returned by mail to the office of the secretary of state or to the 54
office of a board of elections must be postmarked no later than 55
the thirtieth day preceding a primary, special, or general 56
election in order for the person to qualify as an elector eligible 57
to vote at that election. If an otherwise valid voter registration 58
application that is returned by mail does not bear a postmark or a 59
legible postmark, the registration shall be valid for that 60
election if received by the office of the secretary of state or 61
the office of a board of elections no later than twenty-five days 62
preceding any special, primary, or general election. 63

(B)(1) Any person may apply in person, by telephone, by mail, 64
or through another person for voter registration forms to the 65
office of the secretary of state or the office of a board of 66
elections. An individual who is eligible to vote as a uniformed 67
services voter or an overseas voter in accordance with 42 U.S.C. 68
1973ff-6 also may apply for voter registration forms by electronic 69
means to the office of the secretary of state or to the board of 70
elections of the county in which the person's voting residence is 71
located pursuant to section 3503.191 of the Revised Code. 72

(2)(a) An applicant may return the applicant's completed 73
registration form in person or by mail to any state or local 74
office of a designated agency, to a public high school or 75
vocational school, to a public library, to the office of a county 76
treasurer, to the office of the secretary of state, or to the 77
office of a board of elections. An applicant who is eligible to 78
vote as a uniformed services voter or an overseas voter in 79
accordance with 42 U.S.C. 1973ff-6 also may return the applicant's 80
completed voter registration form electronically to the office of 81

the secretary of state or to the board of elections of the county 82
in which the person's voting residence is located pursuant to 83
section 3503.191 of the Revised Code. 84

(b) Subject to division (B)(2)(c) of this section, an 85
applicant may return the applicant's completed registration form 86
through another person to any board of elections or the office of 87
the secretary of state. 88

(c) A person who receives compensation for registering a 89
voter shall return any registration form entrusted to that person 90
by an applicant to any board of elections or to the office of the 91
secretary of state. 92

(d) If a board of elections or the office of the secretary of 93
state receives a registration form under division (B)(2)(b) or (c) 94
of this section before the thirtieth day before an election, the 95
board or the office of the secretary of state, as applicable, 96
shall forward the registration to the board of elections of the 97
county in which the applicant is seeking to register to vote 98
within ten days after receiving the application. If a board of 99
elections or the office of the secretary of state receives a 100
registration form under division (B)(2)(b) or (c) of this section 101
on or after the thirtieth day before an election, the board or the 102
office of the secretary of state, as applicable, shall forward the 103
registration to the board of elections of the county in which the 104
applicant is seeking to register to vote within thirty days after 105
that election. 106

(C)(1) A board of elections that receives a voter 107
registration application and is satisfied as to the truth of the 108
statements made in the registration form shall register the 109
applicant not later than twenty business days after receiving the 110
application, unless that application is received during the thirty 111
days immediately preceding the day of an election. The board shall 112
promptly notify the applicant in writing of each of the following: 113

- (a) The applicant's registration; 114
- (b) The precinct in which the applicant is to vote; 115
- (c) In bold type as follows: 116

"Voters must bring identification to the polls in order to 117
verify identity. Identification may include a current and valid 118
photo identification, a military identification, or a copy of a 119
current utility bill, bank statement, government check, paycheck, 120
or other government document, other than this notification ~~or a~~ 121
~~notification of an election mailed by a board of elections~~, that 122
shows the voter's name and current address. Voters who do not 123
provide one of these documents will still be able to vote by 124
providing the last four digits of the voter's social security 125
number and by casting a provisional ballot. Voters who do not have 126
any of the above forms of identification, including a social 127
security number, will still be able to vote by signing an 128
affirmation swearing to the voter's identity under penalty of 129
election falsification and by casting a provisional ballot." 130

The notification shall be by nonforwardable mail. If the mail 131
is returned to the board, it shall investigate and cause the 132
notification to be delivered to the correct address. 133

(2) If, after investigating as required under division (C)(1) 134
of this section, the board is unable to verify the voter's correct 135
address, it shall cause the voter's name in the official 136
registration list and in the poll list or signature pollbook to be 137
marked to indicate that the voter's notification was returned to 138
the board. 139

At the first election at which a voter whose name has been so 140
marked appears to vote, the voter shall be required to provide 141
identification to the election officials and to vote by 142
provisional ballot under section 3505.181 of the Revised Code. If 143
the provisional ballot is counted ~~pursuant to division (B)(3) of~~ 144

under section 3505.183 of the Revised Code, the board shall 145
correct that voter's registration, if needed, and shall remove the 146
indication that the voter's notification was returned from that 147
voter's name on the official registration list and on the poll 148
list or signature pollbook. If the provisional ballot is not 149
counted ~~pursuant to division (B)(4)(a)(i), (v), or (vi) of section~~ 150
~~3505.183 of the Revised Code~~, the voter's registration shall be 151
canceled. The board shall notify the voter by United States mail 152
of the cancellation. 153

(3) If a notice of the disposition of an otherwise valid 154
registration application is sent by nonforwardable mail and is 155
returned undelivered, the person shall be registered as provided 156
in division (C)(2) of this section and sent a confirmation notice 157
by forwardable mail. If the person fails to respond to the 158
confirmation notice, update the person's registration, or vote by 159
provisional ballot as provided in division (C)(2) of this section 160
in any election during the period of two federal elections 161
subsequent to the mailing of the confirmation notice, the person's 162
registration shall be canceled. 163

Sec. 3505.181. (A) All of the following individuals shall be 164
permitted to cast a provisional ballot at an election: 165

(1) An individual who declares that the individual is a 166
registered voter in the jurisdiction in which the individual 167
desires to vote and that the individual is eligible to vote in an 168
election, but the name of the individual does not appear on the 169
official list of eligible voters for the polling place or an 170
election official asserts that the individual is not eligible to 171
vote; 172

(2) An individual who has a social security number and 173
provides to the election officials the last four digits of the 174
individual's social security number as permitted by division 175

| | |
|---|---|
| (A)(2) of section 3505.18 of the Revised Code; | 176 |
| (3) An individual who has but is unable to provide to the election officials any of the forms of identification required under division (A)(1) of section 3505.18 of the Revised Code and who has a social security number but is unable to provide the last four digits of the individual's social security number as permitted under division (A)(2) of that section; | 177 178 179 180 181 182 |
| (4) An individual who does not have any of the forms of identification required under division (A)(1) of section 3505.18 of the Revised Code, who cannot provide the last four digits of the individual's social security number under division (A)(2) of that section because the individual does not have a social security number, and who has executed an affirmation as permitted under division (A)(4) of that section; | 183 184 185 186 187 188 189 |
| (5) An individual whose name in the poll list or signature pollbook has been marked under section 3509.09 or 3511.13 of the Revised Code as having requested an absent voter's ballot or an armed service absent voter's ballot for that election and who appears to vote at the polling place; | 190 191 192 193 194 |
| (6) An individual whose notification of registration has been returned undelivered to the board of elections and whose name in the official registration list and in the poll list or signature pollbook has been marked under division (C)(2) of section 3503.19 of the Revised Code; | 195 196 197 198 199 |
| (7) An individual who is challenged under section 3505.20 of the Revised Code and the election officials determine that the person is ineligible to vote or are unable to determine the person's eligibility to vote; | 200 201 202 203 |
| (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; | 204 205 206 |

(9) An individual who changes the individual's name and 207
remains within the precinct, moves from one precinct to another 208
within a county, moves from one precinct to another and changes 209
the individual's name, or moves from one county to another within 210
the state, and completes and signs the required forms and 211
statements under division (B) or (C) of section 3503.16 of the 212
Revised Code; 213

(10) An individual whose signature, in the opinion of the 214
precinct officers under section 3505.22 of the Revised Code, is 215
not that of the person who signed that name in the registration 216
forms; 217

(11) An individual who is challenged under section 3513.20 of 218
the Revised Code who refuses to make the statement required under 219
that section, who a majority of the precinct officials find lacks 220
any of the qualifications to make the individual a qualified 221
elector, or who a majority of the precinct officials find is not 222
affiliated with or a member of the political party whose ballot 223
the individual desires to vote; 224

(12) An individual who does not have any of the forms of 225
identification required under division (A)(1) of section 3505.18 226
of the Revised Code, who cannot provide the last four digits of 227
the individual's social security number under division (A)(2) of 228
that section because the person does not have a social security 229
number, and who declines to execute an affirmation as permitted 230
under division (A)(4) of that section; 231

(13) An individual who has but declines to provide to the 232
precinct election officials any of the forms of identification 233
required under division (A)(1) of section 3501.18 of the Revised 234
Code or who has a social security number but declines to provide 235
to the precinct election officials the last four digits of the 236
individual's social security number. 237

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

(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) The election official shall accurately complete the poll worker checklist portion of the affirmation in the individual's presence, including identifying the individual's correct precinct if the individual is not voting in the correct precinct.

(4) An election official at the polling place shall transmit the ballot cast by the individual, the voter information contained in the written affirmation executed by the individual under division (B)(2) of this section, or the individual's name if the individual declines to execute such an affirmation to an appropriate local election official for verification under division (B)~~(4)~~(5) of this section.

~~(4)~~(5) 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)~~(6)(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)~~(6)(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)~~(7) 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 300
address, or provides the last four digits of the individual's 301
social security number, ~~or executes an affirmation that the~~ 302
~~elector does not have any of those forms of identification or the~~ 303
~~last four digits of the individual's social security number~~ 304
~~because the individual does not have a social security number, or~~ 305
~~declines to execute such an affirmation,~~ the appropriate local 306
election official shall record ~~the type of~~ whether identification 307
was provided, ~~the social security number information, the fact~~ 308
~~that the affirmation was executed, or the fact that the individual~~ 309
~~declined to execute such an affirmation~~ and include that 310
information with the transmission of the ballot or voter or 311
address information under division (B)~~(3)~~(4) of this section. If 312
the individual does not provide identification and declines to 313
execute ~~such~~ an affirmation, the appropriate local election 314
official shall record the individual's name and include that 315
information with the transmission of the ballot under division 316
(B)~~(3)~~(4) of this section. 317

~~(7)~~(8) If an individual casts a provisional ballot pursuant 318
to division (A)(3), (7), (8), (12), or (13) of this section, the 319
election official shall indicate, on the provisional ballot 320
verification statement required under section 3505.182 of the 321
Revised Code, that the individual is required to provide 322
additional information to the board of elections or that an 323
application or challenge hearing has been postponed with respect 324
to the individual, such that additional information is required 325
for the board of elections to determine the eligibility of the 326
individual who cast the provisional ballot. 327

~~(8)~~(9) During the ten days after the day of an election, an 328
individual who casts a provisional ballot pursuant to division 329
(A)(3), (7), (12), or (13) of this section shall appear at the 330
office of the board of elections and provide to the board any 331

additional information necessary to determine the eligibility of 332
the individual who cast the provisional ballot. 333

(a) For a provisional ballot cast pursuant to division 334
(A)(3), (12), or (13) of this section to be eligible to be 335
counted, the individual who cast that ballot, within ten days 336
after the day of the election, shall do any of the following: 337

(i) Provide to the board of elections proof of the 338
individual's identity in the form of a current and valid photo 339
identification, a military identification, or a copy of a current 340
utility bill, bank statement, government check, paycheck, or other 341
government document, other than ~~a notice of an election mailed by~~ 342
~~a board of elections under section 3501.19 of the Revised Code or~~ 343
a notice of voter registration mailed by a board of elections 344
under section 3503.19 of the Revised Code, that shows the 345
individual's name and current address; 346

(ii) Provide to the board of elections the last four digits 347
of the individual's social security number; 348

(iii) In the case of a provisional ballot executed pursuant 349
to division (A)(12) of this section, execute an affirmation as 350
permitted under division (A)(4) of section 3505.18 of the Revised 351
Code. 352

(b) For a provisional ballot cast pursuant to division (A)(7) 353
of this section to be eligible to be counted, the individual who 354
cast that ballot, within ten days after the day of that election, 355
shall provide to the board of elections any identification or 356
other documentation required to be provided by the applicable 357
challenge questions asked of that individual under section 3505.20 358
of the Revised Code. 359

(C)(1) If an individual declares that the individual is 360
eligible to vote in a jurisdiction other than the jurisdiction in 361
which the individual desires to vote, or if, upon review of the 362

precinct voting location guide using the residential street 363
address provided by the individual, an election official at the 364
polling place at which the individual desires to vote determines 365
that the individual is not eligible to vote in that jurisdiction, 366
the election official shall direct the individual to the polling 367
place for the jurisdiction in which the individual appears to be 368
eligible to vote, explain that the individual may cast a 369
provisional ballot at the current location but the ballot ~~will~~ may 370
not be counted if it is cast in the wrong precinct, and provide 371
the telephone number of the board of elections in case the 372
individual has additional questions. The election official also 373
shall note, on the poll worker checklist portion of the 374
affirmation, that the election official directed the individual to 375
the correct precinct and the location of the individual's correct 376
precinct. 377

(2) If the individual refuses to travel to the polling place 378
for the correct jurisdiction or to the office of the board of 379
elections to cast a ballot, the individual shall be permitted to 380
vote a provisional ballot at that jurisdiction in accordance with 381
division (B) of this section. If any of the following apply, the 382
provisional ballot cast by that individual shall not be opened or 383
counted: 384

(a) The individual is not properly registered in that 385
jurisdiction. 386

(b) The individual is not eligible to vote in that election 387
in that jurisdiction. 388

(c) The individual's eligibility to vote in that jurisdiction 389
in that election cannot be established upon examination of the 390
records on file with the board of elections. 391

(D) The appropriate local election official shall cause 392
voting information to be publicly posted at each polling place on 393

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|---|---------------------------------|
| the day of each election. | 394 |
| (E) As used in this section and sections 3505.182 and 3505.183 of the Revised Code: | 395 396 |
| (1) "Jurisdiction" means the precinct in which a person is a legally qualified elector. | 397 398 |
| (2) "Precinct voting location guide" means either of the following: | 399 400 |
| (a) An electronic or paper record that lists the correct jurisdiction and polling place for either each specific residential street address in the county or the range of residential street addresses located in each neighborhood block in the county; | 401 402 403 404 405 |
| (b) Any other method that a board of elections creates that allows a precinct election official or any elector who is at a polling place in that county to determine the correct jurisdiction and polling place of any qualified elector who resides in the county. | 406 407 408 409 410 |
| (3) "Voting information" means all of the following: | 411 |
| (a) A sample version of the ballot that will be used for that election; | 412 413 |
| (b) Information regarding the date of the election and the hours during which polling places will be open; | 414 415 |
| (c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot; | 416 417 |
| (d) Instructions for mail-in registrants and first-time voters under applicable federal and state laws; | 418 419 |
| (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 | 420 421 422 423 |

have been violated; 424

(f) General information on federal and state laws regarding 425
prohibitions against acts of fraud and misrepresentation. 426

Sec. 3505.182. Each individual who casts a provisional ballot 427
under section 3505.181 of the Revised Code shall execute a written 428
affirmation. The form of the written affirmation, including the 429
poll worker checklist, shall be printed upon the face of the 430
provisional ballot envelope and shall be substantially as follows: 431

"Provisional Ballot Affirmation 432
433

STATE OF OHIO 434

I, (Name of provisional voter), solemnly 435
swear or affirm that I am a registered voter in the jurisdiction 436
in which I am voting this provisional ballot and that I am 437
eligible to vote in the election in which I am voting this 438
provisional ballot. 439

I understand that, if the above-provided information is not 440
fully completed and correct, if the board of elections determines 441
that I am not registered to vote, a resident of this precinct, or 442
eligible to vote in this election, or if the board of elections 443
determines that I have already voted in this election, my 444
provisional ballot will not be counted. I further understand that 445
knowingly providing false information is a violation of law and 446
subjects me to possible criminal prosecution. 447

I hereby declare, under penalty of election falsification, 448
that the above statements are true and correct to the best of my 449
knowledge and belief. 450

..... 451

(Signature of Voter) 452

..... 453

| | |
|--|-----|
| (Voter's date of birth) | 454 |
| The last four digits of the voter's social security number | 455 |
| | 456 |
| (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) | 457 |
| WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE. | 458 |
| Additional Information For Determining Ballot Validity | 460 |
| (May be completed at voter's discretion) | 461 |
| Voter's current address: | 462 |
| Voter's former address if | 463 |
| photo identification does not contain voter's current address | |
| Voter's driver's license number or, if not provided above, the last four digits | 464 |

of voter's social security
number

(Please circle number type) 465

(Voter may attach a copy of any of the following for 466

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): 467

..... Requested, but did not receive, absent voter's ballot 468

..... Other 469

~~Verification Statement 470~~

~~(To be completed by election official) 471~~

~~The Provisional Ballot Affirmation printed above was 472~~

~~subscribed and affirmed before me this day of 473~~

~~..... (Month), (Year). 474~~

~~(If applicable, the election official must check the 475~~

~~following true statement concerning additional information needed 476~~

~~to determine the eligibility of the provisional voter.) 477~~

~~..... The provisional voter is required to provide 478~~

~~additional information to the board of elections. 479~~

~~..... An application or challenge hearing regarding this 480~~

~~voter has been postponed until after the election. 481~~

~~(The election official must check the following true 482~~

~~statement concerning identification provided by the provisional 483~~

~~voter, if any.) 484~~

~~..... The provisional voter provided a current and valid 485~~

~~photo identification. 486~~

~~..... The provisional voter provided a current valid photo 487
identification, other than a driver's license or a state 488
identification card, with the voter's former address instead of 489
current address and has provided the election official both the 490
current and former addresses. 491~~

~~..... The provisional voter provided a military 492
identification or a copy of a current utility bill, bank 493
statement, government check, paycheck, or other government 494
document, other than a notice of an election mailed by a board of 495
elections under section 3501.19 of the Revised Code or a notice of 496
voter registration mailed by a board of elections under section 497
3503.19 of the Revised Code, with the voter's name and current 498
address. 499~~

~~..... The provisional voter provided the last four digits of 500
the voter's social security number. 501~~

~~..... The provisional voter is not able to provide a current 502
and valid photo identification, a military identification, or a 503
copy of a current utility bill, bank statement, government check, 504
paycheck, or other government document, other than a notice of an 505
election mailed by a board of elections under section 3501.19 of 506
the Revised Code or a notice of voter registration mailed by a 507
board of elections under section 3503.19 of the Revised Code, with 508
the voter's name and current address but does have one of these 509
forms of identification. The provisional voter must provide one of 510
the foregoing items of identification to the board of elections 511
within ten days after the election. 512~~

~~..... The provisional voter is not able to provide a current 513
and valid photo identification, a military identification, or a 514
copy of a current utility bill, bank statement, government check, 515
paycheck, or other government document, other than a notice of an 516~~

~~election mailed by a board of elections under section 3501.19 of 517
the Revised Code or a notice of voter registration mailed by a 518
board of elections under section 3503.19 of the Revised Code, with 519
the voter's name and current address but does have one of these 520
forms of identification. Additionally, the provisional voter does 521
have a social security number but is not able to provide the last 522
four digits of the voter's social security number before voting. 523
The provisional voter must provide one of the foregoing items of 524
identification or the last four digits of the voter's social 525
security number to the board of elections within ten days after 526
the election. 527~~

~~..... The provisional voter does not have a current and valid 528
photo identification, a military identification, a copy of a 529
current utility bill, bank statement, government check, paycheck, 530
or other government document with the voter's name and current 531
address, or a social security number, but has executed an 532
affirmation. 533~~

~~..... The provisional voter does not have a current and valid 534
photo identification, a military identification, a copy of a 535
current utility bill, bank statement, government check, paycheck, 536
or other government document with the voter's name and current 537
address, or a social security number, and has declined to execute 538
an affirmation. 539~~

~~..... The provisional voter declined to provide a current and 540
valid photo identification, a military identification, a copy of a 541
current utility bill, bank statement, government check, paycheck, 542
or other government document with the voter's name and current 543
address, or the last four digits of the voter's social security 544
number but does have one of these forms of identification or a 545
social security number. The provisional voter must provide one of 546
the foregoing items of identification or the last four digits of 547
the voter's social security number to the board of elections 548~~

| | |
|--|-----|
| within ten days after the election. | 549 |
| | 550 |
| (Signature of Election Official)" | 551 |
| <u>Poll Worker Checklist</u> | 552 |
| <u>The Provisional Ballot Affirmation of (Print</u> | 553 |
| <u>voter's name) was subscribed and affirmed before me on</u> | 554 |
| <u>.....(Month) /(Day) /(Year).</u> | 555 |
| <u>1. Reason for voting provisionally - Why is this voter casting a</u> | 556 |
| <u>provisional ballot?</u> | 557 |
| <u>..... Voter's name does not appear on the official precinct</u> | 558 |
| <u>list</u> | 559 |
| <u>..... Voter requested an absent voter's ballot but did not</u> | 560 |
| <u>receive one</u> | 561 |
| <u>..... Voter is otherwise not eligible to cast a regular</u> | 562 |
| <u>ballot</u> | 563 |
| <u>2. ID - Did the voter present identification?</u> | 564 |
| <u>..... Yes</u> | 565 |
| <u>..... No</u> | 566 |
| <u>3. Additional information required? - Is the provisional voter</u> | 567 |
| <u>required to provide additional information to the Board of</u> | 568 |
| <u>Elections?</u> | 569 |
| <u>..... Yes</u> | 570 |
| <u>..... No</u> | 571 |
| <u>4. Voter information - Did you have the voter complete the voter's</u> | 572 |
| <u>portion of this envelope?</u> | 573 |
| <u>..... Yes</u> | 574 |
| <u>..... No</u> | 575 |
| <u>5. Correct precinct - Is the voter voting in his or her correct</u> | 576 |

| | |
|--|-----|
| <u>precinct?</u> | 577 |
| <u>Yes</u> | 578 |
| <u>No</u> | 579 |
| <u>5a. If no, what is the voter's correct precinct?</u> | 580 |
| | 581 |
| <u>5b. Notice of correct precinct - Have you directed the voter</u> <u>to go to the voter's correct precinct?</u> | 582 |
| <u>Yes</u> | 584 |
| <u>No</u> | 585 |
| <u>6. Name of this precinct (where voter has appeared to vote)</u> | 586 |
| | 587 |
| <u>X.....</u> | 588 |
| <u>Signature of Election Official"</u> | 589 |
| In addition to any information required to be included on the | 590 |
| written affirmation, an individual casting a provisional ballot | 591 |
| may provide additional information to the election official to | 592 |
| assist the board of elections in determining the individual's | 593 |
| eligibility to vote in that election, including the date and | 594 |
| location at which the individual registered to vote, if known. | 595 |
| If the individual declines to execute the affirmation, an | 596 |
| appropriate local election official shall comply with division | 597 |
| (B) (6) (7) of section 3505.181 of the Revised Code. | 598 |
| <u>Sec. 3505.183.</u> (A) When the ballot boxes are delivered to the | 599 |
| board of elections from the precincts, the board shall separate | 600 |
| the provisional ballot envelopes from the rest of the ballots. | 601 |
| Teams of employees of the board consisting of one member of each | 602 |
| major political party shall place the sealed provisional ballot | 603 |
| envelopes in a secure location within the office of the board. The | 604 |

sealed provisional ballot envelopes shall remain in that secure 605
location until the validity of those ballots is determined under 606
division (B) of this section. While the provisional ballot is 607
stored in that secure location, and prior to the counting of the 608
provisional ballots, if the board receives information regarding 609
the validity of a specific provisional ballot under division (B) 610
of this section, the board may note, on the sealed provisional 611
ballot envelope for that ballot, whether the ballot is valid and 612
entitled to be counted. 613

(B)(1) To determine whether a provisional ballot is valid and 614
entitled to be counted, the board shall examine its records and 615
determine whether the individual who cast the provisional ballot 616
is registered and eligible to vote in the applicable election. The 617
board shall examine the information contained in the written 618
affirmation executed by the individual who cast the provisional 619
ballot under division (B)(2) of section 3505.181 of the Revised 620
Code. If the individual declines to execute such an affirmation, 621
the individual's name, written by either the individual or the 622
election official at the direction of the individual, shall be 623
included in a written affirmation in order for the provisional 624
ballot to be eligible to be counted; otherwise, the following 625
information shall be included in the written affirmation in order 626
for the provisional ballot to be eligible to be counted: 627

(a) The individual's name and signature; 628

(b) A statement that the individual is a registered voter in 629
the jurisdiction in which the provisional ballot is being voted; 630

(c) A statement that the individual is eligible to vote in 631
the election in which the provisional ballot is being voted. 632

(2) In addition to the information required to be included in 633
an affirmation under division (B)(1) of this section, in 634
determining whether a provisional ballot is valid and entitled to 635

be counted, the board also shall examine any additional 636
information for determining ballot validity provided by the 637
provisional voter on the affirmation, provided by the provisional 638
voter to an election official under section 3505.182 of the 639
Revised Code, or provided to the board of elections during the ten 640
days after the day of the election under division (B)~~(8)~~(9) of 641
section 3505.181 of the Revised Code, to assist the board in 642
determining the individual's eligibility to vote. 643

(3) If, in examining a provisional ballot affirmation and 644
additional information under divisions (B)(1) and (2) of this 645
section, the board determines that all of the following apply, the 646
provisional ballot envelope shall be opened, and the ballot shall 647
be placed in a ballot box to be counted: 648

(a) The individual named on the affirmation is properly 649
registered to vote. 650

(b) The individual named on the affirmation is eligible to 651
cast a ballot in the precinct and for the election in which the 652
individual cast the provisional ballot. 653

(c) The individual provided all of the information required 654
under division (B)(1) of this section in the affirmation that the 655
individual executed at the time the individual cast the 656
provisional ballot. 657

(d) If applicable, the individual provided any additional 658
information required under division (B)~~(8)~~(9) of section 3505.181 659
of the Revised Code within ten days after the day of the election. 660

(e) If applicable, the hearing conducted under division (B) 661
of section 3503.24 of the Revised Code after the day of the 662
election resulted in the individual's inclusion in the official 663
registration list. 664

(4)(a) ~~If~~ Except as otherwise provided in division (C) of 665
this section, if, in examining a provisional ballot affirmation 666

and additional information under divisions (B)(1) and (2) of this 667
section, the board determines that any of the following applies, 668
the provisional ballot envelope shall not be opened, and the 669
ballot shall not be counted: 670

(i) The individual named on the affirmation is not qualified 671
or is not properly registered to vote. 672

(ii) The individual named on the affirmation is not eligible 673
to cast a ballot in the precinct or for the election in which the 674
individual cast the provisional ballot. 675

(iii) The individual did not provide all of the information 676
required under division (B)(1) of this section in the affirmation 677
that the individual executed at the time the individual cast the 678
provisional ballot. 679

(iv) The individual has already cast a ballot for the 680
election in which the individual cast the provisional ballot. 681

(v) If applicable, the individual did not provide any 682
additional information required under division (B)~~(8)~~(9) of 683
section 3505.181 of the Revised Code within ten days after the day 684
of the election. 685

(vi) If applicable, the hearing conducted under division (B) 686
of section 3503.24 of the Revised Code after the day of the 687
election did not result in the individual's inclusion in the 688
official registration list. 689

(vii) The individual failed to provide a current and valid 690
photo identification, a military identification, a copy of a 691
current utility bill, bank statement, government check, paycheck, 692
or other government document, other than ~~a notice of an election~~ 693
~~mailed by a board of elections under section 3501.19 of the~~ 694
~~Revised Code~~ or a notice of voter registration mailed by a board 695
of elections under section 3503.19 of the Revised Code, with the 696
voter's name and current address, or the last four digits of the 697

individual's social security number or to execute an affirmation 698
under division (A) of section 3505.18 or division (B) of section 699
3505.181 of the Revised Code. 700

(b) If, in examining a provisional ballot affirmation and 701
additional information under divisions (B)(1) and (2) of this 702
section, the board is unable to determine either of the following, 703
the provisional ballot envelope shall not be opened, and the 704
ballot shall not be counted: 705

(i) Whether the individual named on the affirmation is 706
qualified or properly registered to vote; 707

(ii) Whether the individual named on the affirmation is 708
eligible to cast a ballot in the precinct or for the election in 709
which the individual cast the provisional ballot. 710

(C)(1) If a provisional voter cast a ballot in a precinct in 711
which the provisional voter is not registered and eligible to vote 712
and the election officials failed to direct the provisional voter 713
to the correct precinct, the election officials shall remake that 714
provisional voter's ballot. The election official who signed the 715
poll worker checklist for that provisional voter shall be deemed 716
to have failed to direct the provisional voter to the correct 717
precinct if the election official did not complete that checklist 718
or did not correctly complete that checklist. 719

(2) A board of elections that remakes a provisional ballot 720
under division (C)(1) of this section shall remake the provisional 721
ballot on a ballot for the appropriate precinct to reflect the 722
offices, questions, and issues for which the provisional voter was 723
eligible to cast a ballot and for which the provisional voter 724
attempted to cast a provisional ballot. The remade ballot shall be 725
counted for each office, question, and issue for which the 726
provisional voter was eligible to vote. 727

(D)(1) For each provisional ballot rejected under division 728

(B)(4) of this section, the board shall record the name of the 729
provisional voter who cast the ballot, the identification number 730
of the provisional ballot envelope, the names of the election 731
officials who determined the validity of that ballot, the date and 732
time that the determination was made, and the reason that the 733
ballot was not counted. 734

(2) Provisional ballots that are rejected under division 735
(B)(4) of this section shall not be counted but shall be preserved 736
in their provisional ballot envelopes unopened until the time 737
provided by section 3505.31 of the Revised Code for the 738
destruction of all other ballots used at the election for which 739
ballots were provided, at which time they shall be destroyed. 740

~~(D)~~(E) Provisional ballots that the board determines are 741
eligible to be counted under division (B)(3) or (C) of this 742
section shall be counted in the same manner as provided for other 743
ballots under section 3505.27 of the Revised Code. No provisional 744
ballots shall be counted in a particular county until the board 745
determines the eligibility to be counted of all provisional 746
ballots cast in that county under division (B) of this section for 747
that election. Observers, as provided in section 3505.21 of the 748
Revised Code, may be present at all times that the board is 749
determining the eligibility of provisional ballots to be counted 750
and counting those provisional ballots determined to be eligible. 751
No person shall recklessly disclose the count or any portion of 752
the count of provisional ballots in such a manner as to jeopardize 753
the secrecy of any individual ballot. 754

~~(E)~~(F)(1) Except as otherwise provided in division ~~(E)~~(F)(2) 755
of this section, nothing in this section shall prevent a board of 756
elections from examining provisional ballot affirmations and 757
additional information under divisions (B)(1) and (2) of this 758
section to determine the eligibility of provisional ballots to be 759
counted during the ten days after the day of an election. 760

(2) A board of elections shall not examine the provisional 761
ballot affirmation and additional information under divisions 762
(B)(1) and (2) of this section of any provisional ballot for which 763
an election official has indicated under division (B)~~(7)~~(8) of 764
section 3505.181 of the Revised Code that additional information 765
is required for the board of elections to determine the 766
eligibility of the individual who cast that provisional ballot 767
until the individual provides any information required under 768
division (B)~~(8)~~(9) of section 3505.181 of the Revised Code, until 769
any hearing required to be conducted under section 3503.24 of the 770
Revised Code with regard to the provisional voter is held, or 771
until the eleventh day after the day of the election, whichever is 772
earlier. 773

Section 2. That existing sections 3503.19, 3505.181, 774
3505.182, and 3505.183 of the Revised Code are hereby repealed. 775